

Mayor Kennedy O'Brien opened the Council Meeting at 7:15 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this August 10, 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 OF THE MAYOR AND COUNCIL:**

Councilman McGill moved the following minutes of the Mayor and Council be approved on Roll Call Vote, subject to correction if necessary:

🗓 June 22, 2015 - Regular, Agenda & Executive Sessions

Motion was seconded by Councilwoman Novak.

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

- **PRESENTATION:**

1) Stacia Scaduto - CUC

Review of Energy Aggregation Auction that she was given authorization to go out and solicit at the last meeting. The auction was conducted this past Friday and the quote comparisons were handed out in the council's packets. She said that CUC is recommending the award to Constellation Energy for a 24 month term at the rate of \$.0948.

Councilman Rittenhouse stated that if Constellation is awarded a 2 year term and CUC's agreement will end prior to that, what would happen to our representation. She said that she hoped that they would be able continue on and service the contract until the end of their 2 year term. She said that she believed that the continuation clause is in the current contract.

Councilman Rittenhouse said that inasmuch as the opt-out process will have to start all over again, he requested a commitment from personnel from CUC to be on location here at borough hall to answer questions. She said that as long as they are needed they will be here and then would have outreach meetings and that the info will be put into a letter.

Councilman McGill also asked for something in writing regarding CUC's contract continuing on after expiration until the end of the two year term of the bid agreement and someone here at borough hall to address questions the consumers may have. She said that she would send an e-mail out to Dan in the morning.

Mayor O'Brien asked if the council was voting on a new two year contract with her (CUC), also. She said that Councilman Rittenhouse was talking about CUC's contract and what they are here for tonight is for a new two year contract for the supply portion.

Borough Attorney, Mr. DuPont stated it was his understanding that they are only voting on the energy aggregation not an extension with CUC. Discussion followed regarding the extension of CUC and residents being without a representative. Stacia said that there was time to figure out the contract wording and don't think it would be a situation that the borough would be without a consultant. Councilman McGill said that we could vote on the energy portion of this now. She said yes.

Mayor asked if there were any other questions or comments. There were none and he asked for a Motion. Councilwoman Novak moved the contract be awarded for a twenty-four month term with Constellation Energy of New Jersey. Motion seconded by Councilman McGill.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak – Ayes.
Councilman Rittenhouse – Nay.

RESOLUTION NO. 2015-256

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE
OF ENERGY GENERATION SERVICES FOR PUBLIC USE VIA AN ONLINE REVERSE
AUCTION WITH COMMERCIAL UTILITY CONSULTANTS, INC.**

WHEREAS, the Local Unit Electronic Technology Pilot Program and Study Act. P.L. 201c30 (hereinafter the "Act") provides an exception to New Jersey's Public Bid Law allowing the Borough of Sayreville to forego traditional RFQs when purchasing electricity and / or gas and to purchase electricity and / or gas through an online reverse auction process in order to reduce cost; and

WHEREAS, the NJ Department of Community Affairs, via correspondence dated November 15, 2012, has approved Commercial Utility Consultants, Inc. of West Chester, PA as a vendor to offer its reverse auction platform to New Jersey local contracting units for the purchase of energy generation services; and

WHEREAS, the Borough of Sayreville plans to utilize the online auction services of Commercial Utility Consultants, Inc., an approved vendor pursuant to the Act. Waiver number Commercial Utility Consultants, Inc-1, located at 1556 McDaniel Drive, West Chester, PA 19380; and

WHEREAS, the auction will be conducted pursuant to the terms and conditions of the Act.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey that the Borough of Sayreville is authorized to participate in an online reverse auction for the purpose of purchasing electricity from third party suppliers for use by the Borough of Sayreville.

BE IT FURTHER RESOLVED that the Mayor and/or Business Administrator authorized to execute documents and are hereby authorized to execute the Supplier Services Agreement(s) with Constellation New Energy subject to review and final approval by the Borough of Sayreville.

ADOPTED at a regular meeting of the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey held on August 10, 2015.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Mayor stated that he will be going out of Agenda Order and called forward Mrs. Wolski and Mrs. Zaleski forward.

Mayor said he is referring to Agenda Resolution Items 2015-253 and 2015-254.

Mrs. Wolski said that she is here again about getting Quaid Street repaved. Residents are experiencing flat tires, etc. for years when she calls DPW comes and patches the holes which lasts for a short period of time than there is a bigger hole.

Mayor deferred to the Borough Engineer.

Mr. Cornell stated that **Ordinance #297-15** is listed for **Public Hearing** this evening, so if approved it includes the repaving of Quaid Street through CDBG money and can move forward with the reconstruction of Quaid St. later this year. The engineer clarified that the Resolutions mentioned are for awarding contracts for last year's road improvements. This Ordinance is for this year's road improvements which includes Quaid Street.

Mrs. Zaleski spoke about the poor condition of Smith Street. The Engineer said that this street was not included this year and said that moving forward maybe they could obtain CDBG money for the improvements to that roadway.

Mayor O'Brien asked the governing body if they had any questions or comments on Ordinance #297-15.

Councilwoman Kilpatrick stated that she road with the engineer and DPW Director because she wanted to see which roads were going to be listed on the next phase for reconstruction. She made the comment about the amount of money allocated each year for road improvements and the number of streets that are in deplorable condition. She said that there is not nearly enough money to get the roads done. But they specifically drive all through-out Sayreville to make sure that the roads that were being reconstructed were at the most need. Mr. Kronowski said that the streets are ranked and classified and the list is updated. They informed how roads may classify for CDBG money but not all do and hopefully Smith Street will qualify next year under HUD. Mayor asked the engineer to put on his list for next year to apply for Smith Street under CDBG funding.

Mayor asked if there were any other questions or comments from the public on Ordinance #297-15, there being no questions or comments, he called for a motion.

Councilwoman Novak moved the public portion be closed and Ordinance #297-15 be adopted on second and final reading and advertised according to law. Motion seconded by Councilman Buchanan.

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

ORDINANCE #297-15

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$2,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,900,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION

(Co. Novak, Admin. & Finance Committee)

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 \$2,000,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$100,000 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 \$2,000,000 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 \$1,900,000 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 \$1,900,000 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 the reconstruction and improvement of Dolan Avenue, Henry Street, Cliff Avenue (West), Ninth Street, Kath Street, Standiford Avenue, Quaid Street, Embroidery Street, Jackson Avenue, Muth Street, Pulaski Avenue (Charles to Main), Zaleski Drive (Creamer to Sims), Gillen Drive (Martha to Dusko), Thomas Avenue and Charles Street, 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 \$1,900,000.

(c) The estimated cost of said purposes is \$2,000,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$100,000 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 10 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 copy 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 \$1,900,000, 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 \$420,000 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

grant, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

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

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

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$1,900,000. 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

Clerk announced Public Hearing on the following Ordinances:

The Clerk Read the heading for Ordinance #296-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #296-15.**

ORDINANCE #296-15
AN ORDINANCE TO SUPPLEMENT AND AMEND CHAPTER XIV, "WATER & SEWER",
SECTION 16.1 OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF SAYREVILLE, 1986, AS SUPPLEMENTED AND AMENDED

(Co. Rittenhouse, Water & Sewer Committee – Public Hearing, August 10, 2015)

Those appearing were:

- Phyllis Batko, Glynn Court
Commented about the article in newspaper regarding this ordinance and questioned what the actual vote was on this ordinance.
Mayor asked Councilman Rittenhouse.
Councilman Rittenhouse said that she is going to have to defer to the attorney because he made the decision – changing my no vote to a yes vote, which is against the law. There is also a violation of Roberts Rules of Order. As a result of page 393 of Roberts Rules, it states that he could vote no on that. He also checked with the Dept. of Community Affairs, which could not issue anything at this time but their attorneys agreed with him as well as the info on line with Roberts Rules of Order. He recommended that if our attorney does not understand Parliamentary Procedure she should consider resigning.

The Borough Attorney stated that is not entirely true. He said Co. Rittenhouse made the motion to introduce and approve so he is basically making the motion by a disingenuous position. The whole purpose of moving a motion is a affirmation that he is voting for it. He made a motion and in the motion he stated that he wishes to approve that motion on first reading. So his (the attorneys) position was to promote efficiency and transparency and protect the platform in which people vote in. He said that he did not change his vote. The sponsor or moving party of the Ordinance was Co. Rittenhouse. Councilman Rittenhouse voted No after he moved the Ordinance. It was recorded as a NO Vote. He said that it does not create a transparent voting platform.

He said that the ordinance was and introduced and tonight the council will have the opportunity to vote it up or down.

Discussion continued between Ms. Batko and the attorney on the wording and the meaning.

Councilman Rittenhouse stated that he listened to the video and the attorney clearly stated that he changed his vote from a no vote to a yes vote.

Councilman Buchanan asked why Co. Rittenhouse voted no when 5 minutes before the meeting they had a sub-committee meeting. Two-thirds of the committee were there, one person was not there. You asked for his support of this ordinance, now at the council meeting I support it, then you speak in the negative because one of the councilmen who is on the sub-committee who could not make it voted no. So you changed your vote from one meeting to the next. So you were not being transparent.

Councilman Rittenhouse went on to say the person seconding the motion can vote no on that motion, so therefore if the person seconding the motion can vote no so can the maker of the motion. He said that he did not speak against the motion, he voted no.

Further comments made about the wording used in moving a motion and that perhaps it should be changed.

Comments made by Councilwoman Novak as to her opinion why Councilman Rittenhouse voted no.

Mrs. Batko then questioned the use of water utility surplus money being applied to the general fund and if the water utility was in trouble.

Mr. Kronowski responded that they had no idea that there would be so many more water main breaks than what was budgeted for, as well as the MCUA charges for

processing the sludge from the water treatment plant, which was also unexpected and other items such as water infrastructure improvements.

- Rene Tischler, 20 Hampton Way
Questioned if the second increase in the ordinance could be extended until next summer instead of February, 2016?

Mr. Kronowski responded that after the council reviews the budget and they feel that they it could be, they could amend the water rates at any time.

Mayor O'Brien asked if there was any other questions or comment.
None made.

Comments made between Councilman Buchanan and Rittenhouse regarding why Councilman Rittenhouse was not going to move the water ordinance forward.

Councilwoman Novak made a **motion to Table Ordinance #296-15**.
Motion seconded by Councilman Buchanan.

Roll Call: Councilman Buchanan - Yes to Table with comment.
Councilwoman Kilpatrick – Yes to Table with comment.
Councilman McGill – Yes to Table
Councilman Melendez – Yes to Table with comment
Councilwoman Novak – Yes to Table with comment
Councilman Rittenhouse – No, with comment

Discussion followed between the council regarding the vote.

Mayor asked the clerk to move forward and read the next ordinance.

The Clerk Read the heading for Ordinance #298-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #298-15**.

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 No. 298-15

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW WATER MAIN IN CAMDEN STREET AND THE REPLACEMENT OF WATER MAINS IN HENRY STREET AND DOLAN AVENUE IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 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 \$500,000. 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. In order to finance the cost of the improvements or purposes, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$500,000 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 \$500,000 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 the construction of a new water main in Camden Street and the replacement of water mains in Henry Street and Dolan Avenue, together with all necessary customer service connections, 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 \$500,000.

(c) The estimated cost of said improvements or purposes is \$500,000.

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

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

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

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and an electronic copy thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$500,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

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

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

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

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

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

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$500,000. 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 #299-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #299-15**.

There were no appearances

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

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

ORDINANCE #299-15
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VIII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION
8-20 TO ADD FEE FOR LEGAL NAME CHANGE

BE IN AND IT IS HEREBY ORDAINED by the Mayor and the Borough Council of the Borough of Sayreville, in the County of Middlesex, that Chapter 8, Section 8-20 of the Revised General Ordinances of the Borough of Sayreville is hereby amended as supplemented as follows:

a.	Burial permit	\$5.00
b.	Death Certificate (certified copy)	10.00
c.	Marriage License (\$25.00 to State; \$3.00 to Borough)	28.00
d.	Birth Certificate (certified copy)	10.00
e.	Marriage Certificate (certified copy)	10.00
f.	Corrected copy of death, marriage, birth certificates	5.00
g.	Domestic partnership certification (\$25.00 to State; \$3.00 to Borough)	28.00
h.	Domestic partnership certificate (certified copy)	10.00
i.	Civil union certification (\$25.00 to State; \$3.00 to Borough)	28.00
j.	Civil Union certificate (certified copy)	10.00
k.	<i>Legal Name Change Set Up Fee</i>	<i>\$2.00</i>

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter 8, Section 8-20 Records of Vital Statistics; Burial Permits; Marriage Licenses; Fees.** of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

ATTEST:

APPROVED:

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

The Clerk Read the heading for Ordinance #298-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #300-15**.

There were no appearances

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

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

ORDINANCE #300-15
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 12-1.3 CONSTRUCTION FEES

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

12-1.3 Construction Fees.

- A. The Building Subcode fees shall be as follows:
 - 1. New Construction: Up to one hundred thousand (100,000) cubic feet. The fee shall be computed by volume multiplied by **0.0348**.
 - 2. New Construction: Over one hundred thousand (100,000) cubic feet. The fee shall be computed by volume multiplied by 0.0270.
 - 3. New Construction: Commercial Farm Buildings and Structures on Farms. The fee shall be computed by volume multiplied by **0.0011** to a maximum of one thousand one hundred forty-five (\$1,145.00) dollars.
 - 4. Alterations, Renovations and Repairs.
 - (a) R5 residential, multiplied by estimated cost of construction.

\$25.00 per \$1,000	Up to \$50,000
\$15.00 per \$1,000	\$50,001 -- \$100,000
\$12.00 per \$1,000	Over \$100,000

(b) All other uses, multiplied by estimated cost of construction. Minimum fee; seventy-five (\$75.00) dollars.

\$34.00 per \$1,000	Up to the first \$50,000 (prorated)
\$26.00 per \$1,000	Amount exceeding \$50,001 -- \$100,000 (prorated)
\$22.00 per \$1,000	Amount exceeding over \$100,000 (prorated)

**** (c)** Surcharge fee—State of New Jersey: 0.00334/cf or one dollar and thirty-five (\$1.35) cents per one thousand (\$1,000.00) dollars estimated cost of construction.

B. Flat fees shall be as follows:

1. Swimming pools:	
Above-ground <i>less than 550 sq. ft.</i>	75.00
Above-ground <i>greater than 550 sq. ft.</i>	140.00
In-ground <i>less than 550 sq. ft.</i>	160.00
In-ground <i>greater than 550 sq. ft.</i>	210.00
2. Fences—Over 6 feet high	75.00
3. Antenna, mast, satellite dish (R3 and R5)	75.00
4. Radon	100.00
5. Structural towers	500.00
6. Underground (UST) storage tank	
Installation (R3 and R5) or demolition	75.00
7. Aboveground (AST) storage tank	
Installation (R3 and R5) or demolition	75.00
8. Asbestos removal	150.00
9. Temporary structures, tents, temporary trailers (180 days)	75.00
NOTE: Tents in excess of 900 sq. feet or more than 30 ft. in any dimension	129.00
10. Demolition:	100.00
(a) Residential R3 and R5 and farm buildings under 5,000 sq. ft. and less than 30 feet in height.	92.00
(b) All other use groups/per story ea. For 10,000 sq. ft. or less of floor space	168.00
11. Retaining Walls –	
(a) Class 3 Residential – less than 550 square feet	160.00
(b) Class 3 Residential – greater than 550 square feet	210.00
(c) All other use groups – cost of construction as tabled sections 4B	
12. Minimum Fee	75.00

C. Signs.

Fees for pylon signs shall be:	\$6.00 per square foot for the first 100 square feet, \$4.75 per square foot for the next square feet, and \$3.50 per square foot thereafter.
Fees for ground signs or Wall signs shall be:	\$3.00 per square foot for the first 100 square feet, \$2.10 per square foot for the next 400 square feet, and \$1.40 per square foot thereafter.

D. State permit fees shall be in accordance with N.J.A.C. 5:23-2 as same may be amended from time to time.

E. *Plumbing Fees and Definitions.* Definitions for the following items shall apply herein. *Plumbing Appliance* means and includes, but shall not be limited to, hot water heaters, tankless heater units, water conditioners and similar equipment. *Plumbing appurtenance* means and includes but shall not be limited to devices, be the device a manufactured device or an on-the-job assembly of component parts, which device is an adjunct to the basic piping system and plumbing fixtures. Plumbing appurtenances shall include but not be limited to pressure-reducing waives, back flow prevention devices, back water valves, vacuum breakers, grease traps, interceptors, and similar devices. *Plumbing fixture* means and includes but shall not be limited to, stacks, lavatories, kitchen sinks, stop sinks, urinals, water closets, toilets, bathtubs, shower stalls, laundry tubs, floor drains, washing machine connections, hose bibs, and similar devices.

Plumbing fees shall be as follows:

(1) Fees for each plumbing fixture, backflow preventor (nontestable type)	15.00
(2) Water heater appliance	35.00
(3) Fuel oil piping	60.00
(4) Gas piping	60.00
(5) Steam boiler	91.00
(6) Hot water boiler	91.00
(7) Sewer pump	91.00
(8) Interceptor/separator and plumbing appurtenances	91.00

(9) Grease trap/oil trap	91.00
(10) Water-cooled A/C or refrigeration unit	60.00
(11) Sewer connection:	
Up to 6"	91.00
7" to 11"	150.00
12" to 23"	250.00
24" and up	300.00
(12) Water service connection	91.00
(13) Active solar system	91.00
(14) Other min fee and testable back flow preventor	91.00
for cross connections and backflow preventors that are subject to testing, requiring reinspection annually, the fee shall be \$58.00 for each device when they are tested.	
(15) Each stack	15.00
(16) Each tie-in process	15.00
(17) Lawn sprinklers	45.00
(18) Roof drain (each)/floor drain (each)	35.00
(19) Plumbing appurtenances (each)	75.00
(20) Building sewer/drain system	91.00
(21) Fees are to be based on per \$1,000 of estimated cost (i.e. hydronic piping, geothermal wells, etc.) For the purpose of determining estimated cost, the applicant shall submit to the department cost data produced by the architect or engineer of record, or by a recognized estimating firm or by the contractor.	\$26.00 per \$1,000

F. Plan review fees: a non-refundable fee of **twenty (20%)** percent of total fees for plan review and prototype plans.

G. Electrical Subcode fees shall be as follows:

1. For the purpose of computing these fees, devices, outlets, fixtures and switches shall include but not be limited to burglar alarms, intercom panels, smoke detectors, thermostats, motors, photocells, level probes, temperature sensors and similar items:	
(a) For the first 75 devices	75.00
(b) Each additional 25 devices or fraction thereof	25.00
2. For the purpose of computing these fees, the term service, service panel, sub-panels, feeders, switches, switchboards, motor control centers, alarm panels, signs, disconnects, reinspection or reintroduction of service;	
(a) Up to 100 amps	75.00
(b) 101 amps up to 200 amps	125.00
(c) 201 amps up to 1,000 amps	225.00
(d) 1,000 amps and above	640.00
3. For the purpose of computing these fees, all motors including ranges, ovens, surface units, dryers, air conditioning units, water heater, central heat, (oil, gas, electric) baseboard heat units, generators, transformers or other devices consuming, generating or altering electricity:	
(a) Motors and electrical devices	15.00
(b) Fractional hp:	
(i.) Over 1 hp, up to 10 hp	20.00
(ii.) 11 hp up to 50 hp	65.00
(iii.) 51 hp up to 100 hp	150.00
(iv.) 101 hp up to 500 hp greater than 100 hp	640.00
(v.) Each increment of 50 hp or part thereof, add \$10.00	
(c) Transformers and generators:	
(i.) Fractional kw	15.00
(ii.) Over 1 kw up to 10 kw	20.00
(iii.) 11 kw up to 50 kw	75.00
(iv.) 51 kw up to 100 kw	150.00
(v.) 101 kw up to 500 kw	
4. Pools, fountains and similar installations: Includes bonding, motor, 2 outlets and a switch	
Above-ground	126.00

In-ground	189.00
5. Lights standards (each)	15.00
6. Trailers	75.00
7. Solar Panels, grounding grids, disconnect switch, etc., per unit (module)	25.00
8. Branch circuits	35.00
9. Minimum Fee	75.00
10. All other work requiring review and inspections	
Fees are to be based on \$75.00 per hour with a one hour minimum	

H. Fire Subcode fees (fire protection and other hazardous equipment) shall be as follows:

1. Automatic and manual fire alarm systems:	
(a) R3 and R5 smoke detectors	75.00
(b) Alarm System R3 and R5	50.00
All other use groups:	
(1) Modify existing system:	
1-12 devices	50.00
Over 12 devices	15.00 each
Devices shall include smoke detectors, heat detectors, manual pull stations, bells, horns, strobes and other peripheral devices not itemized in this section.	
(2) Install new system:	
Automatic/manual alarm system up to 10,000 sq. ft. coverage	
Minimum fee	100.00
Additional per 10,000 sq. ft.	150.00
Central Station alarm	75.00
Duct smoke detector	75.00
Flame or beam smoke detector	25.00
2. Automatic sprinkler systems:	50.00
1 -- 20 heads	91.00
21 -- 100 heads	168.00
101 -- 200 heads	321.00
201 -- 400 heads	831.00
401 -- 1,000 heads	1,150.00
1,000 heads and over	1,469.00
Each additional riser	50.00
Foam suppression (not pre-engineered)	150.00
Fire pump	150.00
Hydraulic calculation review	50.00
3. Standpipes	321.00
Each additional reset	100.00
4. Commercial kitchen hood and hazardous exhaust system	175.00
5. Kitchen suppression systems (pre-engineered)	129.00
6. Pre-engineered systems	
CO 2 suppression	129.00
Halon suppression	129.00
Foam suppression	129.00
Dry chemical suppression	129.00
Wet chemical suppression	129.00
7. Gas or oil-fired vented appliance	
(a) Commercial	75.00
Additional devices	30.00
(b) Residential (New Construction Only)	50.00
Additional devices	20.00
8. Water tank and underground fire main	150.00
9. Flammable – Combustible storage tanks – Above/below-ground	
(a) Residential: Installation/removal and LPG	75.00
(b) Commercial: Installation/removal and LPG (includes manifold systems up to qty.) and LNG	

Up to and including:	
1,000 gallons	100.00
2,000 gallons	400.00
Over 2,000 gallons	500.00
(c) Liquid or gaseous product dispensing system (<i>per pump</i>)	92.00
(d) Tank monitoring system (per tank)	50.00
10. Smoke removal system (includes smoke detectors (up to 6) not otherwise covered)	250.00
11. Elevator recall	150.00
12. Automatic smoke-fire control doors or shutters (pair) (Security locking devices integrated with alarm systems)	75.00
13. Emergency and voice com systems	100.00
14. Incinerators and crematoriums	511.00
15. Minimum (residential)	50.00
(commercial)	75.00

For miscellaneous required permits not itemized above, **twenty-six dollars (\$26.00) per one thousand** (\$1,000) dollars or project and/or work cost.

I. Mechanical inspector fees shall be as follows:

Heating/conversion/replacement	
First Unit	75.00
Each additional unit	30.00

J. The fee for elevator plan review and elevator installation shall comply with the standards listed in N.J.A.C. 5:23-12, by the D.C.A. Fees for permits and/or inspections for elevator plan review and elevator installation not covered hereunder shall be governed by the State Uniform Construction Code adopted and set forth under the General Ordinances of the Borough of Sayreville, Chapter XII, Building and Housing.

K. Variation fees shall be as follows:

Class I	821.00; resubmittal 32.00
Class II	168.00; resubmittal 91.00
Class III	168.00; resubmittal 91.00

L. Administrative Fees as follows:

(a) For review of any amendment or change to a plan that has already been released, there shall be an additional fee of \$75.00 per hour, minimum fee one hour.

(b) Change of contractor on an issued permit there will be an administrative fee of \$35.00

M. Occupancy permit fee shall be as follows:

(a) Certificate of Occupancy	
(1) R3 and R4 residential single family	100.00
(2) All other use groups per occupancy	150.00
(b) Continued certificate of occupancy	Min. fee per subcode
(c) Change of use	200.00
(d) Certificate of approval	No Fee
(e) Temporary Certificate of Occupancy – first issuance and renewal (No fee for first issuance, if CO fee has already been paid)	39.00

Notwithstanding any provisions of this Chapter to the contrary, residents of the Borough who are active members of any Sayreville Auxiliary Police Unit, Sayreville Volunteer Fire Company or Sayreville Volunteer First Aid Squad, shall not be required to pay any

municipal construction fees established in this chapter, subject to the following general restrictions and conditions:

- (a) The waiver shall apply only to those fees, or portions thereof, that are retained by the Borough, and shall not apply to such fees, or portions thereof, that are due to the State of New Jersey or entities other than the Borough of Sayreville;
- (b) The waiver shall not apply to any fee or fine imposed in connection with a penalty enforcement or judicial proceeding; and
- (c) The waiver shall not apply to any commercial or business activity.

2. On January 1st of each year, or as soon thereafter as practicable, the Sayreville Auxiliary Police Units, Volunteer Fire Companies and Volunteer First Aid Squads shall provide the Sayreville Construction Official with a certified list of their respective active members for the Construction Official's use in validating any member's claimed right to a waiver under this section.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Twelve - Building and Housing**, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

/s/ Daniel Buchanan, Councilman
(Planning & Zoning 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 #301-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #301-15**.

There were no appearances

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

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

ORDINANCE #301-15
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 12.3 PROPERTY MAINTENANCE CODE

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

12-3:4 Enforcement and Penalties

a. Notice of Violation. The Code Enforcement Officer or his/her designee shall serve written notice of violation or order on the person or persons responsible for the erection, construction, alteration, maintenance, repair, use and occupancy of any premises in violation of the provisions of this Code. The notice of violation shall provide information sufficient to inform the violator of the maintenance, repairs or alterations necessary to abate the violation. Violators shall be allowed ten (10) days to abate such conditions before further action is taken, unless in the opinion of the Code Enforcement Officer, the condition to be abated constitutes an imminent hazard, or unless the Code Enforcement Officer determines that special reasons or conditions require a reasonable extension of time to abate. Failure to abate the violation contained in the notice of violation within the timeframe required therein shall be cause for the Code Enforcement Officer to initiate enforcement in the Municipal Court.

b. Imminent Hazard. In the event that a nuisance or condition exists which, in the opinion of the Code Enforcement Officer constitutes an imminent hazard, such condition shall be immediately corrected or abated by the person responsible hereunder to correct and/or abate such condition. If, after written notice upon such responsible party, appropriate action is not immediately taken to correct or abate the imminent hazard, the Code Enforcement Officer shall cause such action to be undertaken and the reasonable expense for such remedial action shall be borne by the person responsible hereunder.

c. Hardship. Except in the case of an imminent hazard, the Code Enforcement Officer, in his reasonable discretion, may withhold strict enforcement of this Code when it is demonstrated that such enforcement would constitute an undue or unnecessary hardship on the owner, operator, or occupant, or where the Code Enforcement Officer determines that strict compliance should not be required under the circumstances.

d. In the event the person or entity owning said land shall refuse or neglect to abate or remedy the condition complained of and which constituted a violation of this chapter, after said 10 day notice, the Director of Code Enforcement or Director of Public Works shall cause the condition complained of to be remedied either by action of the Department of Public Works or by engagement of an outside contractor and shall present a report of the work accomplished to the Governing Body along with a summary of the abatement undertaken to secure compliance. They shall certify the actual labor costs of same plus twenty-five percent (25%) but not less than one hundred dollars (\$100.00) administrative fee to the Governing Body which shall examine the report and certificate and, and if it is correct, cause the cost as shown thereon to be charged against the dwelling or the lands. A copy of the resolution approving the expenses shall be certified by the Borough Clerk and filed with the Tax Collector who shall be responsible for the collection thereof. The amount so charged shall forthwith become a lien on upon the dwelling or lands and shall be added to and become and form part of the taxes and shall be collected and enforced by the same officer and in the same manner as taxes. Costs shall be in addition to any penalties imposed for any violations of this Chapter.

d e. Penalties. Any person who shall violate any provision of this Code shall be subject, upon conviction, to one (1) or more of the following penalties: (i) a fine not exceeding one thousand two hundred fifty (\$1,250.00) dollars; (ii) imprisonment for a term not exceeding ninety (90) days, and (iii) by community service not exceeding ninety (90) days. Each separate day that the violation occurs or continues shall constitute a separate offense.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Twelve - Building and Housing**, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

The Clerk Read the heading for Ordinance #302-15 for Public Hearing and the Mayor opened the meeting to the public for questions or comments on **Ordinance #302-15**.

There were no appearances

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

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

ORDINANCE #302-15

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE MUNICIPAL COUNCIL
ACKNOWLEDGING THE BOROUGH OF SAYREVILLE'S ACCEPTANCE OF THE TRAFFIC
CONTROL SIGNAL LOCATED AT THE INTERSECTION OF ERNSTON ROAD
(COUNTY ROAD 673) AND BORDENTOWN AVENUE (COUNTY ROAD 615)**

(Co. Buchanan, Planning & Zoning - Public Hearing August 10, 2015)

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

SECTION 1. The intersection of Ernston Road (County Road 673) and Bordentown Avenue (County Road 615) shall be controlled by a Traffic Control Signal in accordance with the Record Drawing - LTS Plan, bearing the date of July 2015.

SECTION 2. The Traffic Control Signal shall be in accordance with provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes AND the New Jersey Administrative Code, AND SHALL BE OPERATED IN CONFORMANCE WITH THE DESIGNATED PLAN,

SECTION 3. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed,

SECTION 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjusted and the remainder of the ordinance shall be deemed valid and effective,

SECTION 5. This Ordinance shall take effect upon final passage and publications provided by law,

SECTION 6. Upon final passage and adoption, the Borough Clerk shall forward a certified copy of this Ordinance to Richard E. Wallner, P.E., Middlesex County Engineer, P.O. Box 871, New Brunswick, NJ 08901 for submission to the Middlesex County Board of Chosen Freeholders for a Consenting Resolution,

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

• **NEW BUSINESS:**

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

ORDINANCE #303-15
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER II OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 2-15.5 FEES FOR JACKSON PARK PICNIC GROVE.

Councilman Melendez moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on August 24, 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.

Clerk announced for the record that Resolution #2015-247 be removed from the Consent Agenda Resolution list.

Those appearing were:

- Robert Bottomly, 27 Cedar Terrace.
Superior Fence Co., Parlin section

Commented on the number of jobs his company has done for Sayreville with no issues in the past and thought that he would be able to bid on these projects. Now it is going to be awarded through State Contract with a much higher figure than he could provide. He asked that Resolution #2015-248 be removed from the consent agenda and that the job go out to bid so that he may have an opportunity to bid on the project.

Mayor asked that this resolution be removed for further review and can be listed again on the next meeting agenda or a subsequent meeting.

Discussion regarding scheduling at the fields and the fact that the fencing is down at the Laurel Park field.

Attorney advised that the resolution 2015-248 be Tabled for further review.

Councilman Melendez made a Motion to Table Resolution #2014-248.
Motion Seconded by Councilman Buchanan.

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

Councilwoman Kilpatrick, Abstained.

- Joe Kupsch, 2263 McClellan St., Perth Amboy
 - Grew up in Sayreville.
 - Here to talk about Resolution #2015-255
 - Tax Assessor & member of Open SpaceSpoke on the need to keep collecting the small amount of tax for Open space Fund. Previously distributed letter to the governing body and note critiquing the Resolution and the information it contained and expressed his concerns in the Municipal Question and how it read.
- Stanley Drwal, 121 Bissett Street
 - On Open space Committee
 - Supports Open Space and the Open space fund
 - Information contained in Resolution is not true
 - Wrong to do this at this time
 - Not discussed at an Open Space Committee meeting

Mayor commented on the 500 Acre Julian Capik Nature Preserve. He also commented that according to the Chairman of the Open Space Committee and Tax Assessor that the information contained in the resolution is in error and asked that the Resolution be pulled be removed at this time and Open Space hold a special meeting to discuss and corrected before it go to the ballot. Mayor again requested that Resolution #2015-255 be pulled for review, correction and review by the Open Space Committee. And asked for a motion.

Councilman Rittenhouse made the motion to Table Resolution 2015-255.

Motion dies for lack of a second.

CFO Kronowski stated that he agrees with Mr. Kupsch and Mr. Drwal that the Open Space Tax should remain. He said that if there is going to be a referendum it should amend the change the way the money is utilized such as not just the acquisition of open space but for the development and maintenance of open space properties. Especially as we do have an increase in open space such as MacArthur and Weber Avenues.

Councilman McGill agreed with our CFO, so that we would be able to make use of the funds.

Councilwoman Novak said that this was discussed at the Agenda meeting and felt that the issue should have been discussed then. She said that the first referendum was signed by her and firmly believe in it. She said that she has enough faith in the residents of the town to vote to leave the Open Space Tax Fund, but wants to leave that decision up to them – the taxpayers.

Mayor stated that there has been a motion made to table this Non Binding Referendum basically for further review and correction. Mayor called for a second. Councilwoman Novak reminded that if we table now it is going to be another year.

- Motion dies for a lack of a second.

Mayor called for a motion on the Consent Agenda Resolutions.

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

Comments:

Councilwoman Novak commented on CFO's comments regarding the use of the funds for the development and maintenance of passive open space areas and parks because they felt it would be used for the upkeep of parks.

Councilman Rittenhouse disagrees with approving something with errors in and don't agree with stopping income that enables them be able to purchase open space with.

Roll Call on Consent Agenda Resolutions:

Councilpersons Buchanan, Kilpatrick, McGill, Ayes;

Councilman Melendez- Ayes to all, except No to Resolution #2015-255;

Councilpersons Novak – ayes with above comment;

Councilman Rittenhouse ayes on all, except No to resolution #2015-255 with above comment.

RESOLUTION #2015-243

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 August 10, 2015 in the amount of \$12,724,391.95 in a separate Bill List File for 2015 (See Appendix Bill List 2015-A for this date).

(Person to Person Transfer with Conditions)

RESOLUTION #2015-244

WHEREAS, an application has been received by the Municipal Clerk for a Person to Person Transfer of Plenary Retail Consumption License #1219-33-033-007, heretofore issued to AC & VC, Inc., 1792 Route 35, Sayreville, PO South Amboy, NJ 08879;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

WHEREAS, the applicant has duly advertised in the Home News Tribune on June 8, 2015 and June 15, 2015 as required by law, and has produced proof of publication as to such advertising; and

WHEREAS, no objections or protests have been made with regard to said transfer; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sayreville does hereby approve and direct the Municipal Clerk to endorse the license certificate for Plenary Retail Consumption License #1219-33-033-007 to Zinel & Neel, LLC , t/a Covello Liquor & Bar for the 2015-2016 license term, subject to the following terms and conditions as hereinbefore imposed and re-stated, effective August 11, 2015:

- Licensee shall not engage in the operation of having live dancers or “go-go” dancers.

/s/ Mary J. Novak, Councilwoman
Administration & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION NO. 2015-245
RESOLUTION OF THE SAYREVILLE BOROUGH COUNCIL
DENYING TRANSFER OF PERSON TO PERSON LICENSE
FROM SHRI HANS LLC TO TWS GROUP, LLC

WHEREAS, TWS Group, LLC filed an application for a person to person transfer of Plenary Retail Consumption License No. 1219-33-043-005 from SHRI HANS LLC; and

WHEREAS, TWS Group, LLC is a limited liability company owned 100% by Bryant Mitchell; and

WHEREAS, the Sayreville Police Department has objected in writing to the transfer due to conduct of Mr. Mitchell as manager of a licensee whose license was revoked by the Sayreville Borough Council; and

WHEREAS, TWS Group, LLC was given notice of this objection and an opportunity to present its position to the Council; and

WHEREAS, Applicant appeared with counsel, Paul De Sarno, Esq., at a hearing held on July 27, 2015; and

WHEREAS, Marguerite M. Schaffer, Esq., Special ABC Counsel for the Borough, presented the concerns of the Police Department regarding the fitness of the Applicant; and

WHEREAS, Chief Zebrowski, Captain Fitzsimmons and Lieutenant Brennan appeared before the Mayor and Council and provided incident reports which reflected violations of ABC regulations involving Mr. Mitchell as manager of The Red Zone and in particular the fact that Mr. Mitchell was not on the employee list produced by this licensee; and

WHEREAS, numerous other violations at The Red Zone while Mr. Mitchell was acting as manager were found resulting in charges filed against The Red Zone whose license was subsequently revoked by Resolution No. 2014-242; and

WHEREAS, the Mayor and Council expressed their deference to the Police Department on matters of public safety and supervision of liquor licensees and licensed premises; and

WHEREAS, after hearing from the Applicant, objectors and Counsel, and reviewing the police reports and recommendations based thereon the Council believes that the Applicant is not “fit” to hold a liquor license.

NOW, THEREFORE, BE IT RESOLVED that the person to person transfer application of Plenary Retail Consumption License No. 1219-33-043-005 is hereby denied.

/s/ Mary J. Novak, Councilwoman
Administration & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2015-246

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING THE
MAYOR AND BOROUGH CLERK TO EXECUTE A CONTRACT
WITH RISING PHENIX HOUSING CONSULTANTS, LLC**

WHEREAS, the Governing Body of the Borough of Sayreville has identified the fact that there are certain grant-funding opportunities that may be beneficial to the Borough of Sayreville; and

WHEREAS, the Governing Body of the Borough of Sayreville, has received a proposal from Rising Phenix Housing Consultant, LLC to assist with the grant analysis, and the pre-determination and applicability of certain grant-funded opportunities that may be beneficial to the Borough; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are authorized and directed to execute a contract with Rising Phenix Housing Consultant, LLC in an amount not to exceed \$6,000.00.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-247 - Tabled

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:	Kristin Notarangelo
POSITION:	Clerk I/Full Time
DEPARTMENT:	Municipal Court
EFFECTIVE:	August 17, 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.

RESOLUTION #2015-248 - Tabled

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, through State Contract #T0640/A88680 a fence and backstop for Laurel Park baseball field for the Borough of Sayreville, Department of Public Works Department, from Consolidated Steel and Aluminum Fence Co., of Kenilworth, NJ at a total cost not to exceed \$26,050.00.

RESOLUTION #2015-249

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for the following:

- TRAFFIC LIGHT REPAIRS AND MAINTENANCE (Contract #2015-4)

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015-250

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for the following:

- TRAV-L-VAC 300 OR EQUIVALENT (Contract #2015-5)
(Tow Behind Valve Maintenance and Vac Kit)

/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'Brein
Kennedy O'Brien,
Mayor

RESOLUTION #2015-251

**RESOLUTION APPOINTING A QUALIFIED PURCHASING AGENT
AND INCREASING THE BID THRESHOLD PURSUANT
TO N.J.S.A. 40A:11-3 AND N.J.A.C. 5:34-5.4**

WHEREAS, the Local Public Contract Law affords local contracting units the ability to increase the bid threshold up to Forty Thousand Dollars (\$40,000.00); and

WHEREAS, N.J.S.A. 40A:11-3(a) permits and increase in the bid threshold if a Qualified Purchasing Agent is appointed, as well as granted the authorization to negotiate and award such Contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5, et seq. establishes the criteria for qualifying as Qualified Purchasing Agent under New Jersey Law; and

WHEREAS, DANIELLE MAIORANA possesses the designation and is certified as a Qualified Purchasing Agent, as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5, et seq.; and

WHEREAS, the BOROUGH OF SAYREVILLE desires to take advantage of the increased bid threshold that will provide certain benefits of efficiency and economics to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Sayreville that the Borough of Sayreville formally increases its bid threshold to \$40,000.00; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Sayreville hereby appoints and affirms DANIELLE MAIORANA as the Borough's Qualified Purchasing Agent authorized to exercise the duties of a Purchasing Agent pursuant to N.J.A.A 40A:11-2(30), with specific relevance to the authority, responsibility and accountability of the purchasing activity of the Borough; and

BE IT FURTHER RESOLVED that in accordance with N.J.A.C. 5:34-5.2, the Borough Clerk is authorized and directed to forward a copy of this resolution and a copy of Danielle

Maiorana's certification to the Director of the Division of Local Government Services forthwith after adoption hereof.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

RESOLUTION #2015 -252
EMERGENCY APPROPRIATION – NJS 40A:4-48

WHEREAS, an emergency has arisen due to the rupture of the sanitary sewer force main of Sayreville's portion of the South Bay Sanitary Sewer Collection System and, no adequate provision was made in the 2015 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created by this resolution is \$ 200,000.00 and three (3) percent of the total operating appropriations in the budget for 2014 is \$1,384,427.93 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2015,

NOW, THEREFORE, BE IT RESOVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for Sewage Treatment and Disposal, Other Expenses in the amount of \$200,000.00
2. That said emergency appropriations shall be provided in full in the 2016 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

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

ATTEST:

BOROUGH OF SAYREVILLE

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

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

**CERTIFICATION FOR EMERGENCY APPROPRIATION
CHIEF FINANCIAL OFFICER**

Purpose of emergency appropriation:

Expenses due to the rupture of a sanitary sewer force main of Sayreville's portion of the South Bay Sanitary Sewer Collection System. Emergency work was undertaken to stop the flow of wastewater into the Raritan Bay. Wastewater was pumped into tank trucks for proper disposal while an above the ground temporary by-pass main was constructed to transmit the waste to the Middlesex County Utilities Authority.

Date of Occurrence: July 20, 2015.

Have any contracts been awarded or purchase orders place in connection with this emergency appropriation? Yes

Date- August 10, 2015

Wayne A. Kronowski
Chief Financial Officer
Borough of Sayreville

Resolution #2015-253

WHEREAS, on June 23, 2015 the Mayor and Council of the Borough of Sayreville received bids for the **2014 Roadway Paving & Reconstruction Project – Phase II** project; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 10th day of August, 2015, that:

1. Contract for the “**2014 Roadway Paving & Reconstruction Project – Phase II**” project be awarded Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ 08872 on their bid price of \$1,768,905.00 as appears on copy of bid document attached hereto and made a part hereof and is subject to the waiver of minor irregularities.

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

ATTEST:

BOROUGH OF SAYREVILLE:

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

/s/ Kennedy O’Brien
Kennedy O’Brien, Mayor

RESOLUTION #2015-254

WHEREAS, on August 4, 2015 the Mayor and Council of the Borough of Sayreville received bids for the **2014 Roadway Paving & Reconstruction Project – Phase III** project; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 10th day of August, 2015, that:

1. Contract for the “**2014 Roadway Paving & Reconstruction Project – Phase III**” project be awarded to Brennan Brothers Contracting, LLC, 28 Maple Street, Old Bridge, NJ 08857 on their bid price of \$799,742.87 as appears on copy of bid document attached hereto and made a part hereof and is subject to the waiver of minor irregularities.

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

ATTEST:

BOROUGH OF SAYREVILLE:

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

/s/ Kennedy O’Brien
Kennedy O’Brien, Mayor

RESOLUTION #2015 -255
**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING A NON-BINDING
REFERENDUM ON THE BALLOT AT THE GENERAL ELECTION ON
NOVEMBER 3, 2015 REGARDING OPEN SPACE AQUISITION**

WHEREAS, pursuant to N.J.S.A. 40:12-15.1 et. seq., the State of New Jersey allows municipalities to establish Municipal Open Space, Recreation, Farmland and Historic Trust Funds for the following purposes:

- a. acquisition of lands for recreation and conservation purposes;
- b. development of lands acquired for recreation and conservation purposes;
- c. maintenance of lands acquired for recreation and conservation purposes;
- d. acquisition of farmland preservation purposes;
- e. preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservations purposes; and/or
- f. payment of debt service on indebtedness issued or incurred by the municipality for any of the purposes set forth in subparagraphs (a), (b), (c), (d) or (e) of this paragraph; and

WHEREAS, N.J.S.A. 19-37-1 et. seq. authorizes the governing body to ascertain the sentiment of the legal voters of the municipality upon any questions or policy pertaining to the government or internal affairs thereof by the adoption of an ordinance requesting the County Clerk to print upon the official ballots to be used at the next ensuing general election a certain proposition as formulated and expressed in the resolution; and

WHEREAS, the Governing Body seeks to submit a question as to the funding of the Borough's "Municipal Open Space, Recreation, and Farmland and Historic Preservations Trust Fund: to the voters of the Borough of Sayreville at the next general election, to be held on November 3, 2015; and

WHEREAS, N.J.S.A. 40:12-15.7d contemplates adjustments in a previously approved open space levy to reflect changing circumstances, provided those adjustments are approved by a referendum; and

WHEREAS, any referendum at the next general election on November 3, 2015 must be preceded by the approval of a resolution and the presentation of a ballot question to the County Clerk not later than 81 days prior to the election or August 14, 2015; and

WHEREAS, each year the Borough of Sayreville taxes Sayreville residents in excess of \$450,000.00 to set aside for the purchase of Open Space. Since the Borough starting taxing for this purpose in 2001 it has collected over \$5,000,000.00. During the same time the Borough has never used any of the money to purchase Open Space. Should the Borough stop collecting this tax when the Open Space Trust Fund balance exceeds \$5,000,000.00; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Governing Body of the Borough of Sayreville that the Borough Clerk is hereby authorized to submit the following ballot question and interpretative statement to the Middlesex County Clerk for placement on the official ballot for the November 2015 general election:

MUNICIPAL QUESTION NO. 1
OPEN SPACE REFERENDUM

The Borough of Sayreville collects \$450,000.00 every year from taxpayers for the Borough's Open Space Trust Fund. In fifteen (15) years none of this money has been spent and it now totals more than \$5,000,000.00. Should the Borough stop collecting this tax when the Open Space Trust Fund balance exceeds \$5,000,000.00.

INTERPRETATIVE STATEMENT

A "no" vote will request that the Borough keep the Municipal Open Space Tax in place.

A "yes" vote would be that you want the Borough to stop collecting the Open Space Tax until the Open Space Trust Fund balance goes below \$5,000,000.00.

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

ATTEST:

BOROUGH OF SAYREVILLE

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

(Mayor returned unsigned 8-10-15)
Mayor

READ IN FULL AND VOTED ON EARLIER IN MEETING:

RESOLUTION NO. 2015-256

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ENERGY GENERATION SERVICES FOR PUBLIC USE VIA ON ONLINE REVERSE AUCTION WITH COMMERCIAL UTILITY CONSULTANTS, INC.

At this time Mayor O'Brien read from a letter from Ken Kelly regarding the Annual September 11th Memorial Service being held on Thursday, Sept. 10, 2015 at 7:30 mPM at the 9-11 Memorial / Burkes Park, Washington road. Mayor asked the Clerk to post on Cable Access.

• **PUBLIC PORTION**

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

Ted Peterson, Crestview Apartments
- Spoke to the council about illegal evictions and illegal rent increases taken by the property owners of Crestview Apartments and their failure to properly notify the tenants of rent increases, etc. He requested the Council to fine the management company for failure to properly notice the tenants.
Response by the Borough Attorney as the Mayor asked him to meet with Mr. Peterson.

Michelle Maher, 12 Gavel Road
- Update on the Green Valley beautification project.
She stated that she received an estimate from a Paradise Lawns here in Sayreville and they are \$250. away from their goal and asked if they had the permission to go ahead with the project when that goal has been met.

Mayor asked if there was any objection and if there was any reason legally that they could not move ahead with this project.

The Borough attorney asked who the property belongs to and she responded that it was borough property. He said that he would like to meet with her to go over who will be performing this contract and be sure there is no liability and have proper indemnification on the borough's part, but otherwise he sees no reason why it could not be approved.

Mayor O'Brien stated that this would be approved subject to the attorney and engineer's review. So moved by Councilman Buchanan. Seconded by Councilman McGill.

Before roll call Councilwoman Kilpatrick clarified a previous discussion that the upkeep and maintenance will be performed by the residents.

Ms. Maher stated that they would and had asked the landscaper for low or no maintenance requirement for the project.

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

At this time Councilman Buchanan made a motion to appoint Michelle Meyer to the Recreation Advisory Board. Motion seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all Ayes.

- Phyllis Batko, 5 Glynn Court

Asked what happened with the Council Pilot Committee that was supposed to meet with the school pilot committee to discuss the funding.

Mayor recommended Councilman Rittenhouse to chair the committee with Councilwoman Novak and Councilman Buchanan.

Phyllis asked if anyone did a financial analysis that if you did leverage that amount and borrow against it and put up a payment plan.

Town could purchase property in excess of the \$5 million/ \$6 million dollar balance and pledge the future revenue to the bonds and size the bond issue so that you would have adequate funds to do so.

Phyllis asked what happens to the \$5 million in the Open Space Fund.

Response by Councilwoman Novak that it was closer to \$6 million and that anything in that fund will remain and only used for open space.

- Mike D'Addio, 13 Zaleski Drive

Questioned if the Shade Tree Funds would be available to be used for the purpose of maintaining parks or open space property or for the installation of park benches.

Mr. Kronowski stated that these funds can be used for trees, tree removal and replacement, etc.

Questioned Mr. DuPont if he is going to court representing Mr. Petersen.

Mr. DuPont stated that he was going representing the Rent Leveling Boards position.

- Bill Henry, Orchard Street

Questioned why Mr. Rittenhouse voted no on the Energy Aggregation Resolution inasmuch as this would save the resident money on their energy bills.

Mr. Rittenhouse stated that he wasn't happy with their service last year and don't agree with making a decision on a Monday morning on the award Monday night.

- Stanley Drwal, Bissett Street

Stated that he has no problem having the voters vote on the Open Space issue, however he felt it should be cleaned up and asked if it would be cleaned up before appearing on the ballot.

Response by Councilwoman Novak that she thought it read fine.

Mr. Drwal asked what the status was with regards to a Public Works facility on the donated DuPont property.

Councilwoman Kilpatrick stated that this project was removed from the budget this year and has not been discussed for some time.

Discussion on the purchase of the Kolodziej property on Cheesequake Road.

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

Roll Call: Voice Vote, all Ayes. Carried.

At this time Councilman McGill made a motion to appoint Steve Grillo to the Sayreville Economic Redevelopment Agency. Motion Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, all Ayes.
Councilman Rittenhouse, Nay, with comment regarding other applications being filed.

Mayor commented that Mrs. Spezzi (who is being replaced) received notice from the SERA Chairman informing her that she did not have the votes to be reappointed. He said that he was never involved in any conversation and neither was Co. Rittenhouse. He pointed out that there was a Sunshine Law violation made. He questioned what the SERA Chairman had to do with the Council votes. He stood by Mrs. Spezzi.

Councilman Rittenhouse stated that he felt the vote was done incorrectly and asked the borough attorney to review both the bylaw of SERA and the ordinance that created SERA and the people who made the nomination and to report back. Stated that people on SERA are not allowed to vote.

- **EXECUTIVE SESSION**

- **ADJOURNMENT**

Mayor called for a motion to adjourn.

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

Roll Call: Voice Vote, all Ayes.

Time: 9:20 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved