

Combined Meeting of the Mayor and Borough Council held on Monday, January 28, 2013, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Council President Dan Buchanan at 7:03 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this combined meeting of the Mayor and Council, 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 her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez.

Absent: Mayor Kennedy O'Brien & Councilwoman Novak

Others Present: Business Administrator Daniel Frankel
Municipal Clerk Theresa Farbaniec
Engineer Jay Cornell
Attorney Ed Washburne, Esq.

Absent: CFO Wayne Kronowski

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

Council President Buchanan moved the following minutes of the Mayor and Council be approved subject to correction if necessary:

- ☒ Budget Meeting - August 23, 2012
- ☒ Combined Meeting - November 8, 2012

Motion was seconded by Councilwoman Eicher.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes. Carried.

- **PRESENTATIONS**

- David Sivilli, President of Sayreville PBA Local #98 presented a check in the amount of \$5,000.00 raised by the members of PBA Local #98 for Sayreville Sandy Relief Fund.

He then asked the council to revisit the Police Department Table of Organization. He said that in 2010 the Mayor and Council changed the table of organization and removed a Lieutenant, Community Police Sergeant along with the school resource officer in the Middle School from Administration. He said currently there is an Acting Lieutenant in the Administration Bureau. This Acting Lieutenant is replacing a position that was previously cut and that making this a permanent position will be at no cost to the borough. He that there have been administrative reports submitted to the borough, cutting the Resource Officer at the Middle School saved the borough only \$27,000. He said that currently the Board of Education is paying an off duty police officer to be in the school for four hours a day at a cost of over \$40,000. per year. If the SRO Officer is brought back to the school the savings the borough would incur would offset the cost of the community policing sergeant brought back as well as providing an extra layer if security in the school. Requested the Police Committee to consider this request. Thank you.

Council President Buchanan thanked Mr. Sivilli for the PBA donation. He then questioned if the borough realized that savings back in 2010. He then said that he wanted to meet with him, the Police Chief and the Board of Education to further discuss this matter.

- **MIDDLESEX COUNTY LONG TERM RECOVERY FUND**

Presentation on the oversight of the distribution of the Sayreville Relief Fund
- Following the presentation - Request for authorization to transfer funds from the Sayreville Relief Fund to the Middlesex County Long Term Recovery Fund.
(Motion & Roll Call – Resolution memorializing Council’s action to be listed on the Feb. 11, 2013 agenda).

Introduced were Danielle Maiorana, Vice Chair and Maria Hunter, Chairperson of the Middlesex County Long Term Recovery Fund; George Abrams, Cynthia Lewis and John Chavez from FEMA.

Danielle Maiorana explained that the Middlesex County Long Term Recovery Group is a group of organizations working together to address the unmet needs as a result of Hurricane Sandy.

George Abrams gave a power point presentation on how long term recovery works, how the committee operates, how they put together their plan, case management system and accountability, mission statement and goal (copy on file). Upon conclusion of the presentation there were questions from the governing body.

Governing Body questioned if there were costs to the borough, formula for funding, etc.

Danielle Maiorana said that there would be no costs to the borough. The Middlesex County Long Term Recovery group would act as a fiscal agent on behalf of the Borough. She said that it is not a part of any government agency it is a group of charitable, faith based, non profits organizations and local governments working together to address unmet needs of the residents. She said that Old Bridge, South River and Woodbridge are currently participating. She said that this provides us with opportunity to leverage our funds and additional programs that it will give us access to such as all the other organizations and their programs as well. She said that there will be case managers set up on the third floor of the Sr. Center. After they register with them then they would have a “snapshot” of their needs and what is going on in their household and a package will be lined up for them through not only our funding but possibly other organizations such as United Way, Catholic Charities, etc. She explained that once the money is distributed there will be financial reports and auditing reports available to the governing body. She explained that the long term recovery groups tend to kick in when FEMA and SBA leaves the picture which is said to be March 1st so we should be fully operational by the end of February.

Councilwoman Eicher explained how she felt this was such a good group to become involved with for the distribution of the funds because it also opened it up to many more resources for the residents.

Councilwoman Eicher made a motion to utilize these services and the expertise of this long term care group to take over where the storm relief center left off. Motion Seconded by Councilman Henry.

Clerk verified that this motion/action of the Council would be memorialized at the next council meeting.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes.

Councilwoman Eicher gave thanks and kudos to Larayne Panayi. She said that she put in an application to the Robinhood Fund and in their first round they are going to give us \$150,000. for rebuilds and once we disburse that money we could re-apply for more.

Maria Hunter, Chairwoman from the Long Term Recovery Group said that she saw this as a community caring for its own members and that everything we do we are trying to reach out as a group in a humanitarian way and recognize that people have been devastated. It is difficult and need someone to be there for them, support them. Work with them through it and that is their goal. In addition to the material resources and rebuilding it is hard would like to offer them compassion, care, help and hope.

- **PRESENTATION ON THE NEED FOR A GREEN TEAM**

Elyse Barone, Recycling Coordinator gave a presentation on the Green Team and Sustainable New Jersey. She said that they had applied in 2010 and the governing body adopted a resolution to be part of Sustainable New Jersey. She said that there are 378 communities in New Jersey are registered of which 105 are certified. She said that they are a non-profit, non-partisan organization. It provides tools and training, it offers financial insensitive for communities. Cost savings in energy and water, stimulates the local economy, grant incentives. She explained the grants that have been awarded in the past and to qualify for any of these grants you have to have to have a Green Team. So we would need a Resolution or Ordinance to have a Green Team. She explained the towns that are registered and what they have been awarded and how it helps the communities. She explained what programs we already have in place and what we could be doing. She said that the people she has chosen to be on the green team are advocates for the environment and each has their own passion. She explained that each would have their own sub-committee and what each would have to offer now and in the future. She said that her recommendation is to form a Green Team as a sub-committee of the Recycling Commission so we could move forward in the next process and get certified.

Councilwoman Eicher questioned if the Council would be making these appointments through the recommendation of the Recycling Commission.

Ms. Barone said that she was not sure, but she did put together a list of recommendations.

Councilwoman Eicher said that she would prefer that the Recycling Coordinator make the recommendations for appointment.

Councilman Buchanan asked if these other municipalities had any full time staff working on the committee.

Ms. Barone said the only municipality is Woodbridge, which is a huge community. She explained how other communities operate and how the Green Team would help the community.

Councilman Henry expressed that he felt it would be a good committee and questioned what asked if they needed a resolution to make this part of the Recycling commission as opposed to the ordinance that is on now.

Councilman Melendez said that they have accomplished so much already and what the next hitting points should be for Sayreville.

Ms. Barone said education in and backyard composting, water conservation program, program for building healthier communities, the use of recycled paper, lead education.

Ordinance to be Re-Introduced by Co. Novak inasmuch as it was removed from the table by her.

- **OLD BUSINESS**

- a) Public Hearing on the following Ordinance(s):

Council President opened the meeting to the Public for questions or comments on **Ordinance #205-13**.

There were no appearances.

Councilman Henry moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised according to law. Seconded by Councilwoman Eicher.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes. Carried.

ORDINANCE #205-13
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER II OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO ADD SECTION
2-33 TO ADD "RECYCLING COMMISSION"

(Co. Henry – Public Works Committee)

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the county of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows:

Section 1. This Ordinance amends Chapter 2 of the Revised General Ordinances of the Borough of Sayreville by adding Section 2-33 entitled, "Recycling Commission" as follows:

2-33.1 Created. This Commission was created by Resolution #1986-61 dated February 5, 1986.

2-33.2 Members. The Commission shall consist of five (5) members, beginning with one (1) member being appointed to a four (4) year term; 2 members being appointed to a three (3) year term and two (2) members being appointed to a two (2) year term. At the end of each members' initial term as listed above, each term will become a three (3) year term. The members of the Commission will be appointed by the Mayor with the advice and consent of the Borough Council, and; the Mayor may appoint additional members not to exceed ten (10) members total

The Borough Council may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the position shall be filled for the unexpired terms in the same manner as an original appointment.

2-33.3 Purpose and Function. The purpose and function of the Recycling Commission is to oversee the mandatory recycling program for the Borough of Sayreville as well as educate the Governing Body and residents of the Borough of Sayreville as to innovations and/or new regulations as mandated by the County of Middlesex, State of New Jersey and/or Federal Government.

2-33.4 Meetings. The Recycling Commission shall not meet less than six (6) times a year.

2-33.5 Records. The Commission shall keep minutes of its meetings and activities and shall make an annual report on or before the first day of February and submit the same to the Council of the Borough.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Two Section 33**, of the Revised General Ordinances of the Borough of Sayreville, shall be added to reflect said change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

s/ William J. Henry, Councilman
(Public Works Committee)

ATTEST:

/s/ Theresa A. Farbaniec
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

Council President opened the meeting to the Public for questions or comments on **Ordinance #207-13**.

Those appearing were:

- Nick Weber, 515 Woodland Ave., Morgan
He questioned the salary in the ordinance that appeared in the newspaper, what a Confidential Assistant was and has it been filled.
The Business Administrator explained that the employee wanted to be reclassified so she applied for a desk audit with the Dept. of Personnel and sent them a list of the duties she was performing. The Department of Personnel reviews the duties and responsibilities and makes a determination for a job title, if necessary. This is the title that the Dept. of Personnel came back with and the person who applied to the DOP is the one who has the position.

No further questions or comments.

Councilman Henry moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised according to law. Seconded by Councilwoman Eicher

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes. Carried.

ORDINANCE #207-13
**AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #150-10,
FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS
AND EMPLOYEES FOR THE YEARS 2009, 2010, 2011, 2012**

Confidential Assistant – in accordance with the Desk Audit Report received from the Dept. of personnel
(Co. Novak – Admin. & Finance Comm. – Public Hearing Jan. 28, 2013)

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Sayreville as follows:

Section 1. The following annual salaries be and the same are hereby established for the following Borough Officials, officers and employees as per Schedules annexed hereto and made a part hereof.

**Borough of Sayreville – Management, Professionals and Non-Union Employee
Salary & Wage Schedule**

Management, Professionals, Non-Union Employees	2012	2012
	MIN.	MAX.
Salary Employees		
Confidential Assistant	50,000.	60,000.

Section 2. All ordinance or parts of ordinances inconsistent herewith are hereby repealed and this ordinance shall take effect immediately upon final passage and publication as required by law.

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

NEW BUSINESS:

Municipal Clerk reported that she received the Annual Debt Statement from CFO Kronowski, which has been filed for the year ending 2012.

Councilman Henry made a motion to file the Annual Debt Statement. Motion seconded by Council President Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, Novak, all Ayes.

b. Introduction of the following Ordinance(s):

ORDINANCE #208-13
CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

(Co. Novak, Admin. & Finance – Public Hearing to be held Feb. 11, 2012)

Councilman Henry made a made a motion to approve the ordinance on first reading advertise according to law and schedule a public hearing on February 11, 2013. Motion seconded by Councilwoman Eicher.

Roll Call: Councilpersons, Buchanan, Eicher, Henry, McGill, Melendez, all Ayes.

CONSENT AGENDA/RESOLUTIONS

At this time Council President Buchanan opened the meeting to the Public on the Consent Agenda Resolutions.

There were no appearances.

Councilwoman Eicher moved the Public Hearing on Consent Agenda Resolutions be closed and the resolutions be approved on Roll Call vote. Seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes. Carried.

RESOLUTION #2013-32

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.

	<u>Absent</u>	
	Kennedy O'Brien, Mayor	
<u>/s/ Daniel Buchanan</u> Councilman		<u>/s/ David McGill</u> Councilman
<u>/s/ Lisa Eicher</u> Councilwoman		<u>/s/ Ricci Melendez</u> Councilman
<u>/s/ William J. Henry</u> Councilman		<u>Absent</u> Mary J. Novak, Councilwoman

**Bill list of January 28, 2013, in the amount of \$1,645,655.14
(Bill List – See Appendix 2013-A for this date, in a separate Bill List File for 2013).**

RESOLUTION #2013-33

WHEREAS, the following applicant has applied for trailer licenses to be used as a temporary office trailer(s):

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
Allied Construction Group, Inc.	Two (2) – Temporary Engineering Office Trailers	MCUA Property 56 Canal Street Block 169, Lot 12 Sayreville, NJ

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville do hereby approve the above-captioned application for permission to locate two (2) temporary engineering office trailers and the fees for the temporary trailer permits are hereby waived as recommended by the Zoning Officer.

/s/ David McGill, Councilman
(Planning & Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-34

WHEREAS, the following applicant has applied for trailer licenses to be used as a temporary office trailer(s):

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
R3M Engineering, Inc. 1405 Rt. 18, Suite 208 Old Bridge, NJ 08857	One – Temp. Office Trailer (Engineering Office)	2571 Main St. Ext. Block 256.01, Lot 3 Sayreville, NJ

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do of the Borough of Sayreville do hereby approve the above-captioned application for permission to temporarily locate one (1) office as per Zoning Officers approval.

/s/ David McGill, Councilman
(Planning & Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-35

Authorizing Sale/Auction of Surplus/Seized Property

WHEREAS, the Borough of Sayreville is the owner of certain surplus and or seized property which is not needed for public use; and

WHEREAS, the Governing Body is desirous of auctioning said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it **RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville, County of Middlesex, as follows:

- (1) The sale of the surplus/seized property shall be conducted through Property Room. The terms and conditions of the agreement entered into with Property Room are available from the Borough Clerk of the Borough of Sayreville.
- (2) The sale will be conducted online and the address of the auction site is www.propertyroom.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>
2001	Lexus	300	JTJHF10U210224282

- (5) The surplus/seized property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

- (6) The successful bidder shall be responsible for all costs associated with the removal of purchased items within 10 days of purchase and agree to the terms and conditions outlined on the website of Property Room, a copy of which is available in the Borough Clerk's Office.
- (7) The Borough of Sayreville reserves the right to accept or reject any bid submitted.

/s/ William Henry, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-36

WHEREAS, the following named persons have applied for the renewal of an auto wrecker's license under the existing ordinances covering the following locations for the year 2013:

APPLICANT

LOCATION

Joseph V. Juliano
Julian's Garage

919 Route #9
South Amboy, NJ 08879

John Krist
A-1 Auto Center

236 Main Street
Sayreville, NJ 08872

Donald M. Rzepka
Al's Auto Body

2070 Hwy. #35
South Amboy, NJ 08879

Mark Dombrowski
Parlin Collision, II, Inc.

952 Main Street
Sayreville, NJ 08872

Wayne Wagner-Wagcar, Inc.
Walter's Auto Body

502 Raritan Street
Sayreville, NJ 08872

Roy Tomaszewski, t/a
Sayreville Auto Body, Inc.

276 Washington Rd.
Sayreville, NJ 08872

Steve Vrabel
Economy Auto, Inc.

Victory Bridge Plaza
South Amboy, NJ 08879

Thomas DePasquale
Wayne's Auto Body

South Pine Ave. & 10th St.
South Amboy, NJ 08879

WHEREAS, the Governing Body has considered the applications and the same appear to be in conformity with the terms of the ordinances; and

WHEREAS, it further appears that there are no present violations pending against said applicants;

NOW, THEREFORE, BE IT RESOLVED:

- 1.) That the said applications are hereby approved and granted for the year 2013.

- 2.) That upon receipt of the proper insurance coverage and satisfactory wrecker inspection reports, the Borough Clerk is hereby authorized and directed to issue said licenses.

/s/ William Henry, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-37

WHEREAS, on December 11, 2012 the Mayor and Council of the Borough of Sayreville received bids for a "Hook Lift Swap Loader Truck with Attachments"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 28th day of January, 2013:

1. Contract for the "Hook Lift Swap Loader Truck with Attachments" be awarded to Brown's Hunterdon International, LLC, P.O. Box 98, 963 Rt. 173, Bloomsbury, NJ on their bid price of \$140,901.00 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/ William Henry, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-38

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Repair & Maintenance of Borough Emergency Generators and that he be paid for said services at a fee not to exceed \$2,500.00

BE IT FURTHER RESOLVED that upon approval of said plans and specifications for the project the Borough Clerk is also herein authorized to advertise for the receipt of bids.

/s/ William Henry, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-39

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Repair & Maintenance of Borough Elevators and that he be paid for said services at a fee not to exceed \$2,500.00

BE IT FURTHER RESOLVED that upon approval of said plans and specifications for the project the Borough Clerk is also herein authorized to advertise for the receipt of bids.

/s/ William Henry, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-40

BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for Water Chemicals for the Water Treatment

/s/ Ricci Melendez, Councilman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013 - 41

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE
MAYOR AND BOROUGH CLERK TO EXECUTE A PROPERTY ACCESS
AGREEMENT WITH CABLEVISION LIGHTPATH-NJ**

WHEREAS, the Governing Body of the Borough of Sayreville recognizes the need to install fiber facilities into the property known as 119 Deerfield Avenue, in the Borough of Sayreville, County of Middlesex and State of New Jersey as the Borough of Sayreville's Tenant (Spring Wireless) will have a need in the future for ; and

WHEREAS, the Governing Body of the Borough of Sayreville, after reviewing and discussing the Cablevision-Lightpath-NJ, Inc. Property Access Agreement at its regular council meeting on January 14, 2013, find the Agreement to be acceptable and beneficial to the Borough; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are authorized and directed to execute a Property Access Agreement with Cablevision Lightpath-NJ, Inc.

/s/ William Henry, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-42

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Improvements to Ernston Road and that he be paid for said services at a fee not to exceed \$94,500.00.

BE IT FURTHER RESOLVED that upon approval of said plans and specifications for the project the Borough Clerk is also herein authorized to advertise for the receipt of bids.

/s/ William Henry, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

BUSINESS SESSION AGENDA

COMMUNICATIONS/COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE** – Councilman Henry

a) Minutes & Departmental Reports:

Councilman Henry moved the following Minutes and or Reports be Received & Filed:

- Municipal Clerk's report for the month of December and year end 2012.
- Investment Activities report for the month of November, 2012.

Motion seconded by Council President Buchanan.

b) Received the following application(s) for Bingo/Raffle Licenses:

Councilman Henry moved the following applications be approved:

-Sayreville Middle School PTO to conduct the following games on March 15, 2013:

- a) an on Premise Draw Raffle/Tricky Tray (RA:1791)
- b) On-Premise 50/50 Raffle (RA:1792)

- Old Bridge School of Dance Jewels Competition Team to conduct the following games on March 3, 2013

- a) On Premise Draw Raffle/Tricky Tray (RA:1793)
- b) On -Premise 50/50 (RA:1794)

-Approved.

c) Received an Application for Special Permit for Social Affair from Sayreville Athletic Association/Raritan Bay Explosion Fast Pitch Softball to serve beer and wine at a fundraiser to be held on March 23, 2013 at the Sayreville Senior Center.

-Approved.

d) Received an application from Herman Cortez for a Barber Shop License to be located at 132D Main Street, containing 8 chairs.

- Approved/ Clerk to prepare Resolution.

e) Request for resolution authorizing the execution of the 2013 Municipal Alliance Agreement and the acceptance of the Funds in the amount of \$36,442.00.

- Approved/ Clerk to prepare Resolution.

f) J. THAKKER & RAJ MISHRA, I & K SHOP 1, LLC.

Received Application for Person to Person/Place to Place Transfer of PRCL #1219-33- 040-005 **From:** Kamlesh Patel (Pocket License) **To:** I & K Shop 1, LLC located at 3109 Bordentown Ave. Councilwoman Eicher questioned the location and if there is enough parking to permit this type of business at that location.

Clerk informed the Council that the applicants were present here tonight if they would like to ask them any questions.

Appearing were:

J. Thakker and Raj Mishra

Councilwoman Eicher asked if this was going to be a liquor store/bar and how many seats there would be and if there would be ample parking.

Their attorney responded that there would be five (5) seats in the bar.

The Borough Engineer responded to the parking question. He said that they appeared before the Planning Board when TJ's applied for that relocation. And initially there was a parking variance and at the same time the proposed liquor store/bar was discussed and they did receive planning board approval for that use.

Council President asked if there were enough parking for all three businesses.

Mr. Cornell said that there would be ample. He said that they have an agreement with the gas station across the street for employee parking.

Councilman Henry commented that they are setting up as a bar as required by law but would like to operate as a liquor store.

- Approved/ Clerk to prepare Resolution.

g) KEVIN SELTZER, ETHAN H, LLC

Received Application for Place to Place Transfer of PRCL #1219-33-011-009 of Ethan H, LLC to transfer his license from Pocket status to his previous location of 960 Route 9, South, Sayreville to operate a Sports Bar, Restaurant & Pool Hall.

Council President Buchanan recognized an attorney in the audience requesting to be heard.

Appearing were:

James J. Addonizio, Rudnick, Addonizio, Pappa & Casazza Lawfirm, representing 439Corp., t/a Bourbon Street. He said then when this license was issued at this particular location it was within 2,000 ft. of a liquor license that his client operates. He said that back some 5 years ago there was a condition placed on this license stating that they would not provide any live entertainment, he asked that this such restriction remain on the license when it is transferred back to its previous location, limiting Mr. Seltzer's operation to that of a Sports Bar with no live entertainment.

Municipal Clerk Farbaniec said that back in 2005 when this application came before the council there was a restriction and other conditions placed on this license, that there be no live entertainment, it was also specific in the Resolution where liquor could be served and can't be served. She said that this condition as well as others are part of the license and gets renewed every year as part of the license and as of right now is still part of Ethan H. LLC license.

Mr. Seltzer said that he has held this location since 2000 and back in 2003 he applied to hold Comedy entertainment with no live "go go" entertainment and was approved and to date has not desire to have any such entertainment.

Council President Buchanan asked that the Borough Attorney look over the Resolution and modify it as necessary.

Clerk said that if the council desires she is requesting that the resolution be amended, transferring this license to the previous location and that the restrictions or conditions specify that there be no live go-go type of entertainment and change the venue to read operate a Sports Bar, Restaurant and Pool Hall along with particular hours of operation and security personnel that was previously outlined in the resolution.

Council President asked the Borough Attorney to place the resolution on for the next meeting with the changes discussed.

Mr. Addonizio asked if he could get a copy of the revised Resolution.

Clerk said that she would forward when complete.

Nothing further on this matter.

- Approved/ Borough Attorney to prepare Resolution.

h) Received correspondence from the Twp. of Marlboro requesting the support of other municipalities in the intervention of JCP & L's application to the BPU for an increase in rates.

- Approved/ Clerk to prepare Resolution.

i) Committee Reports:

1) _____

- PLANNING & ZONING – Councilman McGill

a) Minutes & Departmental Reports:

Councilman McGill moved the following Minutes and or Reports be Received & Filed:

- 1) Planning Board Minutes of January 2, 2013
 - 2) Construction Official's reports for the month of December, 2012.
- Motion seconded by Council President Buchanan.

b) Received correspondence from the Sayreville Planning Board that the Board approved an **application of Stadium Holdings for the Vacation of a Paper Street** – Eulner Street at the terminus of Lots 560 and 693 and is now referring same to the Governing Body.

- Referred to the Borough Engineer and Borough Attorney.

d) Committee Reports:

• **PUBLIC WORKS** – Councilman Henry

a) Minutes & Departmental Reports:

Councilman Henry moved the following Minutes and or Reports be Received & Filed:

- 1) Various Public Works Reports covering October, November & December and year end for 2012.

Motion seconded by Council President Buchanan.

b) Recommendation to award the RFP for Public Space Recycling Stations to Creative Outdoor Advertising. They will also be responsible for the collection of recyclables and waste in these units.

- Approved/ Clerk to prepare Resolution.

c) Request for authorization to extend contract for Landscaping and Maintenance of Various Borough Owned Properties to Greenleaf Landscape Systems & Service, Inc. for

the for one (1) – Two (2) year Contract with no increase in price.

- Approved/ Clerk to prepare Resolution.

d) Recommendation received from USA Architects requesting final close out of project known as HVAC Up-grades at Borough Hall and issuing final Payment to Thassian Mechanical Contractors.

- Approved/ Clerk to prepare Resolution.

e) Committee Reports:

- **RECREATION** – Councilwoman Eicher

a) Minutes & Departmental Reports:

Councilwoman Eicher moved the following Minutes and or Reports be Received & Filed:

1. Recreation Department Head's report for the month of December, 2012.

Motion seconded by Council President Buchanan.

b) Committee Reports:

1. Wished a speedy recovery to our Recreation Director, Jerry Ust following his knee surgery.

- **WATER & SEWER** – Councilman Melendez

a) Councilman Melendez moved the following Minutes and or Reports be Received & Filed:

- 1) Water & Sewer Director's Report for the month of December 2012.

Motion seconded by Councilman Buchanan.

b) Committee Reports:

1. Progress.

- **PUBLIC SAFETY** – Council President Buchanan

a) Councilman Buchanan moved the following Minutes and or Reports be Received & Filed:

- 1) Municipal Court Administrator's Report for the month of December, 2012
- 2) Fire Prevention reports for the month of December, 2012
- 3) Various Police Dept. reports for various months of 2012.

Motion seconded by Councilman Henry

b) Received request for coin toss from Boy Scout Troop #97 to be held on April 13, 2013 between 10AM-2PM at the intersection of Washington & Ernston Road.

- Approved.

c) APPLICATIONS FOR WRECKER LICENSE RENEWALS

Received 9 Light Duty Wrecker Applications plus

2 Heavy Duty Wrecker Applications for renewal for 2013.

- Approved/ Clerk to prepare Resolution.

(Pending inspection and insurance approvals)

d) Committee Reports:

1. Progress.

- **MAYOR** – Kennedy O'Brien

- Appointments

Council President moved the following appointments be made:

- a) Cultural Arts Commission – Thomas Fritzen for a 1 year term.

- b) Recycling Commission
Laurie Occhipinti – 3 Yr. Term
Kathleen Tirpak – 3 Yr. Term
Gina Rispoli - 3 yr. Term
Daniel Occhipinti – 2 Yr. term
Kira Gagliardi- 2 yr. Term.

Seconded by Councilwoman Eicher.

Roll Call: Council persons Buchanan, Eicher, Henry, McGill, Melendez, Novak, all Ayes. Carried.

• **BUSINESS ADMINISTRATOR – Daniel E. Frankel**

a.) Authorization for a resolution for a CDBG Discharge of Mortgage on 62 MacArthur Ave.

- Resolution

b.) Recommendation to retain the services of Magellan Health Services for the 2013 Employee Assistance program.

- Resolution

c) Recommendation received to replace two School crossing Guards. One (1) to fill a vacancy and One (1) per-diem employee.

- Resolution

d). Personnel – Executive Session.

- Resolution

e) Report –

i) Thanked the Temper Foundation for their generous donation. They gave each family affected by the hurricane a \$100.00 gift card to Target.

ii) Reported that there is an organization preparing taxes for residents for free, if you made less than \$60,000 in 2012. Flyers will be on the back tables.

iii) Reminded everyone that the Christie Administration is reminding all of us that were unemployed due to the hurricane they have up until February 4th to file for Disaster Unemployment Assistance.

• **C.F.O.- Wayne Kronowski**

1. Bill List Resolution

2. Transfer Resolution

3. Budget Update

• **ENGINEER -Jay Cornell** (none)

• **BOROUGH ATTORNEY**

• **PUBLIC PORTION**

At this time Council President Buchanan opened the meeting to the public for any and all issues.

Those appearing were:

-Joanne St. Amand, Woodbridge Developmental Center
Requested the Borough of Sayreville' support in opposing the closing of the Woodbridge Developmental Center. She asked for a Resolution requesting that the Governor not to close the Woodbridge Developmental Center as well as the North Jersey Developmental Center.

She said that the Governor had put together a Task Force who recommended closing these two centers which are the only two centers in North Jersey.

She said that if these facilities close the residents would be placed in "community placement". She said that the families of the residents took a survey and found that residents and families do not want to these emotionally disabled residents to go into the community. She explained that the Developmental Center has been the home for these residents for many, many years. She said that her sister is 57 years old and has lived there since she was 20. She further explained the extreme disabilities of the residents and asked for the governing bodies support.

Councilman Henry asked that the Borough Attorney prepare a resolution opposing the closing of these facilities for the next meeting.

Council President asked if there were any objections. There were none.

-Rex Read, Trenton – Political legislative representative for the American Federation of State, County and Municipal Employees. Representing the AFSCME Employees of the Woodbridge Developmental Center and North Jersey Developmental Center. Requested the governing body of Sayreville help defend the residents and guardians of Woodbridge and North Jersey Developmental Center to stay open. The residents need your help and are the least able to take care of themselves, that is why he is here tonight asking for your help to save their homes. They know no other home.

No further questions or comments. Councilwoman Eicher made a motion to close the public portion. Seconded by Councilman Henry.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes.
Carried.

- **EXECUTIVE SESSION ITEMS**

Council President announced that the Council will be going into Closed Session and do not expect any action to be taken when we reconvene.

Attorney DuPont 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:

Litigation – Tax Appeals

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.

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

/s/ Lisa Eicher, Councilwoman

APPROVED:

/s/ Kennedy O'Brien
Mayor

Councilwoman Eicher moved the Executive Session Resolution be adopted on Roll Call Vote. Seconded by Councilman Henry.

Roll Call: Voice vote, all Ayes. Carried.

Time: 8:30 PM

• **RECONVENE**

Councilwoman Eicher moved to reconvene the meeting. Motion was seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

Time: 8:34 P.M.

ADJOURNMENT

No further business.

Councilwoman Eicher made a motion to adjourn. Motion seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

Time: 8:34 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved