

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

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Morelos announced that this October 25, 2021 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 and the Star Ledger, notifying the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Conti, Dalina, Enriquez, Novak, Roberts

Absent: Councilwoman Maher

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

Others Absent: None

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

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

☞ October 12, 2021 - Regular, Agenda & Closed Sessions

Seconded by Councilman Enriquez.

Roll Call: Councilpersons Dalina, Conti, Enriquez, Novak, Roberts, all ayes.

- **PROCLAMATION & PRESENTATIONS - NONE**

- **EXECUTIVE SESSION - NONE**

- **OLD BUSINESS: NONE**

- **NEW BUSINESS:**

a) Clerk Morelos reported having received the Supplemental Debt Statement as of October 25, 2021, from CFO Denise Biancamano.

Council President Dalina moved the Supplemental Debt Statement be received and filed. Seconded by Councilwoman Novak.

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

b) Introduction of the following ordinances:

BOND ORDINANCE #545-21

**BOND ORDINANCE PROVIDING FOR THE REMEDIATION
OF SOIL AND GROUNDWATER AT THE FORMER FIRST
AID SQUAD SITE IN, BY AND FOR THE BOROUGH OF
SAYREVILLE, NEW JERSEY, APPROPRIATING \$250,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$235,000 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF SUCH APPROPRIATION**

(Admin. & Finance Committee – Co. Roberts – Public Hearing 11-8-21)

Councilwoman Roberts moved the Ordinance be approved on first reading, advertise according to law and a Public Hearing be scheduled for November 8, 2021. Motion was seconded by Councilwoman Novak.

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

ORDINANCE #546-21
**AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES
FOR THE YEARS 2021-2025 AS COMMENSURATED IN
THE P.B.A. LOCAL #98 BARGAINING AGREEMENT**
(Admin. & Finance Committee - Co. Roberts - Public Hearing 11-8-21)

Councilwoman Roberts moved the Ordinance be approved on first reading, advertise according to law and a Public Hearing be scheduled for November 8, 2021. Motion was seconded by Councilwoman Novak.

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

CONSENT AGENDA RESOLUTIONS

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

Those appearing were:

- Jim Robinson, 11 Borelle Square

Mr. Robinson questioned Resolution #2021-275 and if that was for the Borough to be able to do hybrid meetings.

Mayor responded that those upgrades would allow for hybrid meetings.

No further appearances.

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

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

RESOLUTION #2021-272

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/ Vincent Conti, Councilman

/s/ Michele Maher, Councilwoman

/s/ Kevin Dalina, Councilman

/s/ Mary J. Novak, Councilwoman

/s/ Damon Enriquez, Councilman

/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 October 25, 2021 in the amount of \$2,261,280.92 in a separate Bill List File for 2021 (See Appendix Bill List 2021-A for this date).

RESOLUTION #2021-273

WHEREAS, at the request of the Mayor and Borough Council, there was prepared a new seal for the Borough in form approved by the Mayor and Council;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the following impression made hereby and made a part hereof be and the same is hereby adopted as the official seal of the Borough of Sayreville.

/s/ Donna Roberts, 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 Mayor’s signature.

/s/ Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick
Mayor

RESOLUTION #2021-274

BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for all annual Professional Services Proposals for the year 2022.

/s/ Donna Roberts, 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 Mayor’s signature.

/s/ Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick
Mayor

RESOLUTION #2021-275

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a non-fair and open contract to Alliance Telecommunications, Inc. of Parsippany, NJ for the upgrade to Council Chambers Audio Video system for hybrid meetings in an amount not to exceed \$19,940.00.

/s/ Donna Roberts, 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 Mayor’s signature.

/s/ Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick
Mayor

RESOLUTION #2021-276

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE DISCHARGE OF MORTGAGE FOR PROPERTY LOCATED at 27 FOURTH STREET, SAYREVILLE, NEW JERSEY

WHEREAS, a certain Mortgage dated June 22, 2000 was made by Eugene J. Smith and Margaret M. Smith, residing at 27 Fourth Street, Sayreville, New Jersey, in the Borough of Sayreville in the County of Middlesex and State of New Jersey; and

WHEREAS, this Mortgage, never modified, was made to secure payment in the amount of TEN THOUSAND (\$10,000.00) Dollars, without interest. The mortgage was recorded or registered in the office of the County Recording Officer of Middlesex County, State of New Jersey, on July 5, 2000 in Book 06304 at Page 0785, Instrument No. 2000 019215; and

WHEREAS, said Mortgage states that the debt is forgiven at the end of the tenth year, as long as the residence remained the property of Borrower; and

WHEREAS, according to said Mortgage the debt was due to be forgiven in June of 2010; and

BE IT AND IT IS HEREBY RESOLVED Mayor Victoria Kilpatrick and Jessica Morelos, Borough Clerk of the Borough of Sayreville are authorized to execute a Discharge of Mortgage for the property located at 3 Cambridge Drive, Parlin, New Jersey.

/s/ Donna Roberts, 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 Mayor's signature.

/s/ Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick
Mayor

RESOLUTION #2021-277

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, CONSENTING TO THE MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF SAYREVILLE AND PBA LOCAL #98

WHEREAS, there now exists a Memorandum of Agreement between the Borough of Sayreville and the PBA Local 98; and

WHEREAS, representatives of PBA Local #98 and the Borough of Sayreville have agreed to certain modifications to the present Collective Bargain Agreement.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Sayreville, County of Middlesex and State of New Jersey hereby consent to the execution of the Memorandum of Agreement between the PBA Local #98 (Sergeants & Lieutenants) and the Borough of Sayreville.

/s/ Donna Roberts, 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 Mayor’s signature.

/s/ Michael R. DuPont, Borough Attorney

ATTEST: BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Victoria Kilpatrick
Mayor

RESOLUTION #2021-278

BE IT AND IT IS HEREBY RESOLVED that the proper borough officials are hereby authorized and directed to execute an Inter-Local Service Agreement between the Borough of Sayreville and the County of Middlesex for the striping of municipal roadways as outlined in the attached agreement and made a part hereof.

/s/ Kevin Dalina, Councilman
(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

RESOLUTION #2021-279

WHEREAS, on October 1, 2021 the Mayor and Council of the Borough of Sayreville received bids for the “Snow Plowing and Removal Services, as needed” and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 25th day of October, 2021, that:

- 1. Contract for the “Snow Plowing and Removal Services, as needed” be awarded to B & W Construction Co. of South River, NJ on their bid price of \$39,400.00 as appears on copy of bid document attached hereto and made a part hereof.

/s/ Kevin Dalina, Councilman
(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

RESOLUTION #2021-280

WHEREAS, on October 19, 2021 the Mayor and Council of the Borough of Sayreville received bids for the "Improvements to Ernston Road; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 25th day of October, 2021 that:

1. Contract for the "Improvements to Ernston Road" be awarded to Z Brothers Concrete Contractors, Inc., 304 Jernee Mill Road, Sayreville, NJ 08872 on their bid price of \$516,086.04 as appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities and the concurrence of the award of the contract by the New Jersey Department of Transportation.

/s/ Kevin Dalina, Councilman
(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

RESOLUTION #2021-281

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, 2020 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/ Donna Roberts, Council
(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

RESOLUTION 2021-282

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING THE SETTLEMENT
BETWEEN SPRINT SPECTRUM REALTY COMPANY, LLC
D/B/A SPRINT SPECTRUM, L.P. and THE BOROUGH OF SAYREVILLE**

WHEREAS, the plaintiff, Sprint Spectrum Realty Company, LLC d/b/a Sprint Spectrum, L.P. filed a Complaint against the Borough of Sayreville on December 13, 2019 under Docket No. MID-L-8371-19 alleging certain causes of action; and

WHEREAS, the Borough of Sayreville filed an Answer disputing and denying all claims by Sprint and also filed a Counterclaim on February 20, 2020; and

WHEREAS, the parties wish to amicably resolve this litigation; and

WHEREAS, the parties have agreed to settle this dispute for the sum of \$60,000.00 to be paid to Sprint by the Borough of Sayreville; which settlement is not admission of liability and is done solely to avoid costly and uncertain litigation and the Borough will dismiss its Counterclaim against Sprint.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED the appropriate Borough Officials are authorized to prepare a Settlement Agreement between the parties for the sum of \$60,000.00 to be paid to Sprint.

/s/ Donna Roberts, Council
(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

➤ **BOROUGH ATTORNEY - Michael DuPont**

• **PUBLIC PORTION**

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

Those appearing were:

- Arthur Rittenhouse, 33 Delikat Lane

Mr. Rittenhouse questioned the status on the Mocco property. He stated he would like to see all the projects contribute to the tree bank. Mr. Rittenhouse stated there is construction going on at Mocco.

Borough Attorney DuPont stated that violation hasn't been scheduled before the court yet.

Mr. Rittenhouse voiced his concern that the Borough should look into doing the study for the area in need of redevelopment for the whole Route 35 corridor.

He questioned if the drop boxes for the election are being monitored.

Borough Clerk stated that they are being reviewed.

Mr. Rittenhouse commented on the lack of involvement that the Borough wanted from the Historical Society for planning the Centennial Day celebration. He stated that the Senior Center is not open at night and causes a problem for the meetings of the Historical Society.

- Jim Robinson, 11 Borelle Square

Mr. Robinson complimented the Historical Society on their events. He commented about the board's zoom information is hard to find on the website. Mayor responded that the layout of the website is being looked at.

Mr. Robinson commented on the ordinance for the removal of shade trees and now the resident will be required to pay for the removal of that tree. He stated that the tree should be replaced using the tree bank money.

- Jennifer Hockenjos, 68 MacArthur Avenue

Ms. Hockenjos read a statement about the house located at 72 MacArthur Avenue which has been abandoned and decaying since Hurricane Sandy. She also stated that it's affecting her health. Ms. Hockenjos also questioned how the Borough allows this property to be in that condition.

Borough Administrator Frankel responded that the Borough is doing everything that they can.

Borough Attorney DuPont stated that he will meet with her and inspect the property.

No further appearances.

Council President Dalina made a motion to close the Public Portion. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

• **ADJOURNMENT**

OCTOBER 25, 2021
REGULAR MEETING

No further business Council President Dalina made a motion to adjourn.
Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

Time 7:44 P.M.

Jessica Morelos, RMC
Municipal Clerk

Date Approved: _____