

Mayor Kilpatrick opened the Council Meeting at 7:00 PM followed by a short prayer and salute to the flag. This meeting was being held via electronic communications.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Morelos announced that this May 26, 2020 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 Dalina(telephone), Enriquez, Maher(telephone), Novak, Roberts(telephone).

Absent: None

Others Present: Mayor Victoria Kilpatrick  
Daniel E. Frankel, Business Administrator (telephone)  
Denise Biancamano, C.F.O./Treasurer (telephone)  
Jessica Morelos, Municipal Clerk  
Michael DuPont, Esq., Borough Attorney (telephone)  
Jay Cornell, P.E., Borough Engineer (telephone)  
Nicole Waranowicz, Asst. Municipal Clerk

Others Absent: None

Municipal Clerk Morelos announced the procedure for the public to participate in the public portions.

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

Council President Novak moved the following minutes be approved, subject to correction if necessary:

☞ May 11, 2020 - Regular & Agenda Sessions

Seconded by Councilman Enriquez.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Maher, Roberts, all Ayes.

- **PROCLAMATION & PRESENTATIONS**

☞ Proclamation – Falun Dafa

# Proclamation

**WHEREAS**, Falun Dafa, also known as Falun Gong, is a peaceful and advanced cultivation practice system that centers around the universal principles of Truthfulness, Compassion and Forbearance, and consists of five sets of gentle exercises, including meditation; and

**WHEREAS**, Falun Dafa was first introduced to the public by Mr. Li Hongzhi on May 13<sup>th</sup>, 1992; and has demonstrated a steadfast commitment to improving health in mind, body and spirit, and to enhancing the well-being of people from all walks of society, who follows its tenet; and

**WHEREAS**, All Falun Dafa activities, including classes and practices, are offered by volunteers, opened to the public, and free of charge; over 100 million practitioners in more than 100 countries have been benefited from practicing Falun Dafa; and

**WHEREAS**, Falun Dafa practitioners in the community, including Borough of Sayreville in New Jersey, across the United States celebrate the 28th anniversary of public introduction of Falun Dafa and the 21st World Falun Dafa Day;

THEREFORE, BE IT RESOLVED THAT, I, Mayor Victoria Kilpatrick, of Borough of Sayreville do hereby proclaim May 2020 to be Falun Dafa Month, Honoring Truthfulness compassion forbearance.

IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 26<sup>th</sup> day of May, 2020

  
Victoria Kilpatrick, Mayor

Council President Novak moved the following proclamation be approved. Seconded by Councilman Enriquez.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Maher, Roberts, all Ayes.

Mayor Kilpatrick stated the governor has us in Phase 1 of the road back. She stated that lifting of the 10 persons gathering was up to 25 and that all social distancing regulations need to be followed. Mayor stated that there are six new reported cases in Sayreville. She stated the testing sites are still operational. Mayor stated that one of the focuses right now is the Federal funds that will be available and how the economic fallout will impact the municipalities. She stated that they will fight to try to get as much relief and assistance for the town. Mayor stated that the next couple of months is when they anticipate that we will see the true economic impact of that.

- EXECUTIVE SESSION –None

- OLD BUSINESS:

a) Public Hearing on the following Ordinances:

Borough Clerk Morelos read the heading for the following ordinances listed for Public Hearing:

Public Hearing on Ordinance #502-20.

Mayor Kilpatrick opened the meeting to the public for questions or comments on Ordinance #502-20.

There were no appearances.

**Councilwoman Roberts 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 Roberts, Dalina, Enriquez, Maher, Novak, all Ayes.**

**ORDINANCE #502-20**

**ORDINANCE OF THE BOROUGH OF SAYREVILLE AUTHORIZING THE EXECUTION OF A CONSENT JUDGEMENT, A CONTRIBUTION AGREEMENT AND THE RECORDING OF A CONSERVATION EASEMENT ON BLOCK 20, LOT 1, BLOCK 21, LOTS 2 THROUGH 7, BLOCK 22, LOT 1, AND BLOCK 23, LOT 1 ON THE TAX MAPS OF SAYREVILLE IN CONNECTION WITH N.J. DEPARTMENT OF ENVIRONMENTAL PROTECTION ET AL. V. CARBIDE/GRAPHITE GROUP, INC. ET AL. DOCKET NO. MID-L-5793-07 (SUPERIOR COURT OF N.J., LAW DIVISION, MIDDLESEX COUNTY)**

**WHEREAS**, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund, (collectively, "NJDEP"),

commenced a lawsuit in the Superior Court of New Jersey, Law Division-Middlesex County, that is captioned, N.J. Department of Environmental Protection et al. v. Carbide/Graphite Group, Inc. et al., Docket No. MID-L-5793-07 (the "Lawsuit"); and

**WHEREAS**, a number of defendants were named by the NJDEP and some of these defendants named the Borough as a third-party defendant in the Lawsuit (collectively "Defendants"); and

**WHEREAS**, NJDEP and the Defendants have agreed to amicably resolve all of the claims asserted by any party in the Lawsuit, pursuant to the terms set forth in the Consent Judgment, a copy of which is attached hereto as **Exhibit A** (the "Consent Judgment") and the Contribution Agreement a copy of which is attached hereto as **Exhibit B**; and

**WHEREAS**, pursuant to, and as set forth in detail in, the Consent Judgment and the Contribution Agreement, the parties agree as follows:

(1) NJDEP shall dismiss with prejudice all of its claims in the Lawsuit;

(2) the Borough shall preserve approximately 24.15 acres of property owned by the Borough known as Block 20, Lot 1, Block 21, Lots 2 through 7, Block 22, Lot 1, and Block 23, Lot 1 (the "Property"), by way of the granting of a conservation easement to NJDEP ("Conservation Easement");

(3) the Defendants, excluding the Borough, shall reimburse to NJDEP of \$32,989.60 in natural resource damage assessment costs and attorneys fees incurred by the NJDEP to be paid by the Defendants but not the Borough; and

(4) the Defendants shall reimburse to the Borough \$373,505.20 for their share of the value of the Property being conserved by the Borough.

**NOW THEREFORE BE IT ORDAINED AND ENACTED**, by the Borough Council of the Borough of Sayreville as follows:

1. The Mayor of the Borough of Sayreville is hereby authorized and directed to execute both the Consent Judgment and the Contribution Agreement, and to take any and all actions necessary to effectuate this Ordinance and said agreements;
2. The Mayor of the Borough of Sayreville, with the assistance of the Borough engineer and special legal counsel, is hereby authorized and directed to record the Conservation Easement on the Property;
3. This Ordinance shall be published by the Borough Clerk; and
4. This Ordinance shall take effect immediately upon the publication.

**INTRODUCED/APPROVED ON FIRST READING**

DATED: May 11, 2020

/s/Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

/s/Donna Roberts, Councilwoman  
(Admin. & Finance Committee)  
Borough of Sayreville

**ADOPTED ON SECOND READING**

DATED: May 26, 2020

/s/Jessica Morelos, R.M.C.  
Clerk of the Borough of Sayreville

/s/Donna Roberts, Councilwoman  
(Admin. & Finance Committee)  
Borough of Sayreville

**APPROVAL BY THE MAYOR ON THIS 26<sup>th</sup> DAY OF MAY, 2020.**

/s/Victoria Kilpatrick, Mayor  
Borough of Sayreville

APPROVED AS TO FORM:

/s/MICHAEL DUPONT, ESQ., Borough Attorney

b) Appointments: NONE

• **NEW BUSINESS:**

a) Received notice of resignation from Councilman David McGill, effective May 15, 2020.

b) Nominations to fill the vacancy of Councilperson for David McGill unexpired term through 2020.

Council President Novak made a motion to receive and file. Seconded by Councilman Enriquez.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Maher, Roberts, All Ayes.

Mayor then asked if there was a nomination to for appointment to this Council seat for the unexpired term.

Council President Novak nominated Vincent Conti to fill the unexpired term. Seconded by Councilman Enriquez.

Mayor then called for a Roll Call on the nomination of Vincent Conti.

Roll Call: Councilpersons Novak, Dalina, Enriquez, Maher, Roberts, All Ayes.

Borough Clerk Morelos called Mr. Conti to come forward to be sworn in.

Borough Clerk Morelos administered the Oath of Office to Mr. Conti for the unexpired term of David McGill, expiring December 31, 2020.

c) The Clerk read the Introduction of the following ordinances: NONE

**CONSENT AGENDA RESOLUTIONS**

Mayor opened the meeting for any questions or comments on Consent Agenda Resolutions.

There were no appearances.

Council President Novak made a motion to close the Public Portion and adopt the Consent Agenda Resolutions. Seconded by Councilman Enriquez.

Roll Call: Councilpersons Novak, Conti, Dalina, Enriquez (Nay on #2020-124), Maher, Roberts(Nay on #2020-124), all Ayes.

**RESOLUTION #2020-121**

**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/ Victoria Kilpatrick, Mayor

/s/ Kevin Dalina, Councilman

/s/ Vincent Conti, Councilman

/s/ Damon Enriquez, Councilman

/S/ Mary J. Novak, Councilwoman

/s/ Michele Maher, Councilwoman

/s/ Donna Roberts, 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 R. DuPont, Borough Attorney

Bill list of May 26, 2020 in the amount of \$310,805.31 in a separate Bill List File for 2020 (See Appendix Bill List 2020-A for this date).

**RESOLUTION 2020-122**

**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. 1:

- Project: Duhernal Wellfield Generator and Electrical Improvements
- Contractor: Dee-En Electric  
3014 Tremley Point Road  
Linden, NJ 07036
- Net Decrease: \$26,580.46
- 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/ Michele Maher, 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 Mayor’s signature.

/s/ Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Jessica Morelos, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Mayor

**RESOLUTION #2020-123**

**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: Duhernal Wellfield Generator and Electrical Improvements
- Contractor: Dee-En Electric  
3014 Tremley Point Road  
Linden, NJ 07036
- Balance Due \$7,154.99

**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 \$53,662.43 and the approval of same as to form and sufficiency by the Borough Attorney.

/s/ Michele Maher, 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 Mayor's signature.

/s/ Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Jessica Morelos, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Mayor

**RESOLUTION #2020-124**

**BE IT AND IT IS HEREBY RESOLVED** that the proper Borough officials are hereby authorized to award an emergency contract for installation of a 10ft. chain link fence at the Skate Park to National Fence Systems, Inc., 1033 Route 1, Avenel, NJ 07001, at a total cost not to exceed \$37,100.00.

/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 Mayor's signature.

/s/ Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Jessica Morelos, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Mayor

**TO BE READ IN FULL**

**RESOLUTION #2020-125**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING RESOLUTION 2020-92**

**WHEREAS**, on April 13, 2020 at a Regular Council Meeting the Governing Body passed Resolution 2020-92; and

**WHEREAS**, said Resolution authorized the preparation and submission of a grant application in the amount of \$850,000.00 to the State of New Jersey pursuant to the New Jersey Library Construction Bond Act on behalf of the Borough of Sayreville; and

**WHEREAS**, said Resolution mis-stated the amount to be applied for; and

**BE IT AND IT IS HEREBY RESOLVED** that Resolution 2020-92 be amended to correct the sum of \$850,000.00 to \$1,000,000.00.

/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 Mayor's signature.

/s/ Michael R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Jessica Morelos, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Mayor

At this time Mayor Kilpatrick opened the meeting up to the public for questions or comments on this resolution.

There being no comments, the Mayor called for a motion.

Council President Novak moved the public portion be closed and the Resolution be adopted on Roll Call vote. Seconded by Councilman Enriquez.

Roll Call: Ayes: Councilpersons Novak, Conti, Dalina, Enriquez, Maher.  
Nays: Councilwoman Roberts. Carried.

**TO BE READ IN FULL**

**RESOLUTION #2020-126**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY, AUTHORIZING THE  
EXECUTION OF THE CORONAVIRUS, AID, RELIEF AND  
ECONOMIC SECURITY ACT (CARES ACT)  
COUNTY/MUNICIPAL REIMBURSEMENT AGREEMENT**

**WHEREAS**, the United States of America, the State of New Jersey, the County of Middlesex and the Borough of Sayreville have become victims of the COVID-19 Virus and Pandemic (the "Coronavirus"); and

**WHEREAS**, the Coronavirus has caused economic damage and hardships to states, counties and municipalities throughout the United States of America; and

**WHEREAS**, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was signed by President Donald J. Trump; and

**WHEREAS**, the County of Middlesex has received CARES Act funds in the amount of \$143,966,956.60 from the United States Treasury (the "Stimulus Funds") to be used to reimburse the County and municipalities and agencies within the County (the "Municipalities") including the Borough of Sayreville due to economic damage caused to them by the Coronavirus; and

**WHEREAS**, the Borough of Sayreville has received an Agreement from the County of Middlesex wherein the Borough may receive funds according to its eligibility; and

**WHEREAS**, the Agreement has been reviewed and approved by the Governing Body of the Borough of Sayreville; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** the appropriate Borough Officials are authorized to execute the CARES Act Agreement between the County of Middlesex and the Borough of Sayreville.

/s/ Donna Roberts, 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 R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Jessica Morelos, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Mayor

At this time Mayor Kilpatrick opened the meeting up to the public for questions or comments on this resolution.

There being no comments, the Mayor called for a motion.

Council President Novak moved the public portion be closed and the Resolution be adopted on Roll Call vote. Seconded by Councilman Enriquez.

Roll Call: Councilpersons Novak, Conti, Dalina, Enriquez, Maher, Roberts, all Ayes. Carried.



**TO BE READ IN FULL**

**RESOLUTION #2020-127**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE  
SUPPORTING THE ENACTMENT OF ASSEMBLY BILL NO. 3971  
AND SENATE BILL NO. 2474 TO AUTHORIZE THE  
ISSUANCE OF CORONAVIRUS RELIEF BONDS  
BY MUNICIPALITIES AND COUNTIES**

**WHEREAS**, municipalities and counties throughout New Jersey are facing unprecedented financial challenges, including significant loss of revenue and unanticipated spending due to the ongoing COVID-19 State of Emergency and Public Health Emergency; and

**WHEREAS**, without relief, local government may have to significantly reduce services and layoff personnel; and

**WHEREAS**, in response to these conditions, Assemblymen Benson and Coughlin introduces A-3971 and Senator Singleton introduced S-2474, which authorizes local units to issue "coronavirus relief bonds" to allow them to borrow money, with a ten-year payback period, to cover shortfalls and unanticipated costs that are a direct result of the COVID-19 pandemic; and

**WHEREAS**, such bonds will provide local units with flexibility to ensure continuation of essential services; and

**WHEREAS**, the NJMEL, through its joint member Joint Insurance Funds, provides insurance coverage to almost 65% of municipalities throughout the State, which has resulted in savings to taxpayers of over 3 billion dollars over three decades; and

**WHEREAS**, to assist members in this emergency, the MEL is purchasing up to 100 million dollars in short term bonds to help stabilize the bond market for its members; and

**WHEREAS**, at its upcoming meeting on June 3<sup>rd</sup>, the MEL plans to adopt an insurance rate freeze for 2021 that will help its member JIFs plan their 2021 budgets.

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Sayreville hereby affirms its support for the enactment of A-3971 and S-2474.

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall be directed to transmit a copy of this Resolution to the Governor, Senate President and Assembly Speaker.

/s/ Donna Roberts, 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 R. DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Jessica Morelos, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Mayor

At this time Mayor Kilpatrick opened the meeting up to the public for questions or comments on this resolution.

There being no comments, the Mayor called for a motion.

Council President Novak moved the public portion be closed and the Resolution be adopted on Roll Call vote. Seconded by Councilman Enriquez.

Roll Call: Ayes: Councilpersons Novak, Conti, Dalina, Enriquez, Maher.

Nays: Councilwoman Roberts.

Carried.

➤ **BOROUGH ATTORNEY - Michael DuPont -None**

• **PUBLIC PORTION**

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

There were no comments.

Mayor Kilpatrick called for a Motion. **Council President Novak made a motion to close the Public Portion. Seconded by Councilman Enriquez.**

Roll Call: Voice Vote, all ayes.

• **ADJOURNMENT**

No further business Council President Novak moved to adjourn. Seconded by Councilman Enriquez.

Roll Call: Voice Vote, all ayes.

Time 7:21 P.M.

Respectfully submitted,

\_\_\_\_\_  
Jessica Morelos, RMC  
Municipal Clerk

Date Approved: \_\_\_\_\_