

Agenda meeting of the Mayor and Council held on Monday, January 10, 2011, in the Borough Hall, 167 Main Street, Sayreville.

CALL TO ORDER

Agenda meeting of the Mayor and Borough Council held on Monday, January 10, 2011, was called to order by Mayor O'Brien at 6:30 P.M. followed by a short prayer and salute to the flag.

STATEMENT OF NOTICE OF PUBLICATION

Clerk Farbaniec announced that this Agenda Meeting of the Mayor and Council, being held on January 10, 2011, has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and filing with the Municipal Clerk.

ROLL CALL

Roll Call: Councilpersons Bella, Buchanan, Eicher, Henry, Kelly, Perrette.

Absent: None.

Others Present: Mayor O'Brien
Business Admin. Bertrand
C.F.O. Kronowski
Municipal Clerk Farbaniec
Borough Attorney Verrone
Engineer Cornell

Others Absent: None

PUBLIC PORTION

Those appearing were:

- Barbara Kilcomons, 22 Schmitt St.
-Congratulated the new council members and wished everyone a Happy New Year.

-Mrs. Kilcomons spoke in favor of the proposed Zoning Review Committee that was being proposed.

-Mrs. Kilcomons further commented that she did not agree with the salary increase resolution that had been listed a few meetings ago stating that she felt it was extremely vague.

AGENDA MEETING |
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Response by Business Admin. Bertrand – He explained that in accordance with State Statute there are five statutory positions within the borough that have to receive raises that commensurate with what the other workforce received and that this matter had been reviewed by labor Counsel.

- Mrs. Kilcomons went on to say that she attends the Board of Education meetings and has not seen the borough's representative in attendance at these meetings, but maybe twice.

- She then stated that she did not agree with how the Temp. Sr. Citizen Director was appointed nor did she agree with the increase she is receiving for this job.

Mr. Bertrand said that the person at the Senior Center is getting an upgrade as the Acting/Temporary Supervisor right now with an additional \$10,000. annually. He explained the difference between the outgoing person's salary and benefits as opposed to the amount the Acting person is receiving will actually save the borough.

- Cheryl Sydney, 45 Fritz Drive, Towne Lake
Expressed her issues regarding snow removal and asked who is responsible for snow removal in her development.

Business Admin. Bertrand explained that the developer (Towne Lake/Kaplan) is still responsible for snow removal in her development due to development completion issues.

The Engineer explained how the dedication of streets worked with regards to a new development and when the borough would assume the responsibilities of snow removal/maintenance of the roadways. He said that this has not yet been done in her development, therefore the developer is still responsible. He also explained the bond release process.

Mayor assured the resident that the borough would apply all of its resources if there should be a medical issue and access to Towne Lake is necessary. He also explained his concerns if the town were to plow for Towne Lake all future developers would expect the same prior to the street dedication, then it would become a legal issue.

Mayor asked Ms. Sydney to give her contact information to the clerk.

Councilwoman Eicher asked that since it is still the developer's responsibility to plow those roads at Towne Lake, what the recourse is if he chooses not to.

Attorney Verrone stated that she would have to look into what recourse the borough would have with regards to public safety, emergency service issues.

Councilman Bella asked if there was the same issue in past snow storms.

Ms. Sydney responded that she did not recall only the fact that she was able to get to work in the past.

Councilman Bella further commented on the severity of this past storm.

OLD BUSINESS - None

COMMUNICATIONS & COMMITTEE REPORTS

- ADMINISTRATION & FINANCE – Co. Perrette

#1 APPLICATION(S) FOR BINGO/RAFFLE LICENSES

Received from:

Sayreville War Memorial High School – Choral Parents Association to conduct an On-Premise 50/50 (RA:1685) and an On-Premise Draw/Tricky Tray (RA:1684) to be held on February 11, 2011. - Approved.

#2 APPLICATIONS FOR WRECKER LICENSE RENEWALS

Received 9 Light Duty Wrecker Applications plus 2 Heavy Duty Wrecker Applications for renewal for 2011 (pending approved insurance certificates).
- Resolution

#3 APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR

Received from Our Lady of Victories, HSA to hold a Wine Tasting Fundraiser at Monsignor Dalton Hall, Main Street, Sayreville on March 5, 2011 from 7PM-10PM.
- Approved.

#4 DONNA M. BRODZINSKI, TAX COLLECTOR

Requesting authorization to cancel taxes for over payments on various properties in the Borough. - Resolution.

#5 DONNA M. BRODZINSKI, TAX COLLECTOR

- a) Requesting authorization to refund a portion of 2008, 2009 and 2010 taxes due to approval of a 100% Disabled Veteran Tax Deduction by the Tax Assessor, effective October 29, 2008, covering the owner of Blk. 444.07, Lot 9, 18 Joyce Place.

AND

- b) Requesting authorization to refund a portion of 2009 and 2010 taxes due to approval of a 100% Disabled Veteran Tax Deduction by the Tax Assessor, effective June 2, 2009,

covering the owner of Blk. 451, Lot 43, 68 Prusakowski Blvd.

- a-b) Resolutions.

REPORT OF CHAIR.

Councilman Perrette reported that they have been working on the 2011 budget since the end of October 2010 and there is another committee meeting scheduled for tomorrow and as the numbers get more finalized he will report with the progress.

#6

- PLANNING & ZONING – Co. Henry

REPORT OF CHAIR. – Councilman Henry reported having attended his first Planning Board meeting last week and look forward to working with that board.

Councilman Henry said that as he was sworn in he had forgotten to thank his wife for her help and dedication.

- PUBLIC SAFETY – Co. Bella

#7 REQUEST FOR COIN TOSS

Received from:

a) Boy Scout Troop #97 to solicit funds at the intersection of Washington Road and Ernston Road AND MacArthur Ave. and Jernee Mill Road (County Approval Received).

- a) Approved.

REPORT OF CHAIR. –

Mayor asked Councilman Bella if he would like to discuss the Ordinance Review Committee at this time.

Councilman Bella said that at the January 1st meeting he brought up his wanting to create this committee stating that he believed that it would be in the best interest of the town.

- **Discussion on Zoning Review Committee**

Council to create a temporary committee to review all the zoning ordinances and regulations to make Sayreville more business friendly. Consisting of five (5) members. Two (2) members of the business community. One (1) each from the Land Use Boards; SERA, Planning and Zoning along with the Engineer and Construction Official, to serve as professionals advising the board. Request that the committee complete work for presentation to the Council by mid June and action by the end of June.

Mayor O'Brien asked if they would advisory in nature.

Councilman Bella said that they are strictly advisory. Their function is to review the Zoning Ordinances with the Borough Engineer along with the Construction Code Official and report back to the council for ordinance amendments to make the town more business friendly in order to give a little more leeway to the zoning officer or the construction official to help avoid a lot of the smaller businesses from going through the expense in going before the board for approvals as it applies to the smaller businesses. Councilman Bella said that he has a few people who expressed an interest from the business community and should be ready for the next meeting for the appointments.

Mayor asked if there was council consensus with regard to this committee.

There were no objections.

Mayor asked the Attorney to put together the proper form to create the committee and the council would act on it at the next meeting.

#8

- PUBLIC WORKS – Co. Buchanan

REPORT OF CHAIR.

Councilman Buchanan asked about having SERA come before the Council as well as the Planning Board that was scheduled for Jan. 24th to discuss the Planning Boards recommendation with regard to the Club Bene' property.

Councilman Buchanan made a motion to appoint Frank Bella and William Henry to the two council positions on SERA.

Mayor said that the appointments were his for the first thirty days.

Councilman Buchanan said that according to State Statute SERA appointments were made by the Council.

Attorney Verrone looked up the State Statute and advised the Mayor that these appointments were that of the Council.

Mayor asked Councilman Buchanan if he would make these appointments one at a time.

Councilman Buchanan made a motion to appoint Bill Henry to the SERA Board. Seconded by Councilwoman Eicher.

From the audience a Point of Order was called by Mr. John Rucki. He said the governing body started a new format for conducting the public meetings. There is an agenda meeting tonight followed by a Council meeting. He said the appropriate motion that Councilman Buchanan should make is to be put on the agenda for the next regular council meeting. He

said he understood that tonight's meeting was to place the items on the next council meeting agenda.

Mayor said a motion has been made and asked what the council wanted to do, if they wanted to reconsider it.

Councilman Buchanan stated that the issue is that there is a SERA meeting coming up.

Councilman Bella said he had asked about these appointments on New Year's day. The reason that we did not proceed with it on that day was fact that we had time and that Councilman Kelly's term would not expire until Jan. 10th.

Mayor asked if Councilman Buchanan wanted to reconsider his motion and place the matter on for the Jan. 24th regular meeting, noting that SERA will not be meeting until Jan. 27th.

Councilman Buchanan stated that he does not reconsider.

Motion stands.

Seconded again by Councilwoman Eicher.

Roll Call: Councilpersons Bella, Ayes;
Buchanan, Ayes;
Eicher, Ayes;
Henry, Ayes;
Kelly, Ayes;
Perrette, Ayes.

Councilman Buchanan made a motion to appoint Councilman Frank Bella to the SERA Board.

Seconded by Councilwoman Eicher.

Roll Call: Councilpersons Bella, Ayes;
Buchanan, Ayes;
Eicher, Ayes;
Henry, Ayes;
Kelly, Ayes;
Perrette, Ayes.

Councilman Buchanan further reported that he is still working on the Board of Education Advisory panel and hopes to have something together soon for review.

Progress.

#9

- **RECREATION – Co. Eicher**

REPORT OF CHAIR. –

Councilwoman Eicher said that during her review of the Council Liaison positions she is serving on the Commission on Aging. She noted that in past practice it usually was one of the elders on the council.

Councilman Kelly stated that he has served for the past two years and would not mind serving again.

No objections.

Progress.

#10

- **WATER & SEWER – Co. Kelly**

REPORT OF CHAIR. – progress.

#11

➤ **MAYOR O'BRIEN**

Appointments:

Mayor O'Brien appointed Deborah Lee to the Environmental Commission (Planning Board Member) – 3 Year Term

#12

➤ **BUSINESS ADMINISTRATOR'S AGENDA/REPORT**

Administration & Finance:

- a. Authorization to purchase personal protective equipment (turn-out gear) for the Fire Dept. from Skylands Area Fire Equipment and Training from Butler, NJ. This purchase would be made through State contract number #76359 and shall not exceed \$75,000 which is the amount of the corresponding bond issue that was completed in November 2010 for this purpose.
- b. – Resolution.

BUSINESS ADMIN. AGENDA

- c. Continued discussion on a proposed ordinance modification to permit the sale of vacant Borough property located on Dolan Avenue in the Morgan Section specifically known as

Block 457 Lots 46 & 47. The proposal was initiated last year by a neighboring resident's request for purchase of the subject property.

– Ordinance for both properties together, all or nothing.

- d. Update on the Borough's participation with the Community Work Experience Program and the NJ Work First Program to provide on-site work experience opportunities.
- e. Authorization for Borough Clerk to re-advertise for Proposals for professional services in the area of Borough Attorney, Special Counsel (Tax Matters and Conflict), Municipal Auditor.

-Mayor stated that the law reads that the Mayor has 30 days which to appoint so if the governing body does wish to do this they would also need to include the fact that the clock would have to move to day one which these proposals would be re-submitted. Mayor asked if there were any objections.

Councilman Bella asked what the Mayor was proposing.

Mayor O'Brien said that if they intend to re-bid for these professionals that would re-set the clock for the 30 day Mayoral appointment time.

Councilman Bella stated that the Mayor's appointing power was 30 days from January 1st. He asked how re-advertising would effect that.

Mayor said that this would be re-starting the process.

Discussion followed on how long the re-advertising and receipt of these RFP's would take and why we were looking for more proposals.

The decision was made that the clock would start ticking from February 14th

Councilman Bella made a motion to Authorization for Borough Clerk to re-advertise for Proposals for professional services in the area of Borough Attorney, Special Counsel (Tax Matters and Conflict), Municipal Auditor.

Mayor wanted the wording tied into that resolution for the clock to start again for the Mayor's appointing authority.

Municipal Clerk Farbaniec explained that the resolution prepared did not contain such wording.

Councilman Bella asked that the Clerk be authorized to advertise tonight and list a resolution for the next meeting for the 30 day time line of appointment by the Mayor.

Councilman Bella asked the attorney if there is time to get the State Statutes with regard to the 30 day time line clock.

Attorney Verrone said she is clearly involved in this process and therefore it is not appropriate for her to render an opinion. Generally she would say it would go to the Conflicts Counsel, however if they are involved in this process they would have the same issue.

Mayor asked Councilman Bella to send this matter to the DCA for some guidance.

Councilman Bella felt this was not necessary. He asked the Attorney to site the Statute where this is required.

Ms. Verrone responded that he is asking for a specific Statute, however, this was an unusual situation and felt she could not give an opinion at this point because of her involvement in the process.

Councilman Bella said the item on the Agenda was to go out for RFP's and asked that we move ahead with that. We have two weeks for the attorney or conflict council to review it and deal with that issue on the 24th of January.

Mayor asked the Business Admin. to contact the DCA for some guidance on this matter. Mayor said that there is a Motion on the floor and asked if there was a second. Motion was seconded by Councilman Henry.

Mayor commented that he does not agree with this, stating he felt the two should be tied to one another.

Municipal Clerk Farbaniec stated for the record that the motion was to adopt Resolution #2011-13 then read the Resolution into record to be voted on.

RESOLUTION #2010-13

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk is hereby authorized and directed to re-advertise for the receipt of proposals for the following professional services:

- Borough Attorney
- Municipal Auditor
- Special Counsel – Tax Matters
- Special Counsel - Conflicts

Frank J. Bella, Councilman
(Sponsor)

ATTEST: _____

BOROUGH OF SAYREVILLE

Theresa A. Farbaniec

Kennedy O'Brien

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| Municipal Clerk

Mayor

Councilman Kelly questioned what we were doing with the 30 day issue.

Councilman Bella stated that after this motion was complete he intends to make another motion placing that matter on for the next meeting.

Roll Call: Councilpersons Buchanan, Ayes;
Bella, Ayes;
Eicher, Ayes;
Henry, Ayes;
Kelly, Ayes;
Perrette, Ayes.

Mayor stated that he wanted a copy of this Resolution.

Clerk Farbaniec responded that there was a copy before the council tonight.

Councilman Bella made a motion to place a Resolution on the next Agenda, extending the Mayor appointing authority in compliance with whatever Statute is appropriate.

Mayor asked that we move forward.

Business Admin. continued with his agenda.

e. Authorizing the Municipal Clerk to re-Advertise for Credit Card Services.
- Resolution.

Public Works:

a. Authorization to renew the agreement with Middlesex County for participation in the CFC (chlorofluorocarbons) recovery program which includes a 50% reimbursement from the County for costs associated with the program. The term of this proposed agreement shall be January 1, 2011 to December 31, 2013.
- Resolution.

b. Authorization for the Borough Clerk to advertise for bids for landscaping services for municipal property as managed by the Department of Public Works.
- Resolution.

Recreation: none

Water & Sewer:

a. Authorization to grant permission for BMT Bordentown, LLC to connect to Old Bridge Municipal Utilities Authority for Sanitary Sewer Service covering Block
30,

Lot 3, 3105 Bordentown Avenue.

- Resolution.

Public Safety:

- a. Authorization to enter into contract with Global Connect for the provision of an Emergency Notification System for a three year period commencing with the approval of the contract. The maximum annual cost of the service is \$8,551.10.
- Resolution.
- b. Discussion on proposed modifications to the Wrecker Ordinance (#8-14) of the General Borough Ordinances as proposed by Police Chief Burns.
- Ordinance Introduction 1/24/11.
- c. Authorization to execute a Memorandum of Agreement with the Middlesex County Prosecutor's Office for the implementation of the "Securing the Cities Initiative" utilizing equipment and guidance provided through the U.S. Department of Homeland Security's Domestic Nuclear Detection Office.
- Resolution.
- d. Resolution acknowledging the Borough's participation in the Middlesex County Multi-Jurisdictional All Hazards Mitigation Plan.
- Resolution.

Planning & Zoning: none

Personnel:

- a. Telephone System Coordinator: Appointment of Jessica Morelos (Clerk's Office) to this stipend position as a result of a resignation by Ms. Eileen Towlen (Finance Office) after serving 12 years in this additional capacity.
- Resolution.
- b. Department of Public Works – Office of the Director

Notice of Retirement of Ms. Roseanne Lovell, Clerk Typist effective February 1, 2011 after 24 years of service to the Borough.
- c. One item for Executive Session – Potential Litigation.

#13

➤ C.F.O. WAYNE A. KRONOWSKI

- I. Bill Resolution – Needs approval at Agenda Mtg. 1/10/11 & 1/24/11 meeting.

CFO Kronowski stated that we need a Bill Resolution adopted tonight.

Mayor Opened the meeting up to the public on the following:

- Resolution #2011-12 Approving Bills for Payment
- Resolution #2011-13 Authorizing the Borough Clerk advertise for proposals for professional services as previously discusses (Mayor apologized for conducting the public hearing on this item earlier).

No appearances.

Council President Kelly made a motion to close the public portion and adopt the Resolutions.

Seconded by Councilman Bella.

Roll Call: Councilpersons Bella, Buchanan, Eicher, Henry, Kelly, Perrette, all Ayes.

RESOLUTION #2011-12

WHEREAS, all bills submitted to the Borough of Sayreville covering services, work, labor and material furnished the Borough of Sayreville have been duly audited by the appropriate committee;

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

That all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

/s/ Kennedy O'Brien
Mayor

/s/ Councilman Frank Bella

/s/ Councilman William J. Henry

/s/ Councilman Daniel Buchanan

/s/ Councilman Kenneth P. Kelly, Sr.

/s/ Councilwoman Lisa Eicher

/s/ Councilman Nicholas J. Perrette

**Bill list of January 10, 2011, in the amount of \$7,359,638.46
(Bill List – See Appendix 2011-A for this date, in a separate Bill List File for 2011)**

/s/ Nicholas Perrette, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

2. Transfer Resolution January 24, 2011 meeting/
- Approved.

#14

➤ **BOROUGH ATTORNEY AGENDA/REPORT**

#15

➤ **BOROUGH ENGINEER AGENDA/REPORT**

- I. 2007 Roadway paving and Reconstruction project – Closeout of Contract
(Report Attached).
- Resolution.

Councilwoman Eicher asked for an update on the Park Village Light.

Business Admin. Bertrand reported that we are waiting for one appraisal to be finished. He said there is a sliver of empty (Mocco) property that needs to be taken. The easements for the other property owners are being signed. He further reported that we are also working on the appraisal process for the Jernee Mill Road/MacArthur Avenue/Washington Road intersection project as well.

Councilman Perrette asked the Borough Engineer if there was an update on the Bordentown Avenue/Ernston Road improvement project.

Engineer Cornell reported that bids have been received by the County and it is his understanding that it is still in bid review and has a call into the County to find out the status.

FOR YOUR INFORMATION

- **ADMIN. & FINANCE**

#1

WAYNE A. KRONOWSKI, C.F.O

Received copy of the Certificate of Award for sale of Bond Anticipation Notes dated 12/9/10

- Receive & File.

• **PLANNING & ZONING**

#2

NOTICE TO ADJACENT PROPERTY OWNER

Hearing held before the Planning Board on January 5, 2011

-Heritage At Towne lake, LLC on Settlement of litigation between Heritage at Towne lake, LLC and the Sayreville Planning Board involving Block 136.15, Lot 76 and Block 136.16, Lot 77, known as Sayreville Boulevard South. Settlement arising out of Sayreville Planning Board's Resolution dated March 17, 2010 involving 184 residential units.

Hearing scheduled before the Zoning Board of Adjustment scheduled for January 26, 2011

Application made by:

a) Attorney for New York SMSA LP, dba Verizon Wireless.

Application for development approvals to permit the collection of a wireless communication facility at 1094 Bordentown Avenue.

#3

SAYREVILLE PLANNING BOARD

Resolution(s) Memorialized on January 5, 2011.

a) Messina & Bachetti, Washington Road, Block 52, Lots 3, 4, & 106 – Minor Subdivision.

• **PUBLIC WORKS**

#4

STATE OF NEWJERSEY – DEPT. OF TRANSPORTATION

Received Memorandum of Record from the State of New Jersey outlining their recommendation in the matter of Middlesex County & the Borough of Sayreville requesting modification to the Public Highway-Rail At-Grade Crossing of Consolidated Rail Corp's Gillespie Running Track & Bordentown Ave/Jernee Mill Road on a Petition filed by CME Associates.

• **ENVIRONMENTAL**

#5

STATE OF NEW JERSEY
DEPT. OF ENVIRONMENTAL PROTECTION

Notification seeking Public Comment of their intent to approve a significant modification to an approved Air Pollution Control Operating permit for Gerdau Amersteel, Sayreville located at N. Crossman Road. Comments for this draft permit must be received by Jan. 27, 2011 and forwarded to address contained in letter.

- **PUBLIC SAFETY**

RECREATION

MINUTES

Rec. & File

Board of Education	-	November 16, 2010 and December 7, 2010
Middlesex County Planning Board	-	November 9, 2010

EXECUTIVE SESSION ITEMS -

Attorney Verrone read the following Resolution into record:

RESOLUTION FOR CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 5 minutes to discuss the following matters:

Pending Litigation *

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

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NOW, THEREFORE BE IT RESOLVED that the public be excluded and this resolution shall take effect immediately.

/s/ Councilman Kenneth P. Kelly, Sr.

APPROVED:

/s/ Kennedy O'Brien
Mayor

* Borough Attorney read personnel into record, when the actual item should have been potential Litigation.

Councilman Kelly moved the Executive Session Resolution be adopted on Roll Call Vote. Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

Time 7:42 P.M.

RECONVENE

Councilman Bella moved to reconvene the meeting. Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

Time: 7:47P.M.

ADJOURNMENT

No further business.

Councilman Kelly made a motion to adjourn. Seconded by Councilman Buchanan.

Roll Call: Voice vote, all Ayes.

Time: 7:47 PM

SIGNED:

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Theresa A. Farbaniec, Municipal Clerk

Date Approved