

Combined Meeting of the Mayor and Borough Council held on Monday, February 25, 2013, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor O'Brien at 7:10 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
Attorney Michael DuPont, Esq.

Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

Councilman Buchanan made a motion to approve the following minutes of the Mayor and Council, subject to correction if necessary:

- November 20, 2012 – Receipt of bids
(2010 Road Improvements-Ernston Road and Improvements to William Street)
- November 26, 2012 – Combined Meeting
- November 26, 2012 – Closed Session
- November 27, 2012 – Receipt of bids
(Pumper Truck)

Motion seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes. Carried.

- **PRESENTATIONS**

- Nancy Drumm of the Middlesex Regional Education Services Commission Aquatics & Fitness Center present additional donation check bringing total donations presented to date for Hurricane Sandy in the amount of \$5,759.25.

- **OLD BUSINESS**

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

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #206-13**.

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. Motion was seconded by Councilman Buchanan.

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

ORDINANCE #206-13

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

WHEREAS, the Borough of Sayreville began the pursuit of local initiatives and actions to obtain Sustainable Jersey Municipal Certification from the Sustainable Jersey Program; and

WHEREAS, the formation of a "Green Team" is the first step in establishing a community sustainability program; and

WHEREAS, it is mandatory that all communities participating in the Sustainable Jersey Program establish a "Green Team"; and

WHEREAS, Green Teams use the skills and expertise of team members to develop plans, implement programs and assist with educational opportunities that support the creation of a sustainable community; and

WHEREAS, the Mayor and Council in the Borough of Sayreville are working to save tax dollars, ensure clean air and water and improve working and living environments within the Borough of Sayreville, and to foster a community that is sustainable economically, environmentally and socially; and

WHEREAS, in order to direct the public's attention to "Green" issues, and in furtherance of the objectives of the Sustainable Jersey Program, the Mayor and Borough Council desire to establish a Green Team Advisory Committee.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council in the Borough of Sayreville, County of Middlesex, State of New Jersey, that it hereby authorizes the establishment of a Green Team Advisory Committee consisting of fifteen (15) members who shall be residents or employees of the Borough of Sayreville, such members to be appointed annually by the Mayor and Borough Council, through the recommendation of the Recycling Coordinator, for a 3 year term.

BE IT FURTHER RESOLVED, by the Borough of Sayreville, that the Mission, Goals and Objectives for the Green Team are hereby established as follows:

Mission: The Borough of Sayreville Green Team shall be a sub-Committee of the Recycling Commission and shall advise the governing body on ways to establish a community sustainability program through initiatives which are economically and environmentally sound.

Goals: The initial goal of the Green Team shall be to submit a report and recommendations to the governing body which report shall include:

1. A report of suggested best practices for "greener" municipal operations; and
2. Identification of community partners with whom the Green Team may coordinate sustainability activities and implement sustainability programs throughout the Borough of Sayreville.

Objectives:

1. Collaborate with Township employees, community organizations and other governmental agencies to share resources, information and ideas consistent with the Mission of the Green Team; and
2. Encourage participation of all Township employees to solicit ideas on green initiatives; and
3. Research and analyze green initiatives which make practical environmental and financial sense; and
4. Develop strategies for sustainable green initiatives;

BE IT FURTHER RESOLVED that the Green Team is hereby encouraged to work with existing community organizations to implement a municipal sustainability program, and is hereby authorized to pursue the Sustainable Jersey Certification on behalf of and in partnership with the Borough of Sayreville.

/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

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #209-13**.

There were no appearances.

Councilman McGill moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilwoman Novak.

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

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

Section 23-2. Definitions

Advisory Base Flood Elevation (ABFE) – The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory Stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) – The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

Substantial Improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which ***equals or*** exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

23-3.2 Basis for Establishing the Areas of Special Flood Hazard

c) *Advisory Base Flood Elevations and Advisory Flood Hazard Maps titled New Brunswick NE dated December 7, 2012, Perth Amboy SE dated December 7, 2012, Perth Amboy SW dated December 7, 2012, South Amboy NE dated December 7, 2012, South Amboy NW dated December 7, 2012. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.*

23-5.1-4 Subdivision Proposals

[1] All subdivision proposals ***and other proposed new development*** shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals ***and other proposed new development*** shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals ***and other proposed new development*** shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals ***and other proposed new development*** which contain at least fifty (50) lots or five (5) acres (whichever is less).

23-5.2-1 Residential Construction

[1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, ***elevated at or above the base flood elevation plus one foot or more or advisory base flood elevation whichever is more restrictive;***

[2] Require within any AO zone on the municipality’s FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above high as the depth number specified in feet (at least three feet if no depth number is specified) ***or at or above plus one foot the advisory base flood elevation whichever is more restrictive.*** And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

23-5.2-2 Nonresidential Construction

[1] ***Elevated to or above the base flood elevation or advisory base flood elevation plus one foot or more whichever is more restrictive;*** and

[2] Require within any A zone on the municipality’s DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above high as the depth number specified in feet (at least feet if no depth number is specified) ***or at or above plus one foot the advisory base flood elevation whichever is more restrictive.*** And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or

[3] Be floodproofed so that below the base flood level ***or advisory base flood elevation plus one foot or more (whichever is more restrictive)*** the structure is watertight with walls substantially impermeable to the passage of water;

23-5.2-3 Manufactured Homes

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above ***the base flood elevation or advisory base flood elevation plus one foot or more (whichever is more restrictive)***.

23-5.4 Coastal High Hazard Area

Coastal high hazard area (V or VE Zones) are located within the areas of special flood hazard established in SECTION 23-3.2 These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

23-5.4-2 Construction Methods

[1] Elevation

All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above ***the base flood elevation or advisory base flood elevation plus one foot whichever is more restrictive***, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in SECTION 23-5.4-2[4].

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter XXIII**, entitled **Flood Damage Prevention and Protection**, of the Revised General Ordinances of the Borough of Sayreville, shall be amended to reflect such 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/ David McGill, Councilman
(Planning & Zoning)

ATTEST:

/s/ Theresa A. Farbaniec, RMC

APPROVED:

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Esquire
Borough Attorney

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #210-13**.

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. Motion was seconded by Councilwoman Eicher.

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**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$3,500,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$170,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$3,500,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$3,330,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$3,330,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the replacement of the existing Crossman Sanitary Pump Station, together with all other work, materials and appurtenances necessary therefor or incidental thereto. The new sanitary pump station will include, without limitation, a new wet well with submersible pumps, a new emergency generator, a new electrical control building and other site improvements.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$3,330,000.

(c) The estimated cost of said purposes is \$3,500,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$170,000 down payment for said purposes.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 40 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$3,330,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$500,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$3,330,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

/s/ Mary J. Novak, Councilwoman
(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

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #211-13.**

There were no appearances.

Councilman McGill moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilwoman Novak.

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

ORDINANCE #211-13

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

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 effective January 1, 2012:

Fire Sub-Code Official - \$20,000.00

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/ David McGill, Councilman

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:**

Introduction of the following Ordinance(s):

ORDINANCE #212-13

**AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #149-10
FIXING SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS AND
EMPLOYEES FOR THE YEARS 2010, 2011, 2012
(Supervisor-Senior Citizen Activities)**

(Co. Mary J. Novak, Office on Aging - Public Hearing to be held March 11, 2013)

Mayor asked the Business Admin. to explain this ordinance.

Mr. Frankel said that this ordinance is creating the title of Supervisor of Senior Citizen Activities and combining a salary together with a stipend for the title of Acting Municipal Dept. Head-Office on Aging. There will be no additional cost to the borough.

Councilwoman Novak moved the Ordinance be approved on first reading advertised according to law and a public hearing and a public hearing to be held on March 11, 2013.

Motion seconded by Councilman Henry.

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

CONSENT AGENDA/RESOLUTIONS

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 #2013-68 – What the figure of the Special Emergency Appropriations was and for what department.
Mr. Kronowski explained that this is an amendment to the previous Emergency Appropriations from December, 2012 for \$2.6 million for Hurricane Sandy expenses and we need another \$1 million dollars that is going to increase that figure to \$3.6 million dollars and 75% is recoverable from FEMA.

No further questions or comments.

Councilman Buchanan made a motion to close the public portion and adopt the Consent Agenda Resolutions. Seconded by Councilman Henry.

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

RESOLUTION #2013- 58

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 25, 2013, in the amount of \$3,630,586.42
(Bill List – See Appendix 2013-A for this date, in a separate Bill List File for 2013).**

RESOLUTION #2013 - 59
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
OPPOSING SENATE BILL 2511 AMENDMENTS TO OPEN PUBLIC MEETINGS ACT

WHEREAS, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-2511); and

WHEREAS, the governing body of the Borough of Sayreville agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

WHEREAS, the changes, however, proposed in S-2511 will not only be a cost driver for local and State government but make government less effective; and

WHEREAS, S-2511 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process; and

WHEREAS, S-2511 creates a new definition of subcommittees that expands subcommittees to be overly inclusive; and

WHEREAS, subcommittees would be required to provide public notice of subcommittee meetings, if the governing body determines them to be open; and

WHEREAS, subcommittees would be required to submit a least one report to the governing body detailing the number of meetings, names of members of the committee and a concise statement of the matters discussed. The governing body would be required to establish a schedule of when the subcommittee reports shall be filed; and

WHEREAS, subcommittees do not commit the governing body to action or expend public funds; and

WHEREAS, the requirements for subcommittees meetings would, among other things, necessitate additional administrative support for all subcommittees as well as increased legal advertising cost; and

WHEREAS, the new requirement that agendas provide a description of all agenda items, including the name of parties to and approximate dollar amounts of any contracts to be acted upon, will delay the award of contracts and could lead to the loss of grant monies; and

WHEREAS, the new requirement that the governing body may act upon an item brought up by a citizen at a public meeting if it was not published as an agenda item only if: (1) there is a vote of 2/3 of the members present to proceed, (2) the municipality demonstrates that it is in the public’s best interest and includes the reasons why it is in the public best interest in the minutes; is impractical, ineffective and unnecessarily inhibits the operations of municipal government and runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it; and

WHEREAS, the new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and

WHEREAS, the new requirement that comprehensive minutes must include each member's stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 60 days after the meeting will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

WHEREAS, the new requirement that the public be allowed to speak for a minimum of three minutes, at the start of the public meeting, without the ability of the public body to limit the length of the public comment could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business; and

WHEREAS, the provisions of S-2511 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

WHEREAS, the totality of the new requirements of S-2511 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

WHEREAS, the provisions of S-2511 continue to exempt the Legislature from the requirements placed on municipalities; and

WHEREAS, while we appreciate Senator Weinberg's efforts to address our concerns, we must continue to oppose the amendments to the Open Public Meeting Act as the changes proposed in S-2511 will not only be a cost driver for local and State government but make government less effective;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF SAYREVILLE for reasons stated above, does hereby oppose S-2511, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills, and

BE IT FURTHER RESOLVED that the governing body of the Borough of Sayreville does hereby strongly urge the Legislature, in the interest of transparency and openness, to remove the various exceptions in the Open Public Meeting Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials; and

BE IT FURTHER RESOLVED that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the 19th State Legislative Districts, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-60

WHEREAS, the following applicant has applied for the licensing of one (1) additional trailer to be used as a temporary electrical office trailer:

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
Allied Construction Group, Inc.	3 Temporary Storage Trailers	56 Canal St. Block 169 Lots 12 & 56

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 trailers;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby approve the above-captioned application for permission to locate three trailers for temporary storage use on the above-captioned property.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012 - 61

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE SAYREVILLE ECONOMIC & REDEVELOPMENT AGENCY (SERA) TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH VG RESOURCES, LLC

WHEREAS, the Governing Body of the Borough of Sayreville acknowledges the need for the Borough of Sayreville to use all of its resources to enhance the Borough of Sayreville for its citizens; and

WHEREAS, the Governing Body of the Borough of Sayreville, authorized the Sayreville Economic & Redevelopment Agency (SERA) to undertake a preliminary investigation to determine whether certain properties, including the Sayreville Landfill No. 3 could be designated as redevelopment areas; and

WHEREAS, the Sayreville Economic & Redevelopment Agency (SERA) has determined that Sayreville Landfill No. 3 could be designated as a Redevelopment Area and has determined that the highest and best use of the property is likely to be a power plant; and

WHEREAS, VG Resources LLC has submitted a proposal to redevelop Sayreville Landfill No. 3 as a power plant; and

WHEREAS, VG Resources LLC has submitted a Memorandum of Understanding outlining the terms of the redevelopment of Sayreville Landfill No. 3 and said Memorandum of Understanding was executed by both parties on December 28, 2012; 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 authorize the Sayreville Economic & Redevelopment Agency (SERA) to proceed with the project as outlined in the Memorandum of Understanding.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-62

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant maybe made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for **calendar year 2012** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Borough Council to the efforts undertaken by the Borough of Sayreville and the requirements contained in the Recycling Act and the recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the Borough of Sayreville hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and **designates Elyse Barone, CRP/Municipal Recycling Coordinator** to ensure that the application and reports are properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-63

WHEREAS, the Borough of Sayreville advertised for the receipt of bids for a purchase of a New Rescue Boat and Trailer; and

WHEREAS, on December 11, 2012 the Borough of Sayreville did not receive any bid proposals.

BE IT AND IT IS HEREBY RESOLVED, that the Borough Clerk is hereby authorized and directed to re-advertise for the receipt of bids for the purchase of a New Rescue Boat and Trailer.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #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: \$ 27,363.25

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.

BE IT FURTHER RESOLVED that Resolution #2013-50 adopted on February 11, 2013 was issued for an incorrect amount and is hereby rescinded and is further replaced by Resolution #2013-64.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-65

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

NAME OF APPOINTEE: Keith Szelewicki
POSITION: Mechanic's Helper
DEPARTMENT: Department of Public Works
EFFECTIVE: February 26, 2013

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

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-66

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

NAME OF APPOINTEE: William Fetzke
POSITION: Laborer
DEPARTMENT: Department of Public Works
EFFECTIVE: February 26, 2013

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

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-67

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

NAME OF APPOINTEE: Debra A. Turner
POSITION: Clerk Part-Time
DEPARTMENT: Police Department
EFFECTIVE: March 4, 2013, pending approved background check and appropriate paperwork

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, Councilman
(Public Safety Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-68

RESOLUTION OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING A RESOLUTION WHICH AUTHORIZED A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-54 TO PROVIDE FUNDS FOR RESPONSE TO THE EXTRAORDINARY EXPENSES RESULTING FROM DAMAGE CAUSED BY HURRICANE SANDY

WHEREAS, on December 17, 2012, the Borough of Sayreville, in the County of Middlesex, State of New Jersey (the "Borough"), adopted a resolution (the "Original Resolution") authorizing a special emergency appropriation in the amount of \$2,500,000 (the "Original Appropriation") to meet certain expenses incurred or to be incurred as a result of the extraordinary damage to the streets, roads and other public property caused by Hurricane Sandy (the "Recovery"); and

WHEREAS, the Borough has found it necessary to increase the amount of the Original Appropriation set forth in the Original Resolution by \$1,000,000 in order the meet the requirements of the Recovery

NOW, THEREFORE BE IT RESOLVED (by not less than two-thirds of the full membership of the governing body affirmatively concurring) as follows:

Section 1. All references in the Original Resolution to the Original Appropriation of "\$2,500,000" are hereby amended to refer to an appropriation of "\$3,500,000."

Section 2. The reference to "\$500,000" contained in Section 2 of the Original Resolution is hereby amended to refer to "\$700,000."

Section 3. All other details of the Original Resolution shall remain the same.

Section 4. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.

Section 5. This resolution shall take effect immediately.

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

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

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**AFFIDAVIT OF CHIEF FINANCIAL OFFICER OF THE BOROUGH OF SAYREVILLE, IN
THE COUNTY OF MIDDLESEX, NEW JERSEY AS TO SPECIAL EMERGENCY
APPROPRIATION**

I, Wayne A. Kronowski, the Chief Financial Officer of the Borough of Sayreville, in the County of Middlesex, State of New Jersey (the "Borough"), hereby certify as of February 25, 2013 that:

1. Hurricane Sandy caused extensive damage to the streets, roads and other public property of the Borough which resulted and will result in extraordinary expense by the Borough in order to repair such streets, roads and other public property.
2. The purpose of the amended special emergency appropriation is to provide additional funds to promote the public's health and safety and to provide additional funds for the repair and reconstruction of the streets, roads and other public property in response to the extraordinary damage caused by Hurricane Sandy.
3. Hurricane Sandy began on October 29, 2012.
4. The Borough has awarded and/or placed purchase orders placed in connection with this amended special emergency appropriation.

/s/ Wayne A. Kronowski
Chief Financial Officer

PLACE TO PLACE TRANSFER

RESOLUTION #2013 - 69
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE TRANSFER of P.R.C.L. # 1219-33-011-009

WHEREAS, Ethan H, LLC is the holder of a Plenary Retail Consumption License No. 1219-33-011-007 (the "Subject License"), in the Borough of Sayreville, and

WHEREAS, Ethan H, LLC has applied to the Governing Body of the Borough of Sayreville ("Licensing Authority") for authorization to transfer the Subject License from Pocket Status to 960 Route 9 North t/a Red Zone;

WHEREAS, 439 Corporation, t/a Bourbon Street appeared before the Governing Body of the Borough of Sayreville on January 28, 2013 with legal counsel and expressed their concerns regarding live entertainment; and

WHEREAS, Ethan H, LLC explained its intent to expand the Licensed Premises to an adjoining comedy theatre which was remodeled in order to offer a sports bar, restaurant and its current pool hall; and

WHEREAS, Bourbon Street principally objected to any expansion on Ethan H, LLC's ability to offer unrestricted live entertainment; and

WHEREAS, the Mayor and Council considered the arguments of 439 Corporation and that of Ethan H, LLC,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and the Governing Body of the Borough of Sayreville, County of Middlesex and State of New Jersey, that:

1. The aforesaid recitals are incorporated herein, as if set forth at length;
2. Ethan H, LLC's application to reactivate the Subject License from pocket status and to transfer it to 960 Route 9 No t/a Red Zone, a sports bar, restaurant and pool hall is hereby granted with the following conditions:
 - (a) No alcoholic beverages are to be present in the pool table side of the Licensed Premises before 9:30 p.m.; and

(b) No alcoholic beverages are permitted to pass into the pool table side of the Licensed Premises without being served by a waiter or waitress;

(c) Security personnel shall be employed at the ratio of 1 security person for every 50 patrons on the Licensed Premises;

(d) Security personnel shall be posted between the bar/restaurant area and the pool table area at all times to prevent the transfer of alcohol from the bar/restaurant area to the pool table area;

(e) Security personnel shall be posted at the front door of the Licensed Premises from 9:30 p.m. to closing on Thursday, Friday, Saturday and Sunday evenings;

(f) All parking for Red Zone patrons shall be in the front of the Licensed Premises;

(g) No live entertainment, including but not limited to, go-go dancers, nude or partially nude dancers, comedy performers, with the exception of pool or billiard matches or tournaments, or such entertainment as is directly related to such activity.

3. The Borough Clerk shall forward a certified copy of this Resolution to the Director, New Jersey Division of Alcoholic Beverage Control, with a copy to Ethan H, LLC and 439 Corporation, LLC.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTIONS TO BE READ IN FULL:

Borough Clerk Farbaniec read the following heading into record:

RESOLUTION #2013 - 70

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING EMERGENCY REPAIRS TO WATER TREATMENT AIR COMPRESSOR

WHEREAS, the Governing Body of the Borough of Sayreville has been advised by the Director of the Water Department of the Borough of Sayreville that the back-up air compressor which operates the water department systems need major repairs; and

WHEREAS, Governing Body of the Borough of Sayreville acknowledges that the water systems of the Borough of Sayreville cannot be operated without the two (2) air compressors; and

WHEREAS, the Director of the Water Department has submitted a proposal obtained from Scales Industrial Technologies, Inc. in the amount of \$27,127.00 for the emergent repairs to the back-up air compressor; and

WHEREAS, in accordance with *N.J.S.A. 40A:11-6. Emergency Contracts*, a contract may be awarded by the official in charge of the agency without public bidding if the official in charge is satisfied that an emergency exists; and that such notification shall be reduced to writing and filed with the purchasing agent as soon as practicable; and

BE IT AND IT IS HEREBY RESOLVED Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to authorize Scales Industrial Technologies, Inc. to proceed with the emergent repairs in the amount of \$27,127.00.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Mayor O'Brien opened the meeting to the public for questions or comments on Resolution #2013-70.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street
Questioned if this air compressor was in the new Water Treatment facility and if it was covered by insurance.
Mayor asked the Engineer to respond.
Mr. Cornell responded that this was not part of the expansion to the water treatment plant, this is part of the old water plant and this piece of equipment is out of warranty. There are two compressors at the plant, one went down and needs to be repaired right of way, so this is the method that needs to be used.

No further questions or comments.

Councilman Melendez made a motion to close the public portion and adopt the Resolution as read. Seconded by Councilman Buchanan.

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

Mayor stated that the Clerk gave him an e-mail from the Recycling Coordinator, Elyse Barone for her recommendations to the Green Team. Mayor began to name the recommendations for a three year appointment to the Green Team. Councilman Henry said that he would like to talk to Ms. Barone regarding the appointments before they are made to sure the proper group of people is put on. Mayor commented that this group has been discussed for some time now and asked that they just vote for or against the appointment.

Mayor said that there are 11 members recommended by the Recycling Coordinator Elyse Barone.

Elyse Barone as Recycling Coordinator, Teri Yetzko, Brian Rubio, Bonnie Brady, Mark Blair, Rebecca Garbowski, Donna Zaleski, Daniel Occhipinti, Kira Gagliardi, Karen Surrat, Danielle Maiorana – Mayor asked for a motion. Not motion made.

- **BUSINESS SESSION**

COMMUNICATIONS/COMMITTEE REPORTS

- **ADMINISTRATIVE & FINANCE** – Councilwoman Novak

a) Minutes & Departmental Reports:

Councilwoman Novak made a motion to received and file the following minutes and departmental reports:

- Municipal Clerk's report for the month of January, 2013
- Investment Activity report for the month of December, 2012
- Tax Collector's Annual Report – 2012

Motion seconded by Councilman Buchanan.

- b) Request for **Ordinance increasing annual Liquor Licenses Renewal fees;**
Consumption, Distribution licenses from \$1,392. to \$1,670.
Club licenses from \$100. to \$120.

- Approved for Ordinance.

c) TAX ASSESSMENT APPEAL(S)

Received the following 2013 Tax Appeals from:

<u>Plaintiff/Petitioner</u>	<u>Block & Lot</u>	<u>Property Address</u>
Torsiello Construction & Management	427.01 1	2045-2047 Hwy. 35
Minteq International Inc.	9 1	Bordentown Ave.
1965 Rt. 35 Assoc, LLC	453 6	1965 Rt. 35
Mercaldo, Daniel	451.03 18	34 Prusakowski Blvd.
GJM Bordentown LLC	14 0001	4000 Bordentown Ave.

- Referred to Tax Counsel

d) Application for Catering Permit received from

Columbian Club, Inc. (License #1219-33-048-005) to sell, dispense and serve alcoholic beverages off the licensed premise on March 16, 2013 at the St. Stanislaus Kostka Parish School Dinner Dance & Show from 7pm-midnight.

- Approved, Seconded by Councilman Buchanan, all Ayes.

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

- i) Application from **Wilson School PTO, Inc.** to conduct the following games on May 4, 2013:
 - Bingo Games (BA:476), On-Premise 50/50 (RA:1795), On-Premise Draw Raffle (RA:1796)
- ii) Application from **Sayreville Upper Elementary School** to conduct the following games on April 26, 2013:
 - Bingo Games (BA:477) and Off-Premise Draw Raffle (RA:1797)

- Approved.

f) Committee Reports:

1) Budget Update, stating they have met with committee and the entire Council and are looking to meet with the entire council again on March 7, 2013. She said that the budget has been cut from .17 cents to around .10 cents and are looking for further cuts.

- **PLANNING & ZONING** – Councilman McGill

a) Minutes & Departmental Reports:

Councilman McGill made a motion to received and file the following minutes and departmental reports:

- 1) Planning Board Minutes - February 9, 2013.
- 2) Housing Authority Minutes – January 8, 2013
- 3) Middlesex County Planning Board – January 8, 2013
- 4) Construction Official's report for the month of January, 2013

Motion seconded by Councilman Buchanan.

b) Public Notices & Notices to the Borough of Sayreville as an Adjacent property Owner:

- 1) **Public Notice received from the Sayreville Planning Board** regarding proposed amendments to the Borough of Sayreville Waterfront Redevelopment Plan, dated January 1999 and proposed amendments to the Land Development Ordinance with respect to the requested amendments by Sayreville Seaport Associates, L.P. for the purpose of carrying out the redevelopment of the NL Site. Hearing will take place on March 6, 2013 at 7:30 PM.
- 2) **Notice of applications before Zoning Board of Adjustment:**
 - On Feb 27, 2013- Application of Kiradhar, Inc., 6040 Rt. 35 & 9 North, Block 295, Lot 1.02, for a conditional Use Variance and Preliminary & Final Major Site Plan Approval to allow for the construction of a one story 376 sq. ft. bldg addition, together with waivers and variances.

- On March 27, 2013-Application of Brian Burlew, Blk 476, Lot 6, 484 So. Pine Ave. proposed construction of a second story addition to a 2 family residential structure in a single family zone.
- 3) Notice of an application before the So. Amboy Planning Bd. on Feb. 27, 2013, from So. Amboy Real Estate Development Group, LLC for Amended Preliminary Site Plan Approval and Amended Final Site Plan approval covering Block 161.04, Lot 20.08 and Block 161, Lot 35, O'Leary Blvd. & Keegan Way.
- 4) Notice of an application before the O. Bridge Zoning Board on March 7, 2013. From Pep Boys Auto for a preliminary and final minor site plan matters with bulk variances and variance approval on several matters, covering Block 5000, Lot 3 & 3.21, 1072 Rt. 9.

- Items 1-4 Receive & File

c) Committee Reports:

1. Progress.

- **PUBLIC WORKS** – Councilman Henry

a) Minutes & Departmental Reports:

Councilman Henry made a motion to receive & file the following reports:

- 1) Solid Waste Advisory Council minutes – Jan. 8, 2013
- 2) Rent Leveling Board – Feb. 12, 2013

Motion seconded by Councilman Buchanan.

b) Recommendation received from USA Architects requesting final close out of project known as Boiler Replacement at Sayreville Senior Center and issuing final payment to Estock Piping Co.

- Approved for Resolution.

c) Request for authorization for CME to prepare Plans & Specifications for:

- 1) War memorial Track Replacement Project and
- 2) War Memorial Walking Path Replacement Project.

- Approved for Resolution.

- **PUBLIC WORKS** Continued– Councilman Henry

d) Request of Sayreville Veterans Alliance to permit the American Legion Post 211 to hold the annual **Memorial Day Parade on May 27, 2013.**

- Approved.

e) Request of **US Coast Guard Auxiliary, Flotilla 014-02-01** for an extension of license agreement for the use of Borough Hall Annex for a period of (5) five years.

- Approved for Resolution.

f) Committee Reports:

1. Progress.

- **RECREATION** – Councilwoman Eicher

a) Minutes & Departmental Reports:

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

b) Request of Recreation Director for authorization to conduct the **Independence Day Celebration and Fireworks on June 29, 2013** (rain date of June 30, 2013).

- Approved.

c) Request for a Resolution authorizing the **application and execution of a Recreational Trail Grant** for the Julian Capik nature preserve beautification and preservation program.- **- Approved.**

d) Application for Special Event received from **Shri Dwarkadhish Temple** religious events on March 30, May 4, Aug. 28, Oct. 30 & 31, Nov. 1, 2, 3, 4 & 9, 2013. Located on their property, 7174 Washington Road., any expenses incurred will be bill to the Temple.

- **Clerk to prepare Resolution.**

Co. Buchanan asked that it get posted on the Cable Access channel, the web and notify the Sayreville Emergency Squad.

Committee Reports:

1. Councilwoman Eicher reported the Relief Center will be closing its doors on Saturday. She said that there will be a meeting tomorrow night at the Senior Center at 7PM for the residents advising them of the next phase which should be the disbursement of the monies collected. She said that there will be a Q&A/ informative session on how that process will take place. Councilwoman Eicher then questioned how the food donation center at the senior center operates and asked about help for these residents and who is in charge. She also indicated that the volunteers from the Relief Center would also volunteer their time there also to help these residents and who she could talk to. Mr. Frankel said that the Food Bank is sort of autonomous from the borough. But if need be he could look into something at the Sr. Center.

Councilwoman Eicher said that she would like that. Because the center is closing and the residents still need help so if the Sayreville Food Bank can be used to help these residents she would like to see this happen.

2. Yankee Game Tickets are on sale through the Recreation Dept.

3. Councilwoman Eicher then reported having received an e-mail from the Bonjovi Foundation giving Sayreville 2 tickets to their first night concert that the relief center will be raffling off and all money will be put into the fund.

- Progress.

• **WATER & SEWER** – Councilman Melendez

a) Councilman Melendez made a motion to receive & file the following Minutes and/or Reports :

1) Water & Sewer Director's Report for the month of January, 2013.

Motion was seconded by Councilman Buchanan.

b) Authorization to contract with the following for Water Treatment Chemicals:

(Pending Borough Attorney Approval)

1) Citric Acid – Coyne Chemical

2) Sodium Bisulfate – Miracle Chemical Co.

3) Sulfuric Acid & Sodium Hydroxide – Univar USA, Inc.

4) Ferric Chloride – PVS Technologies, Inc.

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

c) Authorization to contract with the sole bidder, **Water Works Supply for Misc. Water**

Department Equipment.

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

d) **ENVIRONMENTAL** – Co. Melendez

Special notification seeking public comment received from Dept. of Environmental Protection on their intent to approve an Air Pollution Control Operation Permit Renewal for the Sayreville Generating Station, located at River Road, Sayreville, Comments must be received by March 15, 2013.

- **Receive & File.**

Committee Reports:

1. Commented on the number of hours on the other air compressor at the Water Treatment. Engineer to check with the Director for the status.

- **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 Jan. 2013
 - 2) Fire Prevention for the month of Jan. 2013
 - 3) Board of Health, Registrar and County reports for the month of Jan. 2013
 - 4) Police Chief's report for the month of Jan. 2013.
- Motion seconded by Councilwoman Novak.

b) Request to conduct the annual dog and cat rabies clinic on Sat. May 4, 2013.

- Approved.

c) Application approved by Morgan Hose & Chemical Co. for full member status of:

- Taylor Housman
- Michael Anderson

- Approved.

d) Request received from St. Stanislaus Kostka RC Church for authorization to hang promotional banners at the following location, advertising the annual parish carnival on June 19-22, 2013.

- Pole JC643SE/JC621SE – Main Street & MacArthur Ave.
- Pole JC519SE/BT279SE – Washington Rd. & Bissett St.
- Pole BT5SAR/BT1944 – Washington Rd. & Parkway Overpass
- Pole JC111-4SE/JC116SE – Jernee Mill Rd between Tech Ctr. & Starland Ballroom.

- Approved.

e) **Committee Reports:**

1. Councilman Buchanan requested the council approve the purchase of banners advertising the borough's annual Memorial Day Parade.

- Approved.

- **MAYOR** – Kennedy O'Brien

- Appointments

- Mayor reported for transparency that he ran into Brian O'Neill at a restaurant sat together and discussed their project Sayreville Seaport.

- Mayor also announced the re-opening of Camillo's and wished them well as he and his wife also had lunch there.

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

1) Reported on a meeting that was held this past Thursday for the flood victims of Hurricane Sand and our consultant Jeff Ward he said the meeting was quite productive. He indicated that the meeting was taped and are trying to get it aired but they are having problems, something that the file is too large.

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

1. Bill List Resolution
2. Transfer Resolution
3. Budget Workshop – March 7th
4. Budget Introduction – March 14, 2013

Mayor asked what the goal was for the budget. Mr. Kronowski said that as Councilwoman Novak said that it is a 7.3 cents.

- **ENGINEER -Jay Cornell**

1. LaMer, Section 5-Phase 5-3 – Bond Reduction Request (Report Attached).

- **Resolution.**

2. Towne Lake West, Section 2 – Bond Reduction Request (Report Attached).

- **Resolution.**

Councilman Henry asked the Engineer for a report on Ernston Rd/Bordentown Ave. Project. Councilman Melendez said that if the council took a vote to give up pedestrian access in order to allow traffic and busses.

The Engineer reported on the improvements and stated that he would talk to the police department and discuss that further.

Councilwoman Novak said that Mr. Bailey spoke with the County and they indicated that they should be completely done by June.

- **BOROUGH ATTORNEY - Michael DuPont**

1) Executive Session – None

- **PUBLIC PORTION**

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

Those appearing were:

-Fran O'Conner, Weber Avenue

Thanked Councilwoman Eicher and everyone who volunteered at the Relief Center as the affected residents would not have known what to do without them. She said that they are so appreciative of them.

Questioned if there was a process in place to appeal being included in the new FEMA Maps if they have never been included before.

Mr. Kirk Miick the Construction Official said that there was not.

- Nick Perrette, Begonia Ct.

He said that he formed a charity called Faith and Trade Helping Hands (FAT Helping Hands.org). Mr. Perrette explained the charity and how and who they help. He also explained one particular case they worked with and helped. He questioned the needs of the borough for the Relief Center closing.

Councilwoman Eicher stated that they are at bear bones now because of the shelter closing and whatever they have left will be given to the Long Term Care Group. They are setting up at the Sr. Center and any donations will be given to them for the residents.

-At this time the Mayor reported that Walt Mayer had called him wanting to do something for his town, in wake of Hurricane Sandy. The Mayor told him to get in touch with Fr. Ryan from Our Lady of Victories Church. He said that a fundraiser was held at Bello's Restaurant on Feb. 9th. He said he has since received a letter from Fr. Ryan indicating that everything was donated and the proceeds turned over was \$9,041.00. He asked that Mr. Mayer and Fr. Ryan come to be recognized and both declined. So on behalf of the people of Sayreville he recognized hem and gave them thanks.

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** - None

ADJOURNMENT

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:04 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved