

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

- **STATEMENT OF NOTICE OF PUBLICATION**

Theresa Farbaniec, Municipal Clerk announced that this September 24, 2018 Council Meeting had been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Grillo, Kilpatrick,
Melendez, Novak

Absent: Councilman Lembo

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

Others Absent: None

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

Council President Kilpatrick moved the following Council Minutes be approved, subject to correction if necessary:

☞ August 28, 2018 - Receipt of Bids (2018 Roadway Paving & Reconstruction Project - Phase II)

Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

- **PROCLAMATION & PRESENTATIONS**

Mayor O'Brien called forward the coaches for the Sayreville Little League Baseball Team:

Manager Bob Corby presented Certificates of Recognition to:

- the Sayreville Little League Baseball All Star Team

| | | |
|--------------------|-------------------|------------------|
| Hunter Almeida | Matthew Corby | Aidan Ryan |
| Ryan Anthony | Anthony D'Onofrio | Kevin Ryan |
| Aidan Crimmins | Tim Mayer | Dennis Whitford |
| Michael Colonnello | Michael Novak | Brian Zapoticzny |
| | | AJ Zapoticzny |

The following coaches were also recognized:

Michael Novak, Todd Mayer, Art Almeida and Kevin Crimmins

Mayor announced that the Middlesex County Historical Society with the Sayreville Historical Society are holding a seminar and program on the Morgan Explosion Centennial with Author Randall Gabrielan on Thursday, October 4, 2018 at 7:00 PM at the Rutgers Visitor Center in Piscataway, NJ.

Mayor called for Old and New Business.

- **OLD BUSINESS:**

a) Public Hearing on the following Ordinances: (None)

- **NEW BUSINESS:**

- a) Introduction of the following ordinances:

Councilwoman Novak **moved the Ordinance** be approved on first reading, advertised according to law and a Public Hearing to be held on October 9, 2018. Motion was seconded by Council President Kilpatrick.

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

ORDINANCE #431-18
AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES
FOR THE YEARS 2014, 2015 AND 2016

(Employee Benefit Specialist)
(Admin. & Finance Committee – Public Hearing on October 9, 2018)

- **CONSENT AGENDA/RESOLUTIONS**

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

Those appearing were:

- Steve Melaneski, 28 Scarlett Dr.

- Questioned Resolution #2018-336 regarding the security in schools.

- Asked if it was for all schools and if it was discriminatory and exclusionary from the private schools as they also pay taxes. Mayor stated that we are not excluding them. They did not request any additional security. He said that the Police Chief is reaching out to the parochial schools for a response but as of this date none of the nonpublic schools have requested this. He said that we are leaving it in the hands of the Police Chief.

- Borough Attorney said that they are not being excluded, they have not asked for assistance of this nature.

Mr. Melaneski then asked if there was any further documentation for the agreement received. Mr. DuPont said that were not looking for documentation. It would have been a request to amend the agreement to include Class III Officers.

Councilman Grillo questioned item 10 in the agreement, as it related to termination and does not provide for a fail-safe if either party were to terminate.

The Borough Attorney addressed the question stating that he does not foresee either party terminating but if so, the School Board could hire their own private security.

Councilwoman Novak asked if the wording on the first page, section 3 – if we could remove the word “regular” police officer. Just in case the Police Chief can get some Class III’s to supplement the police force. The Borough Attorney stated that the Business Administrator reached out to the Dr. Labbe and he did not have an objection so we could change that language to allow for that. Councilwoman Novak said that she would just like that option to be available.

Mayor asked if this could be voted on first, subject to future amendment. He said that we need something in place. The Borough Attorney said that we could. The Borough Attorney said that we should pass it in its current form. He would then go back to the Board of Education and Police Chief to see if they have any objection. Then report back on Oct. 9 or 23rd.

- Steve Melaneski, 28 Scarlett Drive

- Asked if the public school were to terminate would the private schools still get protection and support.

- Mayor said that this is a participatory cost to this agreement.

Mr. Melaneski said that the parents of the private schools also pay taxes so why would it become exclusionary or costly for the private schools who pay the same taxes to the Board of Ed. They actually save the town money. Private schools should be afforded the same protection.

The Borough Attorney said that this is not discriminatory. This agreement is directly with the Board of Education and the Police Chief has reached out to the private schools to see if they wish to participate and they have not negotiated any type of fee for the fact they want to enter into it. He asked that he hold off until the Police Chief gets a response as to the participation of the non-public schools.

Councilman Buchanan asked how that would work inasmuch as these non-public schools have out of town children attending. Borough Attorney will talk to the Chief.

There were no further questions or comments.

Council President Kilpatrick moved to close the public portion and approve the Consent Agenda Resolutions Roll Call Vote. Seconded by Councilwoman Novak.

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

-Nays: None.

RESOLUTION #2018-314

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/Daniel Buchanan, Councilman

Absent
Pasquale Lembo, Councilman

/s/Steven Grillo, Councilman

/s/Ricci Melendez, Councilman

/s/Victoria Kilpatrick, Councilwoman

/s/Mary J. Novak, Councilwoman

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

/s/Michael DuPont, Borough Attorney

Bill list of September 24, 2018 in the amount of \$3,647,350.20 in a separate Bill List File for 2018 (See Appendix Bill List 2018-A for this date).

RESOLUTION #2018-315

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: Jeanmarie O’Leary
POSITION: Clerk / Part-Time
DEPARTMENT: Municipal Clerk’s Office
EFFECTIVE: October 1, 2018

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

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

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

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O’Brien
Mayor

RESOLUTION #2018-316

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: Jennifer Dusko
POSITION: Clerk I
DEPARTMENT: Tax Collector’s Office
EFFECTIVE: October 1, 2018

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

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

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

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O’Brien
Mayor

*Person to Person Transfer
Change in Corporate Structure*

RESOLUTION 2018-317

WHEREAS, an application has been received by the Municipal Clerk for a person to person transfer change in corporate structure of Plenary Retail Distribution License #1219-44-047-009, heretofore issued to P.T. Waterfront, Inc. located at 980 Route 9 South, Sayreville, NJ.

WHEREAS, said application is complete in all respects, the transfer fees have been paid, the applicant has disclosed with the issuing authority the source of all funds used in the purchase of said license and business and the license has been properly renewed for the current license term;

WHEREAS, the applicant has duly advertised in the Home News Tribune on August 11, 2018 and August 18, 2018, 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

WHEREAS, all other necessary requirements have been fulfilled and proper investigations have been made, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville does hereby approve, the **transfer of Plenary Retail Distribution License #1219-44-047-009 now held by P.T. Waterfront Inc., to 980 Infinity, Inc.** and that the Municipal Clerk is hereby authorized to endorse the license certificate to the new ownership, subject to all its terms and conditions, **effective September 25, 2018.**

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

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

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien
Mayor

RESOLUTION #2018-318

BE IT RESOLVED that the persons listed on "Attachment A" are hereby appointed, in accordance with N.J.S.A. 40A:9-154.1 to the following title and department:

POSITION: School Traffic Guards

DEPARTMENT: Police

EFFECTIVE: September 1, 2018 through August 31, 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 Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien
Mayor

RESOLUTION #2018-319

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: David Cormier
POSITION: School Traffic Guard
DEPARTMENT: Police Department
EFFECTIVE: September 6, 2018

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

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

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

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien
Mayor

RESOLUTION #2018-320

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: William Severino
POSITION: School Traffic Guard
DEPARTMENT: Police Department
EFFECTIVE: September 6, 2018

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

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

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

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien
Mayor

RESOLUTION #2018-321

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, through State Contract #A80968, Hurst Edraulics for the Borough of Sayreville, Fire Department, from Tasc Fire Apparatus, Inc., P.O. Box 86, Adelphia, NJ 07710, at a total cost not to exceed \$39,691.75.

/s/ Daniel Buchanan
Councilman
(Public Safety Committee)

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-322

BE IT AND IT IS HEREBY RESOLVED that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Hercules Village Road Reconstruction Project at a fee not to exceed \$70,000.00 and upon approval of said plans and specifications that Borough Clerk is further authorized to advertise for the receipt of bids.

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

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-323
**RESOLUTION AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT FOR THE
PURCHASE OF LEAF BAGS**

WHEREAS, the Borough of Sayreville has a need to purchase leaf bags through a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A- 20.5* and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is less than one year; and

WHEREAS, PABCA Industries LLC of Newark, NJ has indicated they will provide leaf bags for the Borough of Sayreville; and

WHEREAS, PABCA Industries LLC has completed and submitted a Business Entity Disclosure Certification which certifies that PABCA Industries LLC has not made any reportable contributions to a political or candidate committee in the Borough of Sayreville in the previous one year, and that the contract will prohibit PABCA Industries LLC from making any reportable contributions through the term of the contract, and

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

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sayreville authorizes the Purchasing Agent to enter into a contract with PABCA Industries LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

/s/ Victoria Kilpatrick
Councilwoman
(Public Works Committee)

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-324
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: Sayreville Free Public Library Roof Replacement
- Contractor: Safeway Contracting, Inc.
136 Market Street
Kenilworth, NJ 07033
- Balance: \$88,486.00

WHEREAS, the Borough Architect 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 two-year 15% Maintenance Bond in the amount of \$47,000.00 and the approval of same as to form and sufficiency by the Borough Attorney.

/s/ Victoria Kilpatrick
Councilwoman
(Public Works Committee)

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-325

BE IT AND IT IS HEREBY RESOLVED that the Borough Engineer is hereby authorized and directed to update the Borough of Sayreville's Water System Supply and Distribution Master Plan at a fee not to exceed \$98,500.00.

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

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-326

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: Christopher Baist
Connor Deecken

POSITION: Laborer

DEPARTMENT: Water & Sewer Department

EFFECTIVE: October 1, 2018

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

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

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

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-327

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear in Closeout Contract Change Order No. 1:

- Project: Winding Woods Wastewater Pump Station Reconstruction Project
- Contractor: Coppola Services, Inc.
28 Executive Parkway
Ringwood, NJ 07456
- Net Decrease: \$60,349.55
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

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

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

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

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-328
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: Winding Woods Wastewater Pump Station Reconstruction Project

- Contractor: Coppola Services, Inc.
28 Executive Parkway
Ringwood, NJ 07456

- Balance: \$15,951.61

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 two-year 15% Maintenance Bond in the amount of \$119,637.06 and the approval of same as to form and sufficiency by the Borough Attorney.

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

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-329

WHEREAS, on December 4, 2015, Kaplan Companies, posted a 90% Performance Bond with the Borough of Sayreville in the amount of \$868,458.15 and a 10% Letter of Credit in the amount of \$96,495.35 covering LaMer Section 6 – Phase 6-2, Block 449, Lot 10.62; and

WHEREAS, the Borough engineer’s office has recently performed a site inspection and has indicated that the developer has completed a considerable amount of site related improvements and has recommended that the Performance Bonds and Cash Bonds be further reduced as follows:

-REVISED AMOUNTS TO BE POSTED-

| | |
|------------------------------|-----------------------------|
| 90% Performance Bonds | 10% Letter of Credit |
| \$514,182.10 | \$57,131.35 |

; and

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

1. The proper borough officials are hereby authorized to reduce the above-captioned bonds in the amounts so stated.

/s/ Victoria Kilpatrick, Councilwoman
(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 Mayor’s signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

RESOLUTION #2018-330

WHEREAS, Borough desires to enter into a professional services agreement with Tank Industry Consultants, Inc., 7740 West New York Street, Indianapolis, Indiana 46214 for the purpose of providing expert services associated with the Rehabilitation of the Pulaski Avenue Tank located in the Borough of Sayreville; and

WHEREAS, such an agreement meets the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1; and

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

1. The Borough Council hereby authorizes the execution of an agreement with Tank Industry Consultants, Inc. for the purpose of providing expert professional services associated with the Rehabilitation of the Pulaski Avenue Tank in an amount not to exceed \$71,550.00 unless otherwise authorized by a subsequent decision of the Borough Council.

2. All officers, employees, agents and professionals of the Borough are hereby authorized and directed to perform the tasks and execute the documents that will affect the purpose and intent of this Resolution.

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

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

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-331

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BORDENTOWN AVENUE PEDESTRIAN IMPROVEMENTS PROJECT

WHEREAS, the Borough Engineer has recommended the submission of an application for a grant related to a project within the Borough of Sayreville which would fall into the category of projects covered by the Fiscal Year 2019 Municipal Aid Program promulgated by the NJDOT Transportation Trust Fund; and

WHEREAS, the Borough Council believes that it is in the best interest of its residents to submit applications for the possible grant funds from the Transportation Trust Fund for projects recommended by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council are hereby authorized to submit an electronic grant application identified as SST-2019-Sayreville Borough-00030 to the New Jersey Department of Transportation on behalf of the Borough of Sayreville.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant application on behalf of the Borough of Sayreville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien
Mayor

RESOLUTION #2018-332

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ERNSTON ROAD IMPROVEMENTS PROJECT

WHEREAS, the Borough Engineer has recommended the submission of an application for a grant related to a project within the Borough of Sayreville which would fall into the category of projects covered by the Fiscal Year 2019 Municipal Aid Program promulgated by the NJDOT Transportation Trust Fund; and

WHEREAS, the Borough Council believes that it is in the best interest of its residents to submit applications for the possible grant funds from the Transportation Trust Fund for projects recommended by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council are hereby authorized to submit an electronic grant application identified as MA-2019-Sayreville Borough-00354 to the New Jersey Department of Transportation on behalf of the Borough of Sayreville.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant application on behalf of the Borough of Sayreville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

/s/Michael DuPont, Esq.
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien
Mayor

RESOLUTION #2018-333

WHEREAS, on September 18, 2018 the Mayor and Council of the Borough of Sayreville received bids for the "2018 Roadway Paving & Reconstruction Project – Phase I"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 24th of September, 2018:

1. Contract for the "2018 Roadway Paving & Reconstruction Project Phase I" be awarded to Jads Construction Co. of NJ, Inc. of South River, NJ on their bid price of \$404,670.00 as appears on copy of bid document attached hereto and made a part hereof.

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

/s/ Victoria Kilpatrick
Councilwoman
(Public Works Committee)

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-334

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk is hereby authorized and directed to refund \$40.00 to the St. Stanislaus Kostka Holy Name Society for a Calendar Raffle that was cancelled.

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

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

/s/Michael DuPont, Esq.
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien
Mayor

(Pocket License)

RESOLUTION #2018-335
BOROUGH OF SAYREVILLE RESOLUTION TO RENEW
P.R.C.L. #1219-33-022-003, STOCK ENTERPRISE, INC.
T/A COLOSSEUM WITH CONDITIONS FOR THE
2018/2019 LICENSE YEAR

WHEREAS, Stock Enterprise, Inc. t/a Colosseum is the holder of Plenary Retail Consumption License # 1219-33-022-003 issued by the Mayor and Council of the Borough of Sayreville as the Issuing Authority; and

WHEREAS, application for renewal has been made to the Mayor and Borough Council of the Borough of Sayreville for the 2018/2019 licensing term; and

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

WHEREAS, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2018/2019 license term; and

WHEREAS, on August 28, 2016, David P. Rible, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of a pocket license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 08-18-464 for a two-year period, covering the 2018/2019 and 2019/2020 license terms; and

WHEREAS, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the 2018/2019 license term and to grant or deny said application in the reasonable exercise of its discretion;

BE IT FURTHER RESOLVED THAT Plenary Retail Consumption License Number 1219-33-022-003, Stock Enterprise, Inc. t/a Colosseum, is hereby renewed for the 2018/2019 license year, subject to the following conditions remaining on the license:

1. Licensee or any other transferee, person or entity who may retain a present or future possessory interest in the License must close the Licensed Premises for sixty (60) days of continuous operation after the License has been reactivated. Such sixty (60) day suspension will commence on the thirtieth (30th) day after the Licensed Premises has been in operation and open for business.
2. Licensee or any other transferee, person or entity who may retain a present or future possessory interest in the License will not submit a request to the Director of the New Jersey Division of Alcoholic Beverage Control requesting a monetary payment in lieu of the sixty (60) day suspension or any other offer in compromise of suspension at any time in the future.
3. Licensee will not appeal this sixty (60) day suspension or the terms thereof to the Director of the New Jersey Division of Alcoholic Beverage Control at any time in the future.

4. All current existing conditions already on the License shall remain with the License and will not be affected by Licensee's sixty (60) day suspension. These conditions on the License shall remain with the License for each and every renewal period until further resolution by the Mayor and Council.

5. The License is revocable at any time for failure to comply with these conditions. Any violation of Alcohol Beverage Control Law or the previously mentioned conditions may result in immediate revocation of the License.

6. Licensee shall establish a litter-free zone surrounding the Licensed Premises as well as any littering in the neighborhood which can be directly attributed to the conduct of the business and must assign specific personnel on a daily basis to accomplish the fore-mentioned litter-free zone.

7. Licensee shall implement and shall strictly enforce a policy that patrons who have been admitted to enter the Licensed Premises and who subsequently exit the Licensed Premises will not be permitted to re-enter the Licensed Premises on the same day/evening. This is in recognition of the fact that this activity of re-entering the Licensed Premises by patrons provides the patrons the opportunity to facilitate the use of drug activities inside the Licensed Premises.

8. The employees and staff of Licensee shall be required to obtain photo identification cards prepared by and from the Sayreville Police Department. Said identification card must be kept on their persons at all times while employed at and located on the property of Licensee. The purpose of this requirement is to alleviate difficulties encountered by police investigating complaints on the premises in which members of the security staff are identified as either potential witnesses or suspects and designed to respond to the findings of a previous ABC investigation in which it was determined that some of the employees found on-site during the investigations were not properly entered in the employee records of the License.

9. Licensee shall provide proper trash receptacles in the parking lots and outside the Licensed Premises as well as all residential areas within a five hundred (500) foot radius of the Licensed Premises. This includes all parking lots, Chevalier Avenue from Oak Street to Route 35 and Oak Street from Old Route 4 to Fouratt Avenue, Route 9 & 35 from Chevalier Avenue South to and including the business Beau Monde Furniture, which shall be cleaned of all litter, trash and other discarded items. This cleaning shall be accomplished by 10:00 a.m. each day following the hours of operation of the Licensed Premises. The described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with the operation of the Licensee, to the extent that the residents within the five hundred (500) foot radius consent to permit access to their private property to be cleaned of all litter, trash and other discarded items at the sole cost and expense of Licensee. This measure is designed to alleviate any problems associated with the accumulation of empty beverage containers, can, bottles, and other debris that is the result from the operation of the Licensed Premises.

10. Licensee shall install "zero tolerance" signs inside the Licensed Premises at or adjacent to the entry to the premises containing language indicating that the patrons will be prosecuted to the fullest extent of the law for any possession, sale or distribution of any drug, controlled substance or drug paraphernalia. This measure is designed to discourage drug activity occurring at or on the Licensed Premises.

11. Licensee shall install soundproofing equipment and take any other necessary steps to eliminate the emission of sound and vibration from the Licensed Premises sufficient to ensure that no audible sound is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaints received. The bass beat is not to be transmitted to the exterior of the building. The doors to the Licensed Premises will remain closed at all times.

12. Licensee shall cease all sales of alcohol at 1:30 a.m. and shall cease the playing of music at 1:45 a.m. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of

patrons from exiting the Licensed Premises at the same time resulting in loitering around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area. The Licensed Premises is to be vacated by all patrons by 2:00 a.m.

13. Licensee shall institute a policy that on nights where patrons aged eighteen (18) through twenty (20) may be admitted to the Licensed Premises along with patrons aged twenty-one (21) and over, such patrons over the age of twenty-one (21) shall be required to wear secure wristbands of a color differentiated from any wristbands required to be worn by patrons under the age of twenty-one (21), and that patrons age twenty (20) and under shall be stamped with an indelible mark on their hands in order to prevent violations of laws prohibiting sales of alcohol to persons under age twenty-one (21). All such wristbands shall be incapable of being reattached once removed in order to prevent violations of laws prohibiting sales of alcohol to persons under age twenty-one (21). This measure is designed to prevent violations of the drinking age laws.

14. Licensee shall securely stow all alcoholic beverages and shall not serve any alcohol whatsoever on those occasions that Licensee provides access to teenagers under the legal drinking age at events commonly referred to as "Teen Nights". During such events, all alcoholic beverages shall be removed from the bar areas and secured. This measure is designed to prevent violations of drinking age laws as noted by

the Council in previous findings related to a prior disciplinary action. This condition is included in anticipation of Licensee having a "Teen Night" in the future.

15. Licensee shall require all security staff, except for undercover security staff employed by Licensee to wear clothing or uniforms which are highly visible and well marked on the front and rear. This will include orange shirts with black block letters stating "SECURITY". This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot and further to assist police in identifying security personnel when patrolling or responding to complaints or calls.

16. Licensee shall institute a policy of providing minimum security staff in a ratio of one (1) security employee for each fifty (50) patrons, and that such security personnel be stationed in the parking lot area of the premises at all times during the hours of operation to control and supervise the parking lot area, not only with regard to parking, but with regard to the conduct and behavior of the patrons while on the Licensed Premises.

17. Parking attendants, valet parking staff, waitresses, bartenders, and the owner shall not count as "security staff" in calculating the proper ratio of security staff to patrons. Any undercover security will be in addition to the readily identifiable security and not included in the security of one (1) per fifty (50) patrons. This measure is designed to ensure that the security staff employed by Licensee is sufficient to handle the number of patrons in attendance on a given night so as to constitute a visible, identifiable and adequate security presence, to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot. All security staff are to expedite the removal of all customers from the premises by 2:00 a.m. and then exit and assist in the dispersal of the customers from the parking lots.

18. On promotional evenings, when a large crowd is expected, Licensee will coordinate with the police and notify the Police Department a minimum of two (2) weeks (fourteen days) in advance.

19. On a weekly basis, Licensee will deliver in person, mail, or fax a copy of the E-141-A list, commonly known as the employee list, to the Police Department. DJs, dancers, and other entertainers are to be included as employees, as per ABC rules.

20. Licensee shall institute a policy and instruct its parking lot attendants and employees to abide by a policy that requires that, when the parking facilities used by the Licensed Premises are at full capacity, any additional cars seeking to enter the parking lots shall be "waved off" by parking lot attendants in order to ensure

that traffic jams do not occur, but that such traffic continues to move through and out of the area of the Licensed Premises when there are no legal spaces available in the Licensed Premises' parking lots to accommodate additional cars. "Wave off" will also be put in place when traffic backs up onto Route 9 & 35 North.

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

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

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

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

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

/s/Michael DuPont, Esq.
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien
Mayor

RESOLUTION #2018-336
RESOLUTION MEMORIALIZING THE AUTHORIZATION
THE EXECUTION OF A SHARED SERVICES AGREEMENT
WITH THE SAYREVILLE BOARD OF EDUCATION

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the September 11, 2018 Regular Meeting authorizing the execution of a Shared Services Agreement with the Sayreville Board of Education for the Borough to provide security services for each school in the district, as outlined in the attached agreement.

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

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

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTIONS TO BE READ IN FULL - None

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

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

- **CFO – Denise Biancamano** – No Report

• **PUBLIC PORTION**

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

Those appearing were:

Those appearing were:

Ed Strek, 58 Nickel Avenue
Captain – American Legion Post 211

He indicated that yesterday VFW Memorial Post 4699 conducted a service re-dedicating the M42 “Duster” Armored Vehicle (Tank). He said that the M42 had been totally restored in attendance at the service was the VFW Honor Guard and the American Legion Honor Guard.

- There were no further appearances.

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

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

• **ADJOURNMENT**

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

Roll Call: Voice Vote, all Ayes.

Time 7:28 P.M.

Respectfully submitted,

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved