

Council President Buchanan called the Council meeting to order at 7:14 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Borough Clerk Farbaniec announced that this September 9, 2019 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, Dalina, Enriquez,
Kilpatrick, Novak.

Council President Buchanan stated that the Mayor is present and will be joining the meeting shortly.

Absent: Kennedy O'Brien, Mayor
Councilman Dave McGill

Others Present: 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:**

Councilman Buchanan moved the following minutes be approved, subject to correction if necessary:

☒ August 19, 2019 - Regular Session

Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick,
Novak, all Ayes.

- **Proclamation:**

. **PROCLAMATION & PRESENTATIONS - None**

- **EXECUTIVE SESSION - None**

- **OLD BUSINESS:**

a) Public Hearing on the following Ordinances:

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

The clerk announced the heading for Public Hearing on Ordinance #462-19.

ORDINANCE NUMBER 462-19

**BOND ORDINANCE PROVIDING FOR 2019 VARIOUS PARK
IMPROVEMENTS, BY AND IN THE BOROUGH OF SAYREVILLE,
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY;
APPROPRIATING \$910,700 THEREFOR AND AUTHORIZING
THE ISSUANCE OF \$865,000 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST THEREOF**

(Admin. & Finance - Public Hearing 9-9-19)

Council President Buchanan opened the meeting to the public for questions or comments on Ordinance #462-19.

There were no appearances.

Councilman Enriquez moved the Public Hearing be closed the Ordinance be adopted on second and final reading and advertised according to law.

Seconded by Councilwoman Novak.

Roll Call: Councilpersons Enriquez, Buchanan, Dalina, Enriquez, Kilpatrick, Novak, all Ayes.

BOND ORDINANCE NUMBER 462-19

BOND ORDINANCE PROVIDING FOR 2019 VARIOUS CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

(not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Sayreville, in the County of Middlesex, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$800,000, which sum includes a down payment for said improvements or purposes in the amount of \$40,000 required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$800,000 appropriation not provided for by application hereunder of the \$40,000 down payment, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not exceeding \$760,000 pursuant to and within the limitations prescribed by 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 a principal amount not exceeding \$760,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for which said bonds or notes are to be issued are for various capital improvements in and for the Borough, including, but not limited to, improvements to the Senior Center and to the Library, technology improvements, and drainage improvements. Such improvements or purposes are to include, but are not limited to, as applicable, all necessary related improvements, engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications on file in the Office of the Clerk of the Borough and available for public inspection.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$760,000.

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

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the Borough, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Middlesex, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial

Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.58 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, 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 or notes provided for in this bond ordinance by \$760,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$234,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and

continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

INTRODUCED/APPROVED ON FIRST READING

DATED: August 19, 2019

/s/ THERESA A. FARBANIEC, R.M.C.
Clerk of the Borough of Sayreville

/s/ DAVID MCGILL, Councilman
(Admin. & Finance Committee)
Borough of Sayreville

**ADOPTED ON SECOND READING
2019**

DATED: September 9,

/s/ THERESA A. FARBANIEC, R.M.C.
Clerk of the Borough of Sayreville

/s/ Damon Enriquez, Councilman
(Admin. & Finance Committee)

The clerk announced the heading for Public Hearing on Ordinance #466-19.

Council President Buchanan opened the meeting to the public on Ordinance #466-19.

There were no appearances. Councilman Enriquez moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilwoman Novak.

Roll Call:

Ayes: Councilpersons Enriquez, Buchanan, Dalina, Kilpatrick, Novak.

Nays: None. Carried.

ORDINANCE #466-19

**BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF
DUHERNAL WELL BY AND IN THE BOROUGH OF SAYREVILLE, IN
THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY;
APPROPRIATING \$1,300,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$1,300,000 BONDS OR NOTES OF THE WATER
UTILITY OF THE BOROUGH TO FINANCE THE COSTS THEREOF**

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken by the Water Utility (the "Water Utility") of the Borough of Sayreville, in the County of Middlesex, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the amount of \$1,300,000 by the Water Utility of the Borough. Pursuant to the

provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), no down payment is required as the Water Utility is self-liquidating.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Water Utility are hereby authorized to be issued in a principal amount not exceeding \$1,300,000 pursuant and within the limitations prescribed by to 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 a principal amount not exceeding \$1,300,000 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 purposes for the financing of which said obligations are to be issued are for the rehabilitation of Duhernal Well by the Water Utility of the Borough. Such improvements or purposes shall also include, as applicable, all construction planning, engineering, design work, preparation of plans and specifications, permits, bid documents, environmental remediation, construction documents, inspection and contract administration and all materials, equipment, accessories and work necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$1,300,000.

(c) The estimated cost of said improvements or purposes is \$1,300,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Middlesex shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget of the Water Utility of the Borough, as applicable. The capital budget of the Water Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Water Utility of the Borough, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements for the Water Utility of the Borough, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements and purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds 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 Clerk of the Borough and a complete executed

duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, within the New Jersey Department of Community Affairs, 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 obligations provided for in this bond ordinance by \$1,300,000 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding \$125,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements described in Section 3 hereof.

(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 8. Unless paid from other sources, the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**INTRODUCED/APPROVED ON FIRST READING
2019**

DATED: August 19,

/s/ THERESA A. FARBANIEC, R.M.C.
Clerk of the Borough of Sayreville

/s/ DAVID MCGILL, Councilman
(Admin. & Finance Committee)

**ADOPTED ON SECOND READING
2019**

DATED: September 9,

/s/ Theresa A. Farbaniec, RMC
Clerk of the Borough of Sayreville

/s/ Damon Enriquez, Councilman
(Admin. & Finance Committee)

The clerk announced the heading for Public Hearing on Ordinance #467-19.

Council President Buchanan opened the meeting to the public on Ordinance #467-19.

There were no appearances. Councilman Buchanan moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilwoman Novak.

Roll Call:

Ayes: Councilpersons Enriquez, Buchanan, Dalina, Kilpatrick, Novak.

Nays: None. Carried.

ORDINANCE NO. 467-19

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER III OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO ADD
SECTION 13-17 STIPEND FOR FIRE CHIEF SERVICE AWARD**

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:

13-17 Stipend for Fire Chief Service Award

A stipend of Five Hundred (\$500.00) Dollars will be paid to each Fire Chief (beginning in the year of 2018 and continuing) for the Fire Chief's three (3) years of continued service.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter 3 – Fire Department**, 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.

INTRODUCED/APPROVED ON FIRST READING

DATED: August 19, 2019

/s/ THERESA A. FARBANIEC, R.M.C.
Clerk of the Borough of Sayreville

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

ADOPTED ON SECOND READING

DATED: September 9, 2019

/s/ Theresa A. Farbaniec, RMC
Clerk of the Borough of Sayreville

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

b) Borough Clerk Farbaniec announced that the Mayor returned Ordinance #464-19 to her office on August 29, 2019 with his statement declaring the Ordinance Vetoed.

ORDINANCE NO. 464-19

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE AUTHORIZING
THE ACQUISITION OF LAND IDENTIFIED AS A PORTION OF LOT 1,
BLOCK 367.01, CONSISTING OF APPROXIMATELY 4.54 ACRES,
FROM K-LAND CORP. ("SELLER") FOR THE PURCHASE PRICE OF
\$1,430,000.00 FROM THE BOROUGH'S OPEN SPACE TRUST FUND**

(Council President Buchanan, Sponsor – Public Hearing WAS HELD August 19, 2019)

Mr. DuPont stated that the State Statute requires that this veto be voted on when all Councilmembers are present and inasmuch as one Councilmember is absent he suggested that this be carried until September 23, 2019.

Council President Buchanan made a motion that this matter be carried. Seconded by Councilwoman Kilpatrick.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick, Novak, all Ayes.

b) Appointments (If any)

- **NEW BUSINESS:**

a) The Clerk read the Introduction of the following ordinances:

a) Introduction of the following ordinances:

ORDINANCE #468-19
AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #437-19
FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS
AND EMPLOYEES FOR THE YEARS 2019 – 2022

(Stipends)
(Admin. & Finance – Public Hearing 9-23-19)

Councilman Enriquez moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on September 23, 2019. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Enriquez, Buchanan, Dalina, Kilpatrick, Novak, All Ayes. Carried.

ORDINANCE #469-19
AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #436-19
FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS
AND EMPLOYEES FOR THE YEARS 2019 – 2022

(New Title)
(Admin. & Finance – Co. McGill, Public Hearing 9-23-19)

Councilman Enriquez moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on September 23, 2019. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Enriquez, Buchanan, Dalina, Kilpatrick, Novak, All Ayes. Carried.

ORDINANCE # 470-19
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XVII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO ADD SECTION
17-9 “SAYREVILLE PARKS ADOPT A BENCH”

(Rules & Regs.)
(Sponsor – Co. McGill, Public Hearing 9-23-19)

Councilman Enriquez moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on September 23, 2019. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Enriquez, Buchanan, Dalina, Kilpatrick, Novak, All Ayes. Carried.

ORDINANCE # 471-19
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER II OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO ADD SECTION
2-64.26 “SAYREVILLE PARKS ADOPT A BENCH”

(Fee)
(Sponsor - Co. McGill, Public Hearing 9-23-19)

**Councilman Enriquez moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on September 23, 2019.
Seconded by Councilwoman Novak.**

Roll Call: Councilpersons Enriquez, Buchanan, Dalina, Kilpatrick, Novak, All Ayes. Carried.

Councilwoman Kilpatrick asked when it would be deemed appropriate to make a motion to appoint one of the two EMS Organizations.

Council President Buchanan suggested that the Motion be made after we read the Resolutions In Full that are listed on tonight's agenda.

CONSENT AGENDA RESOLUTIONS

Council President Buchanan opened the meeting for any questions or comments on **Consent Agenda Resolutions**.

There were no appearances the Council President Buchanan made a motion to close the public portion and that the Consent Agenda Resolutions be approved. Seconded by Councilman Dalina.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick, Novak, all Ayes.

RESOLUTION #2019-269

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.

Absent

Kennedy O'Brien, Mayor

/s/Daniel Buchanan
Councilman

/s/ Victoria Kilpatrick
Councilwoman

/s/ Kevin Dalina
Councilman

/s/ Absent
Dave McGill Councilman

/s/ Damon Enriquez
Councilman

/s/ Mary Novak
Councilwoman

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

Bill list of September 9, 2019 in the amount of \$11,091,348.02 in a separate Bill List File for 2019 (See Appendix Bill List 2019-A for this date).

RESOLUTION #2019-270

WHEREAS, Sabert Corporation has posted an Incomplete Site Work Bond covering 2288 Main Street Extension and 879 Main Street in the amount of \$50,000.00; and

WHEREAS, the Borough Engineer's Office has recently performed a site inspection and has indicated that the required site work has been completed and has recommended that the bond in the amount of \$50,000.00 be released at this time.

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to release said bond in the amount so stated.

/s/ Damon Enriquez
Councilman
(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 Council President's signature.

/s/ Michael DuPont
Borough Attorney
BOROUGH OF SAYREVILLE

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION 2019-271

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear by Closeout Contract Change Order No. 2:

- Project: Borough Hall Boiler Replacement Project
- Contractor: Burlew Mechanical, LLC
2069 Highway 35
South Amboy, NJ 08879
- Net Increase: \$4,553.00
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved:

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

/s/ Mary J. Novak
Councilwoman
(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 Council President's signature.

/s/ Michael DuPont
Borough Attorney
BOROUGH OF SAYREVILLE

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2019-272

**ACCEPTING FINAL WORK
AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD**

WHEREAS, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: Borough Hall Boiler Replacement Project
- Contractor: Burlew Mechanical, LLC
2069 Highway 35
South Amboy, NJ 08879
- Balance Due \$3,141.06

WHEREAS, the Borough Engineer has fully issued a certificate certifying to the completion of the work and recommending payment in accordance with the terms thereof; and

WHEREAS, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

WHEREAS, the Statutes of New Jersey pertaining to the enforcement of mechanic's and materialmen's liens on municipal projects provide that notice thereof may be filed at any time within 45 days of the final acceptance of said work;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.

2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.

3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.

4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$23,557.95 and the approval of same as to form and sufficiency by the Borough Attorney.

SEPTEMBER 9, 2019
REGULAR MEETING

/s/ Mary J. Novak
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 Council President's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2019-273

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

NAME OF APPOINTEE: Maria Gonzalez
Olga Scuzzari

POSITION: School Traffic Guard

DEPARTMENT: Police

EFFECTIVE: September 5, 2019

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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-274

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

NAME OF APPOINTEE: Tracy Ansley
POSITION: Code Enforcement Officer
Permanent Full Time
DEPARTMENT: Construction
EFFECTIVE: September 16, 2019

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/ Kevin Dalina, Councilman
(Planning & Zoning Committee)

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

/s/ Michael DuPont, Borough Attorney

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-275

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

NAME OF APPOINTEE: John Kwitkoski, Jr.
POSITION: Police Lieutenant
DEPARTMENT: Police
EFFECTIVE: September 16, 2019

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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-276

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

NAME OF APPOINTEE: Daniel Ellmyer
Shawn McGrath
Michael Cinardo

POSITION: Police Sergeant

DEPARTMENT: Police

EFFECTIVE: September 16, 2019

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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-277

BE IT AND IT IS HEREBY RESOLVED that the proper borough officials are authorized to waive all Construction fees for the installation of a generator for a Vietnam Veteran who is suffering with ALS.

/s/ Kevin Dalina
Councilman
(Planning & Zoning Committee)

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

/s/ Michael DuPont
Borough Attorney

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2019-278

WHEREAS, the following applicant has applied for one trailer license to be used as a temporary construction trailer:

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
Pinnacle Commercial Development	1 Construction Office Trailer	Block 440, Lot 3.01 969 Route 9

WHEREAS, said application has been referred to the proper department for investigation and review; and

WHEREAS, a favorable report has been received from the Zoning Officer covering the location of a said trailers;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby approve the above-captioned application for permission to locate three trailers for temporary storage use on the above-captioned property.

/s/ Kevin Dalina, Councilman
(Planning & Zoning Committee)

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

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-279

BE IT RESOLVED that the proper Borough officials are hereby authorized to Award a Contract for reservoir fencing at the Water Treatment Plant to EB Fence, LLC, 220 Vine Street, Hammonton, NJ 08037, through State Contract T-0640/A88679 at a total cost not to exceed \$42,356.00.

/s/ Victoria Kilpatrick, Councilwoman
(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 Council President’s signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2019-280

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase through NJ State Contract 17-FLEET-00810, Turnout Gear for the Borough of Sayreville, Fire Department, from Skylands Area Fire Equipment & Training LLC, 23 Hamburg Turnpike Unit A, Riverdale, NJ 07457, at a total cost not to exceed \$44,917.14.

/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 Council President's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2019-281

WHEREAS, on August 14, 2019 the Mayor and Council of the Borough of Sayreville, have received bids for the "Water and Sewer Pump Station Repair and Maintenance"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 9th day of September, 2019 that:

1. Contract for the "Water and Sewer Pump Station Repair and Maintenance" be awarded to Municipal Maintenance, Co., 1352 Taylors Lane, Cinnamons, NJ on their bid prices of \$58,325.00 for Water Pump Stations and \$56,585.00 for Sewer Pump Stations as appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities.

/s/ Victoria Kilpatrick
Councilwoman
(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 Council President's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2019-282

WHEREAS, the Qualified Purchasing Agent has recommended that certain increases and decreases be included in the following described project as will more fully appear by Change Order No. 1:

- Project: Removal & Replacement of Radio Infrastructure at the Pulaski Avenue Tank
- Contractor: Tactical Public Safety
1036 Industrial Drive
West Berlin, NJ 08091
- Net Increase: \$16,086.36
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the recommendation and approval of said Qualified Purchasing Agent referred to above and in said Change Order be and the same is hereby accepted and approved:

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

/s/ 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 Council President's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan
Council President

RESOLUTION #2019-283

WHEREAS, on July 9, 2019 the Mayor and Council of the Borough of Sayreville, have received bids for the "Duhernal Well Maintenance and Redevelopment Services"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 9th day of September, 2019 that:

1. Contract for the "Duhernal Well Maintenance and Redevelopment Services" be awarded to A.C. Schultes, Inc., 664 S. Evergreen Avenue, Woodbury Heights, NJ on their bid price of \$980,300.00 as appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities.

/s/ Victoria Kilpatrick, Councilwoman
(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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-284

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, 2018 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/ Damon Enriquez, Councilman
(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 Council President's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

RESOLUTION #2019-285

WHEREAS, the Borough of Sayreville has joined the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System for the purpose of continuing the Borough of Sayreville's participation in their Electric and Natural Gas Aggregation program and authorization is required for the ESCNJ to continue to act as the agent for the Borough of Sayreville at the time of purchase.

BE IT AND IT IS HEREBY RESOLVED that I Daniel E. Frankel, Business Administrator for the Borough of Sayreville hereby authorize the ESCNJ to act as the "Agent" for the Borough of Sayreville for the purpose of applying and executing a purchase agreement for Electric and Natural Gas.

/s/ Damon Enriquez _____
Councilman
(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/ Daniel Buchanan _____
Council President

READ IN FULL

RESOLUTION #2019-286

BE IT RESOLVED that the proper borough officials are hereby authorized to sign a Collective Bargaining Agreement with the following:

- Sayreville P.B.A. Local #98 – Sergeants and Lieutenants;

and

BE IT FURTHER RESOLVED that the said contract shall be for a three (3) year period commencing January 1, 2018 to December 31, 2020 and that said Agreements shall be in accordance with the terms and Conditions of the “Memorandum of Agreement” dated Feb. 11, 2019.

/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 Council President’s signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Daniel Buchanan,
Council President

Council President Buchanan opened the meeting to the public for questions or comments on Resolution #2019-286. There were no appearances.

Councilwoman Novak moved the public hearing be closed and the resolution be approved on Roll Call Vote. Seconded by Councilwoman Kilpatrick.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick, Novak, all Ayes.

Councilwoman Novak made a motion rescinding her motion for authorization to approve Resolution #2019-286. Motion was seconded by Councilman Enriquez.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick, Novak, all Ayes and the Motion was rescinded.

Council President Buchanan made a motion to approve Resolution #2019-286 and close the public portion. Seconded by Councilman Enriquez.

**Roll Call - Ayes: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick.
Abstain: Councilwoman Novak.**

READ IN FULL

RESOLUTION #2019-287

BE IT RESOLVED that the proper borough officials are hereby authorized to sign a Collective Bargaining Agreement with the following:

- Sayreville P.B.A. Local #98 – Captains;

and

BE IT FURTHER RESOLVED that the said contract shall be for a three (3) year period commencing January 1, 2018 to December 31, 2020 and that said Agreements shall be in accordance with the terms and Conditions of the “Memorandum of Agreement” dated Feb. 11, 2019.

/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 Council President’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 Council President Buchanan opened the meeting up to the public for Resolution #2019-287. There were no appearances.

Council President Buchanan moved the Public Portion be closed and the resolution be approved on roll call vote. Seconded by Councilwoman Kilpatrick.

Roll Call Councilpersons Novak, Buchanan, Dalina, Enriquez, Kilpatrick, McGill, all Ayes. Carried.

Roll Call - Ayes: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick.
Abstain: Councilwoman Novak.

Council President stated that it is his understanding that Mayor O’Brien is not coming back to the meeting at this time, as he is ill. – Time 7:26 PM

The Borough Attorney stated that at this time a Motion could be made awarding the contract for Emergency Medical Services Contract to either Robert Wood Johnson University Hospital or Hackensack Meridian (JFK). So there would need to be a motion made.

Councilwoman Kilpatrick made a motion that they award the Emergency Medical Services Contract to Hackensack Meridian (JFK). Motion was seconded by Councilman Dalina.

Council President Buchanan opened the meeting up to the Public for questions or comments.

Those appearing were:

- Ruth Ann Mahoney, 2 Gerard Place, Parlin

Commented about the difference in the charges between both organizations, the Medical

Director and Software. She also felt that there were areas that were very vague.

No further questions or comments.

Councilman Dalina made a motion to close the public portion. Seconded by Councilman Enriquez.

Roll Call: Voice Vote, all Ayes.

Council President called for a vote on the award of the Contract.

Comments:

Councilwoman Novak agreed that the squad needs help during the daytime hours and the volunteers had agreed. She said that both hospitals would do a wonderful job. The difference between the two of them is that JFK is almost double the cost of Robert Wood.

She said that there were other areas that were vague in the contract for JFK, such as Medical Direction. She felt the RFP could not be accepted without all the facts. She said that it was a good thing that this contract was only for six months.

Councilman Enriquez announced that this is only a six month contract. So if there are any issues we can make the change.

He commented about the pricing being ala carte.

Councilwoman Novak commented about the primary hospitals listed in the RFP and in her experience as an EMT, where the majority of the called were transported to.

Councilwoman Kilpatrick thanked the volunteers and the providers for appearing tonight to speak on behalf of their RFP's. She said that both companies said that they would provide us with a medical director, both companies said that they would provide us with the same software, both of the companies expressed that they are willing to work with our volunteers (one in writing and other verbally). She thanked Dispatcher Hurley for his comments on the need for this service and the need to act. She also stated that both companies expressed that they are willing to work with the residents with the billing issues. She said that she believes that our residents would not be negatively impacted. She said that Sayreville will receive the calls, dispatch and put people in the right places. She further states that one company offered, for a \$6,500. reimbursement to the borough other \$116,000. She said that she made the motion to go with the provider that offered that figure. All other items are as close to equal as can be. This is a 6 month contract, so in the event something is not right we can make changes.

Councilwoman Novak re-iterated that she has been on the receiving end of JFK Meridian billing practices and they do pursue residents for payment. She agreed that a decision needs to be made, just disagree with the decision on the provider. She explained what Medical Direction was and that one provider said that they would provide Medical Direction the other said, if they get the contract – if they do not have the contract they would work out some agreement where we are going to have to pay for it. It would not be included for free. Felt that there are too many open questions.

Council President Buchanan thanked Business Administrator Dan Frankel for putting together the RFP and he said that he also asked Co. Novak, because of her expertise, and both squads for their input in putting together the RFP with their knowledge and understanding. He said that we are facing a hard task as volunteerism is down everywhere and the town is growing. This process took 5-7 months and this award is for 6 month RFPs. Moving into the future with the expected growth the borough needs the coverage. He said that he also asked the Squads for their opinion and recommendation and will be heeding that recommendation.

He then called for a Roll Call.

Clerk called the Roll:

AYES: Dalina, Enriquez, Kilpatrick = 3

NAYES: Buchanan, Novak = 2

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

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

• **PUBLIC PORTION & ADJOURNMENT**

At this time Council President Buchanan opened the meeting to the public for any questions or comments.

Those appearing were:

- Art Rittenhouse, 33 Delekat Lane

Commented that the Borough Attorney told him at the last meeting that he would check to see if there was any reports on soil contamination on the Fulton's Landing property and he did not respond.

Mr. DuPont said that there was correspondence that was sent from Brinkerhoff Environmental Services and that there was a test performed on the site and stated that they have a valid Mining Permit from the St. of NJ- Dept. of Workforce, effective March 31, 2020 with attorney. The site also has Site Erosion and Sediment Control approval from the Freehold Soil Conservation which is valid through Dec. 30, 2020 and also the site has operated as a commercial industrial facility and is being redeveloped as commercial industrial warehouse. The soil on the property has been evaluated by others and that it meets the NJ Dept. of Environmental Protection Non Residential Soil Standards and that the future site plans will be reviewed and coordinated with the NJ Dept. of Environmental Protection LSRP to provide for engineering and institutional controls appropriate to the site and will address any site issue required. So based upon this letter from her, she indicated to him that the soil has been evaluated by other to determine that it meets the NJ Dept. of Environmental Protection-Non Residential Soil Standards.

Mr. Rittenhouse said that this has all been stated in the past. There is nothing there that says that they are testing the soil now. He addressed the soil that has been brought in daily in the past for the past 5 years.

Mr. DuPont reiterated that the soil does meet the NJDEP Non Residential Soil Standards. All matters will be brought out before the Sayreville Economic Redevelopment Agency going forward as well as the Borough Engineer. Mr. DuPont said that he will be forwarding him the document.

Council President Buchanan said that the report said that it meets Non-residential standards and if this is the highest standard for the area.

Mr. DuPont said this is a commercial development and the soil is meeting the commercial development standard.

- Mike D'Addio, 7 Zaleski Drive

Chairman of the Sayreville Economic & Redevelopment Agency

He said that he is familiar with the letter Mr. DuPont reported on, and wanted to clarify that as of right now testing has been done, permits are in place, there is no contamination. Site plans have not been filed with SERA yet, but when plans are filed they will test the soil and nothing will be built until all soil testing has been approved by the DEP and that is when SERA gives the Okay for the plans to go before the Planning Board, etc.

- John Barr, attorney for the Sayreville Emergency Squad.
21 Brant Avenue, Clark, NJ - Also an active EMT
He addressed comments/complaints that were made by a resident about the Squad Captain. He explained that other side (the Captain's) of the story.
The Borough Attorney suggested that all these comments be held off because it is on appeal.
Council President said that they had requested information from the Sayreville Emergency Squad BOT and their actions regarding these complaints.
Mr. Barr said that they take the allegations and complaints very seriously.
Mr. Barr also commented with regards to Sayreville's daytime coverage for EMS Services.

- John Szurlej, 41 Cedar Terr.
Sayreville Emergency Squad BOT Chairperson
Referenced a Letter of appeal they were referring to.
Response by the Council President.

Councilwoman Novak addressed a letter the squad received approx. 10 days ago with a BOT Squad response date of Sept. 12th on a separate matter. Mr. Szurlej said that he had e-mailed the Business Admin. requesting an extension so the BOT can make a full investigation. The Business Admin. & Council agreed to an extension until the end of the month.

No further questions or comments. Councilwoman Novak moved the public portion be closed. Seconded by Councilman Dalina.

Roll Call: Voice Vote, all Ayes.

ADJOURNMENT

**No further business, Councilwoman Novak moved to adjourn.
Motion was seconded by Councilman Dalina.**

Roll Call: Voice Vote, all ayes.

Time: 8:01 P.M.

Respectfully submitted,

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved: _____