

Combined Meeting of the Mayor and Borough Council held on Monday, February 11, 2013, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 7:04 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, Novak.

Absent: None

Others Present: Mayor Kennedy O'Brien, Mayor
Business Administrator Daniel Frankel
CFO Wayne Kronowski
Municipal Clerk Theresa Farbaniec
Engineer Jay Cornell
Borough Attorney Michael DuPont

Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES - (None)**

- **PRESENTATIONS**

- Mayor called forward Coach Joe Slavik and the Sayreville Boy's Soccer Team.

Mr. Slavik said that after Storm Sandy hit the team still practiced for the team tournament despite people being displaced and others having no power, they still had full attendance to all practices. He mentioned that one player lost his home, cars, etc. Another player was displaced to Newark and had to take the train from Newark to So. Amboy to make practice every morning. He said that that Coach Cifelli thought they could somehow help those affected and decided to sell t-shirt with the saying Sayreville Strong after seeing the slogan NJ Strong on the internet. Both Coach Cifelli and Mark from East Coast Custom designed the t-shirt with the intention of selling approximately 200 and that 200 multiplied to 1,088 t-shirts being sold and are here tonight to donate the proceeds in the form of a check in the amount of \$9,601.00 to the Storm Relief Fund from the Sayreville Boy's Soccer program.

Applause and thanks by all in attendance.

Mayor thanked the Sayreville Boy's Soccer team and told them that Sayreville is very proud of them.

- Mayor announced that at the Sayreville Lions Club made a donation in the amount of \$1,000.00 for the Sayreville Relief Fund. He thanked them.
- Our lady of Victories Parish with Walt Mayer held a benefit with the proceeds to be coming to the Sayreville Relief fund.

Mayor said that Old Bridge Councilman Kevin Calogera put together the a telethon in which Old Bridge, Sayreville, South Amboy

participated and brought in \$14,000. He said that the proceeds will be split by 1/3 for each town. He thanked Larayne Panayi. He said that she her husband and family jumped right in when the Relief Center was set up and gave tireless hours to the center. He said that she also contacted the Robinhood Foundation and they have already earmarked \$150,000. for Sayreville and she is working on securing the money.

The Mayor said that these are the friends you never hear about and thanked them personally as the Mayor.

Mayor called for the first order of business.

- **OLD BUSINESS**

The Clerk read:

a) Public Hearing on 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)

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #208-13**.

There were no appearances.

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

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

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)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Sayreville in the County of Middlesex finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a three and one-half percent (3.5%) increase in the budget for said year, amounting to \$1,351,743.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Sayreville in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final appropriations of the Borough of Sayreville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by three and one-half percent (3.5%), amounting to \$1,351,743.00, and that the CY 2013 municipal budget for the Borough of Sayreville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

• **NEW BUSINESS:**

a. The Municipal Clerk reported that the CFO Mr. Kronowski filed with her office the Annual Financial Statement for the year ending 2012 and the Supplemental Debt Statement as of February 11, 2013.

Councilwoman Novak moved the reports be received and filed. Motion seconded by Councilman Buchanan.

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

c. Introduction of the following Ordinance(s):

ORDINANCE #206-13

**AN ORDINANCE ESTABLISHING A GREEN TEAM ADVISORY COMMITTEE
AS PART OF THE BOROUGH OF SAYREVILLE'S PARTICIPATION IN THE
SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM**

(Co. Novak, Sponsor - Public Hearing to be held February 25, 2013)

Councilwoman Novak made a made a motion to approve the ordinance on first reading advertise according to law and schedule a public hearing on February 25, 2013. Motion seconded by Councilman Buchanan.

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

ORDINANCE #209-13

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXIII FLOOD DAMAGE PREVENTION AND
PROTECTION OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE**

(Co. McGill, Planning & Zoning Committee Novak, Sponsor - Public Hearing to be held February 25, 2013)

Councilman McGill made a made a motion to approve the ordinance on first reading advertise according to law and schedule a public hearing on February 25, 2013. Motion seconded by Councilman Buchanan.

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

ORDINANCE #210-13

**BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE
EXISTING CROSSMAN SANITARY PUMP STATION IN, BY AND FOR
THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING
\$3,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$3,330,000 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF SUCH APPROPRIATION**

(Co. Novak, Admin & Finance Comm. - Public Hearing to be held February 25, 2013)

Councilwoman Novak made a made a motion to approve the ordinance on first reading advertise according to law and schedule a public hearing on February 25, 2013. Motion seconded by Councilman Henry.

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

ORDINANCE #211-13

**AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #150-10,
FIXING SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS AND
EMPLOYEES FOR THE YEARS 2009, 2010, 2011, 2012
(Fire Sub-Code Official)**

(Co. Dave McGill, Planning & Zoning Comm. - Public Hearing to be held February 25, 2013)

Councilman McGill made a made a motion to approve the ordinance on first reading advertise according to law and schedule a public hearing on February 25, 2013. Motion seconded by Councilman Buchanan.

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

At this time Mayor Kennedy O'Brien opened the meeting to the Public on the Consent Agenda Resolutions.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street
Questioned Resolution #2013-51 Discharge of Mortgage.
Explained by CFO Kronowski and CDBG Grant Coordinator that these were grants for housing re-habilitation and how the program works.

No further questions or comments.

Councilman Buchanan made a motion to close the public portion and adopt the Consent Agenda Resolutions on Roll Call Vote. Seconded by Councilwoman Novak.

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

RESOLUTION #2013-43

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

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

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

/s/ Kennedy O'Brien

Mayor

/s/ Daniel Buchanan
Councilman

/s/ David McGill
Councilman

/s/ Lisa Eicher
Councilwoman

/s/ Ricci Melendez
Councilman

/s/ William J. Henry
Councilman

/S/Mary J. Novak
Councilwoman

**Bill list of February 11, 2013, in the amount of \$12,561,582.70
(Bill List – See Appendix 2013-A for this date, in a separate Bill List File for 2013).**

RESOLUTION #2013-44

WHEREAS, Herman Cortez has applied to the Mayor and Council for approval of a barber shop license located at 132D Main Street, Sayreville, NJ; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is hereby authorized and directed to issue a license to Herman Cortez to operate a barber shop containing eight (8) chairs at located at 132D Main Street, Sayreville, NJ.

/s/ Mary J. Novak, Councilwoman

(Admin. & Finance Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013-45

BE IT AND IT IS HEREBY RESOLVED that the proper Borough officials are hereby authorized and directed to execute the 2013 Municipal Alliance Agreement and accept the 2013 Municipal Alliance Grant award in the amount of \$36,442.00.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

Person to Person / Place to Place Transfer

RESOLUTION 2013-46

WHEREAS, application has been received by the Municipal Clerk for a person to person transfer of Plenary Retail Consumption License #1219-33-040-005, covering the sale of alcoholic beverages in the Borough of Sayreville; and

WHEREAS, said application is complete in all respects, and applicant has disclosed with the issuing authority the source of all funds used in the purchase of said license and business; and

WHEREAS, the applicant has duly advertised in the Home News Tribune on December 6, 2013 and December 13, 2013, as required by law, and has produced proof of publication as to such advertising; and

WHEREAS, no objections or protests have been made with regard to said transfer; and

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

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption License #1219-33-040-005 now held by Kamlesh Patel a Pocket License, be ***transferred*** and ***re-activated effective February 12, 2013*** as follows:

LICENSE NO.: 1219-33-040-005
FROM: Kamlesh Patel
(Pocket License)

TO:
I & K Shop 1, LLC,
t/a TJ's Bar & Liquor
3109 Bordentown Ave.,
Parlin, NJ 08859

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013 -47

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,**

**SUPPORTING THE MOTION TO INTERVENE FILED BY
THE BOROUGH OF MARLBORO, COUNTY OF MONMOUTH AND
STATE OF NEW JERSEY OPPOSING JCP&L'S PETITION TO THE
STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES FOR RATE INCREASES**

WHEREAS, Jersey Central Power & Light Company filed a Petition to the State of New Jersey Board of Public Utilities for review and approval of increases and other adjustments to its' rates and charges for electric services as a result of Hurricane Sandy, and

WHEREAS, the Governing Body of the Borough of Sayreville was extremely frustrated and dismayed by JCP&L's poor communication and its overall lack of leadership and supervision of repair efforts that led to unnecessary delays and long response time for service to be restored in the Borough of Sayreville; and

WHEREAS, the Borough of Marlboro, County of Monmouth and State of New Jersey has, through its attorney, filed a Motion to Intervene with the New Jersey Board of Public Utilities opposing the rate increase and other adjustments to its' rate and charges for electric services as a result of Hurricane Sandy; and

WHEREAS, The Governing Body of the Borough of Sayreville wishes to join with the Borough of Marlboro, County of Monmouth and State of New Jersey in its' opposition to JCP&L's petition to the State of New Jersey Board of Public Utilities; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Governing Body of the Borough of Sayreville, County of Middlesex and State of New Jersey wishes to support the Borough of Marlboro's motion to intervene; and the Borough Clerk shall forward a certified copy of this Resolution to the attorneys for the Borough of Marlboro, DeCotiis, FitzPatrick & Cole and to the New Jersey Board of Public Utilities.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013-48

WHEREAS, on December 18, 2012 the Mayor and Council of the Borough of Sayreville, received Request For Proposals for "Public Space Recycling Stations"; and

WHEREAS, the Borough of Sayreville is desirous of entering into a contract with Creative Outdoor Advertising ("COA") for the purpose of establishing a public space recycling program within the Borough; and

WHEREAS, COA will provide to the Borough at no cost, Historic Metrobin and Heritage Recycling Stations which will be placed throughout the Borough in available rights-of-way at the Borough's choosing; and

WHEREAS, COA will assume all responsibility to maintain interior and exterior of bins which includes graffiti removal so that same are kept in a clean and presentable state; and

WHEREAS, COA will initially provide bins to be placed through the Borough; and

WHEREAS, the recycling bins will be 3 part: 2 part recycling, 1 part solid waste which COA will empty on at least a weekly basis or more often as necessary; and

WHEREAS, each recycling station will be sponsored by a local areas business and portion of the sponsorship revenues will be shared with the Borough; and

WHEREAS, COA agrees to provide weekly inspections of each recycling station to clean, repair and maintain units and areas around them; and

WHEREAS, by entering into said contract with COA, the recycling program will provide the Borough with the following:

- i) A stream of incremental revenue
- ii) An increase, reinforcement and strengthening of the recycling message to the Borough of Sayreville’s residential and business community
- iii) Allows the Borough to introduce an on-street recycling program to compliment the existing curbside solid waste program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville on this 11th day of February, 2013 that:

1. The Mayor and Borough Clerk are hereby authorized to execute a contract with COA for the purpose of providing on-street recycling within the Borough, subject to the approval by the Borough Attorney.
2. The Borough Clerk is directed to forward an executed contract to Bill Schwartz, Municipal Affairs Manager at Creative Outdoor Advertising, 1930 Commerce Lane, suite 1, Juniper, Florida 33458 with instruction to return a fully signed copy to the Borough Clerk for its records.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

RESOLUTION #2013-49

WHEREAS, on February 24, 2011 the Borough of Sayreville awarded a two-year contract for “Landscape Maintenance for Various Borough Properties ” to Greenleaf Landscape Systems & Services, Inc., 276 Pine Brook Rd., Eatontown, NJ 07724; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to extend the contract for a one (1) - two year period (final year) at no additional increase in price contained therein; and

WHEREAS, Greenleaf Landscape Systems & Services, Inc, has indicated their interest in extending their terms of the aforesaid contract for two (2) additional years;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for “Landscape Maintenance for Various Borough Properties” is hereby renewed for one (1) – two (2) year period at no additional increase in price.

/s/ William Henry
Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-50 (Rescinded on 2/25/13 & replaced by 2013-64)
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: HVAC Upgrade at Sayreville Borough Hall
- Contractor: Thassian Mechanical Contracting, Inc.
641 State Rt. 36
Belford, NJ 07718
- Balance Due: \$ 12,160.00

WHEREAS, the USA Architects has fully issued a statement 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.

/s/ William Henry
Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-51
AUTHORIZING DISCHARGE OF MORTGAGE ON
PROPERTY OF MARY LIS
LOCATED AT 62 MacARTHUR AVE., SAYREVILLE

WHEREAS, the Borough of Sayreville (the "Borough") holds a mortgage given by Mary Lis on property located at 62 MacArthur Avenue, Sayreville; and

WHEREAS, the said mortgage was recorded on November 3, 1994 in the County of Middlesex, State of New Jersey, in Mortgage Book 4817 on Page 674; and

WHEREAS, this mortgage was given by Mary Lis as security for a loan given by the Borough pursuant to the Sayreville Community Development Block Grant (C.D.B.G.) Program; and

WHEREAS, this Mortgage has been paid in full or otherwise satisfied and discharged of record; and

WHEREAS, the CDBG consultant has recommended that the mortgage be cancelled.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville, that the mortgage covering property located at 62 MacArthur Avenue, Sayreville, New Jersey, recorded in the Offices of the Middlesex County Clerk's Office on November 3, 1994 in Mortgage Book 4817, Page 674, shall be cancelled of record; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a Discharge of Mortgage canceling the mortgage and modification of mortgage, and the CDBG Coordinator is hereby directed to file the executed Discharge of Mortgage with the Middlesex County Clerk.

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013-52

BE IT AND IT IS HEREBY RESOLVED that the proper borough officials are hereby authorized and directed to execute a three-year agreement, effective from 2013 through 2015 with Magellan Behavioral Health Services, Inc., 14100 Magellan Plaza, Maryland Heights, MO 63043 for the provision of services associated with the Borough's Employee Assistance Program.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013-53

BE IT RESOLVED that the following person is hereby appointed to the following title and department:

NAME OF APPOINTEE: George Kennedy
POSITION: School Traffic Guard
DEPARTMENT: Police
EFFECTIVE: 2/12/13

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

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

ATTEST:

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec
Municipal Clerk

BOROUGH OF SAYREVILLE

/s/ Kennedy O'Brien
Kennedy O'Brien,
Mayor

RESOLUTION #2013-54

BE IT RESOLVED that the following person is hereby appointed to the following title and department:

NAME OF APPOINTEE: Karen A. Smart
POSITION: School Traffic Guard
DEPARTMENT: Police
EFFECTIVE: 2/12/13

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

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien,
Mayor

RESOLUTION #2013-55

WHEREAS, National Amusements, Inc. owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2010, 2011 and 2012 affecting Lead Block 273, Lead Lot 1; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for National Amusements, Inc. duly recommend the following:

- Appeal of 2010 assessment will not be changed
- Appeal of 2011 be reduced to \$3,000,000.;
- Appeal of 2012 be reduced to \$3,000,000.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of Sayreville as follows:

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above-proposed and authorized.

2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013-56

WHEREAS, The Younan Family, LP, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2010, 2011 and 2012 affecting Block 412.02, Lots 23-28; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for The Younan Family, L.P. duly recommend the following:

- Appeal of 2010 assessment will not be changed
- Appeal of 2011 assessment will not be changed
- Appeal of 2012 be reduced to \$975,000.
- 2013 assessment will be further reduced to \$925,000.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of Sayreville as follows:

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above-proposed and authorized.

2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013 – 57

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, OPPOSING THE CLOSING OF THE WOODBRIDGE DEVELOPMENT CENTER (WDC)

WHEREAS, in an effort to reduce New Jersey's reliance on institutional care, the Task Force on the Closure of State Developmental Centers was created by the state legislature and charged with reviewing certain criteria of each of the state-operated facilities including but not limited to the local economic impact of losing a center; the ability of a community to provide or develop services for those leaving who wanted to leave or didn't oppose moving outside the region; the state's ability to maintain operations, and projected repair and maintenance of each center; and

WHEREAS, among the seven state-operated facilities for this purpose is the Woodbridge Development Center (hereinafter referred to as WDC), a residential facility, established in 1965 for persons with developmental disabilities and located on 68-acres in the Avenel section of Woodbridge Township; and

WHEREAS, while indicating that no one piece of information or experience was a determining factor in which of the seven state-operated facilities would be recommended for closure, there are other factors that should have been considered before making their decision. These factors include the rights (federal law requires government to meet the needs of the individual) of the clients at WDC to have treating professionals make judgments about how their needs are best met and that transferring clients from long-term institutional care to community housing has its own set of problems including higher rates of mortality and an increased likelihood of abuse in a community; and

WHEREAS, the Mayor and the Governing Body of the Borough of Sayreville is deeply concerned by not only the recommendation by the task force to displace WDC clients but the wide-reaching economic effect with the loss of approximately 1,600 jobs in our community. The opinion that Woodbridge's relatively strong economy is more able to absorb a closure should not be relative to the task force's decision.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and the Governing Body of the Borough of Sayreville, that it expresses its disagreement with the findings and conclusion of the Task Force on the Closure of Developmental Centers; opposing the closing of the WDC as it is a vital and valuable resource that should be kept in operation for the benefit of its clients and employees; and

BE IT FURTHER RESOLVED by Mayor Kennedy O'Brien and the Governing Body of the Borough of Sayreville, that certified copies of this Resolution be forwarded to Governor Chris Christie, 19th District Senator Joseph Vitale, Assemblymen Craig Coughlin and John Wisniewski, and the surrounding communities of the Borough of Sayreville.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

BUSINESS SESSION AGENDA

COMMUNICATIONS & COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE** – Councilwoman Novak

a) Minutes & Departmental Reports:

Move the following Minutes and or Reports be Received & Filed:

- Board of Education Minutes - January 22, 2013

- **Receive & File**

b) MIDDLESEX COUNTY CLERKS ASSOCIATION is requesting Governing Bodies support in opposing Senate Bill 2511 which would amend the Open Public Meetings Act requiring subcommittees to provide public notice of subcommittee meetings, requiring them to submit reports, etc. this amendment would among other things, necessitate additional administrative support for all subcommittees as well as increasing legal advertising costs, etc. Subcommittees do not commit the governing body to action or expend public funds.

- **Approved/ Clerk to prepare Resolution.**

c) Resolution received from the Sayreville Board of Education authorizing a change in the date for the School Board Election from the 3rd Monday in April to be included in the General Election or the 1st Tuesday after the first Monday in November.

- **Receive & File.**

d) Committee Reports:

1) Councilwoman Novak reported on the meetings she had with the Finance Committee, the CFO and Business Admin. to discuss budget cuts. She said that the initial budget called for a 17 cent increase. She also said that a workshop with entire council will take place on Feb. 19th. and that they are working hard to bring this figure down without having any furloughs or layoffs and continuing on providing the residents the services the currently have but it will take a lot of hard work.

• **PLANNING & ZONING** – Councilman McGill

a) Minutes & Departmental Reports:

Councilman McGill made a motion to received and file the following Minutes/Reports:

1) Planning Board Minutes - December 12, 2012 and January 16, 2013.

2) Middlesex County Planning Board – December 11, 2012

Motion seconded by Councilman Buchanan.

b) Applications received from the following for the placement of **temporary office trailers:**

i) Allied Construction Group, Inc. for the placement of one (1) temp. electrical office trailer on MCUA property known as Block 169, Lot 12, 56 Canal St.

- **Approved/ Clerk to prepare Resolution.**

c) Letter from SERA requesting the borough adopt an ordinance authorizing the sale of borough owned property known as Block 257.02, lot 1.01 consisting of land approx. 7,391+/- sq. ft. located along Chevalier Avenue to be included in the

Sayreville Waterfront Redevelopment Area.

Mayor called upon SERA's Executive Director Joe Ambrosio and Chairman Raniero Traviasso to report on this request. Mr Ambrosio said that this is a small piece of property on the sight just past the guard house which is owned by the Borough and that SERA is looking to purchase it from the borough and incorporate it in the NL redevelopment site. He said that this property is one of the misc. items needed to finish the NL Site.

The Mayor asked if there were any objections. None made.

The Mayor then said that they would have to check if the borough could accept their appraisal or if the borough needed to conduct their own.

Mr. Henry asked the borough attorney why we couldn't accept their appraisal.

Mr. DuPont said that he would have to check the Statute. Mr. Ambrosio said that he would follow-up with Mr. DuPont.

d) Letter from SERA requesting the Borough Council review the Memorandum of Understanding (MOU) and application received from VG Resources Limited Liability Co. to redevelop the Sayreville Landfill as a gas firepower plant and accept the terms in the MOU, and adopt a resolution evidencing its consent to move forward with said project.

Mayor asked SERA Director Mr. Ambrosio to expand on this request.

Mr. Ambrosio explained that some time ago the Council requested SERA go out for RFP's for certain borough properties, Landfill III being one of them. He said that they received a response from VG Resources and passed a resolution late in 2011 designating them as the conditional redevelopers and since have been trying to work out some details. This project has some very good up-sides in terms of generating taxes, construction jobs and permanent jobs. And because this is a complicated process they negotiated an MOU which divides the process into phases. The first step is a planning phase, to make sure the company is making the appropriate progress. He said that there will be an escrow set up for professional fees and there will be a \$1,000. Administrative fee per month. \$1,000. to the borough and \$1,000. to SERA during the first year. The first year corresponds with the first development phase. The second, third and forth development phase is all two thousand per month and helps to defray the expenses of SERA.

The Mayor asked the Business Administrator and the CFO if they had a chance to review the MOU. The CFO said that he reviewed the MOU and they have already received \$1,000. and it appears to be on the up and up. The borough Attorney said that he did not review the agreement but would do so and call Mr. Ambrosio tomorrow. Mr. Ambrosio explained that the \$1,000. was paid as good faith and the escrow has been set up as well. Mayor said that the MOU has been reviewed and accepted by the members of SERA. Our CFO has reviewed and approved thus far. So now the Business Administrator and the Attorney needs to review, so conditional upon the approval of the Attorney and Administrator there will be a resolution on for the next meeting authorizing the execution of the MOU. He asked if all were in agreement. No objections.

e) Request for the Council to review the possibility of the inclusion of property along Rt. 35 from the terminus of the old Multiplex and proceeding south to the area of Andrejewski Drive in the redevelopment zone.

Mayor again asked Mr. Ambrosio to explain.

Mr. Ambrosio said that this area is a suggestion for inclusion in the redevelopment site. To determine if this site or some part of this site would be worthwhile to designate as a redevelopment zone. Mayor explained how a property would become part of a redevelopment zone. Mr. Ambrosio said that if the council is looking to pursue this SERA would take the steps necessary but everyone should be heard. Mayor felt that if the council was in favor he would like the planning board to weigh in on the issue. The Mayor asked if there were any objections in referring this to the Planning Board for their input. All agreed. The Mayor told Mr. Ambrosio that it is

the consensus of the borough to move forward and now it needs Planning review then move on from there.

Committee Reports:

1. Progress

- **PUBLIC WORKS** – Councilman Henry

a) Minutes & Departmental Reports:

Move the following Minutes and or Reports be Received & Filed: (none)

- b) Authorization** for Clerk to prepare Resolution for the submission of the **Recycling Tonnage Grant for 2012.**

- Approved/ Clerk to prepare Resolution.

e) Committee Reports:

1. Councilman Henry thanked the Public Works Department and other departments that helped in the excellent snow removal during the recent storm.

2. Reported on Sayreville's contribution of recycled Christmas Trees to Ortlly beach to help build their dunes.

- **RECREATION** – Councilwoman Eicher

a) Minutes & Departmental Reports:

Councilwoman Eicher made a motion to received and file the following Minutes/Reports:

- 1) Cultural Arts Council - January 9, 2013.
Seconded by Councilman Buchanan.

b) Committee Reports:

1. Progress.

- **WATER & SEWER** – Councilman Melendez

Councilman Melendez made a motion to received and file the following Minutes/Reports:

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

b) Committee Reports:

1. Progress.

- **PUBLIC SAFETY** – Council President Buchanan

a) Councilman Buchanan made a motion to received and file the following Minutes/Reports:

- 1) Board of Health minutes from December 6, 2012
Seconded by Councilwoman Eicher.

b) Received request for coin toss from Sayreville Bomber Touchdown Club to be held on Sept. 28 & 29 (rain date) between 10AM-2PM at the intersection of Washington & Ernston Road.

- Approved.

c) Authorizing the clerk to re-advertise for the receipt of bids for one (1) New Emergency Rescue Boat and Trailer.

- Approved/ Clerk to prepare Resolution.

d) Committee Reports:

1. Councilman Buchanan asked the Business Administrator to look into the poor lighting conditions on Main Street by the By-Pass to Washington Road and the area from Dunkin Donuts to the Arleth School.

Mr. Frankel stated that they are County roads and would forward the request to the County.

2. Also commented on the great job the public works department did on snow removal, as well as our police, fire and first aid.

3. Appointments –

Motion made by Councilman Buchanan to make the following appointments:

Board of Adjustment - Ron Green- Member - 4 Year term

Board of Adjustment- Phil Emma- Alt. #1 - 2 Year term

Motion seconded by Councilwoman Eicher.

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

Motion made by Councilman Buchanan to make the following appointments:

Board of Health Member - Frank Bella- Member - 3 Year term

Motion seconded by Councilwoman Eicher.

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

Councilman Buchanan announced Charlene Kelly's resignation from the Board of Health and thanked her for her service.

• **MAYOR** – Kennedy O'Brien

- Appointments

a) Disposition of proceeds from Shore Aid Telethon

Mayor stated that the Governor appointed "Storm Szars" and the one representing Sayreville is Rich Reboes. And this past Thursday he, the Mayor's from South Amboy, Old Bridge, Perth Amboy and South River met with him and reviewed some of the highlights on buyouts and that the criteria's were not yet set up. He explained that in his opinion there would be many more meetings in his opinion on the time-lines, the assessments, etc. But is all positive because the wheels are beginning to turn in that direction.

Mayor also announced that Camillo's Restaurant is hoping to open next week. And that on Sunday at Bello's, Clem Skarzynski is sponsoring Songs for Sayreville, which is a fund raiser for the Sandy Storm Relief Fund.

b) Recycling Commission (housekeeping)

Mayor asked a change in appointment for Laurie Occhipinti, appointing her to a 4 Yr. Term. So moved by Councilman Buchanan.

Motion seconded by Councilwoman Eicher.

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

Mayor also commented on the first rate job the borough does during any storm.

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

1) Authorization for the Fire Chief for the use of the Recycling truck to pick up a piece of steel from the World Trade Center to be used in the construction of a monument at the Melrose Hose Co., in honor of all those who perished on Sept. 11, 2001.

- Approved.

2) Executive Session.

-Personnel

- a) Laborer to Mechanic Helper
 - b) Police Personnel
- Possible Litigation

3) Schedule Grievance Hearing – Possible Feb. 25th - 6:30PM

4) Budget Meeting for the entire Mayor and Council – February 19th

5) Jeffrey Ward & Associates to conduct a Mitigation Meeting for presentation on Thursday, February 21, 2013 at 5:30 PM in the Council Chambers.

6) Informed everyone that the deadline for filing for a SBL is now March 1, 2013.

- **C.F.O.- Wayne Kronowski**

1. Bill List Resolution

2. Transfer Resolution

3. Budget Update - Informed everyone that the State was looking for all municipalities to have their budgets introduced/approved no later than March 15th.

- **ENGINEER -Jay Cornell** (none)

1. Stadium Holdings, LLC – Request for Vacation of Eulner Street (Report Attached)

- Referred to the Borough Attorney.

- **BOROUGH ATTORNEY - Michael DuPont**

- 1) Executive Session – Litigation/Contract negotiations

7. **PUBLIC PORTION**

At this time Mayor O'Brien opened the meeting to the public for any and all issues.

Those appearing were:

-Kirk Miick, Construction official

He expressed the importance for everyone in the storm areas that have been substantially damaged to get estimates or appraisals, this would help in the buy-out process. He said that there are about at least 80 homes that have not come to the Construction Office to apply for the repairs. He said that they need everyone with substantial damage to do so. He indicated that they would be trying to get free estimates, but the residents really need to move. He said that he would be they would be meeting with FEMA tomorrow and that they have they have a program. He said that the Mayor sent a letter down to Ocean County asking for help because they have a contract with teams of estimators and he is going to try to schedule inspections for next Saturday but need the residents out there. He asked that they spread the word.

Mayor asked for authorization for the construction official do a mailing to keep these residents informed and what the need is at this time.

All approved.

- Fran O'Conner 84 Weber Avenue & Frank Mazzaroni, 40 William Street
Fran said that one of the problems they have been having is getting estimators because the contractor knows they will not be hired, they are not going to fix

their homes. She explained that she had two contractors out and she is still waiting for the estimates. She said that if Sayreville cannot get FEMA out to do the estimates the town has to hire someone. This has to be organized and now. She also said that there is software that can be downloaded from the FEMA website, then a licensed professional or a representative of the town that could go house to house and determine if the homes are substantially damaged. Business Admin. said that they have a meeting with FEMA tomorrow and will know more after that meeting.

- Mr. Mazzaroni asked what repetitive flooding have to do with it. Response by Mr. Miick how it would help with a buy out.
- Ziggy Dombrowski, 32 Weber Ave.
He said that his house is complete and is living in it. His complaint is with the Tax Assessor and why he did not get the 10% reduction. He said that he was informed that his 10% ended because he completed the repairs on his home. He said that the Assessor told him that as of March he will no longer receive it.
- Mayor asked the Tax Assessor to respond.
Mr. Joe Kupsch, Tax Assessor said that he explained the rule to Mr. Dombrowski and that he allowed the reduction until March, 2013. Once the repairs are made it has to be returned to the previous assessment. Mayor added that he could appeal the Assessor's decision. Mayor also asked if the Assessor's office could aid in the residents completing the form and the Tax Assessor reminded the Mayor that they would be filing against the borough, but the Mayor still asked for assistance for the affected residents.
- Barbara Kilcomons, 22 Schmitt Street
Questioned the safety on having a Gas Fired plant on Jernee Mill Road, (Sayreville Landfill site).
-Mayor responded that it would be a power generation facility and that Jernee Mill Rd. is the ideal site for such a facility because of its proximity to water, gas main accessibility, and transmission lines.
Mrs. Kilcomons than requested that a Tax Abatement or Pilot program not apply to this project as others in the past.
- The Mayor explained that the borough does well tax wise, utility wise with these such programs he also explained that this facility would have very little traffic.

Questioned Ordinance 209-13, requesting that there be a designation in the ordinance that nothing new be built in flood prone areas.
- Mayor asked the Construction Official to address this question.
The Construction Official responded on the changes made to the flood areas in the new maps and what the recommendations are with regards to the new maps.

Questioned if the borough took any vehicle loss due to the storm.
Response by the Business Admin.

Questioned the cost of the loss to the Crossman Pump station.
-Response by CFO Kronowski and that there was a Bond Ordinance Introduced tonight covering that loss.

Mrs. Kilcomons expressed her disappointment in the School Board Election being combined with the General Election because she is losing her vote on the budget.
- Dolores Featon, formerly of 56 William St.
Said that she was displaced due to hurricane Sandy. She said that the Board of Education promised them transportation for any displaced child through the end of the year. Said she was also being screwed by FEMA with regards to her housing assistance

Mayor said that he received her messages and they were forwarded to the School Board. He further explained that the School Board is not part of municipal government.

- Fran O'Connor, 84 Weber Avenue
Ms. O'Connor said that she has received numerous complaints about help with school bus transportation for their displaced children. She took these complaints to the School Board and was told they could not discuss it with her because it was not her child that she was speaking to. She said that she feels that the Sayreville school system does not have an adequate plan in place to deal with displaced students.
- Dr. John Misiewicz, Sayreville Planning Board Chairman
-Wanted to bring everyone up to date that the Master Plan has been completed in its final draft. It was adopted at the last meeting and will be forwarded to the governing body for further comment on changes or approval. He said that everyone was duly noticed. He said that because of delays the Master Plan will have to be amended to include the numbers for affordable housing. Mr. Misiewicz then reviewed other delays they had with approving the Master Plan.
-Questioned why Board of Adjustment and SERA meetings are not televised. Mayor asked if there were any questions from the governing body. Councilman Henry agreed that the Board of Adjustment Meetings should be televised but SERA meetings meet in room 308 and do not have that ability.

Councilman McGill commented on the hard work of the Planning Board and felt that they would be better informed with having Board of Adjustment meetings televised.

Planning Board Chairman Misiewicz further explained the Master Plan and its process.

Mayor said that Councilman Henry's request was for a motion for Zoning and SERA meeting be televised. He asked if there were any other questions or comments and if not if he called for a motion.

Councilman Henry made a motion to have Zoning Board meetings televised but not SERA. Motion was seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Ayes but asked that SERA meetings move towards being televised in the future as well as having all agendas and minutes posted on the web site.

Eicher, Ayes;
Henry, Ayes;
McGill, Ayes, but asked that SERA provide the planning board with any pertinent information;
Melendez, Ayes;
Novak, Zoning Board, Ayes- SERA Nay.

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

Roll Call: Voice Vote, 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:

Personnel
Contract Negotiations

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

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

Roll Call: Voice vote, all Ayes. Carried.

Time: 8:34 PM

• **RECONVENE**

Councilwoman Novak moved to reconvene the meeting. Motion was seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

Time: 8:46 P.M.

ADJOURNMENT

No further business.

Councilwoman Novak made a motion to adjourn. Motion seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

Time: 8:46 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved