

Combined Meeting of the Mayor and Borough Council held on Monday, July 23, 2012, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 6:32 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 Bella, Buchanan, Eicher (left at 7:30PM), Henry, Novak, Perrette
- Absent: None
- Others Present: Mayor O'Brien  
 Dan Balka, Chief Accountant  
 Business Admin. Dan Frankel  
 Municipal Clerk Farbaniec  
 Engineer Cornell  
 Attorney Mike DuPont
- Absent: CFO Wayne Kronowski (vacation)

**APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

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

- ☒ Regular Combined Meeting - April 9, 2012
  - ☒ Liquor Hearing - April 23, 2012
  - ☒ Regular Combined Meeting - April 23, 2012
  - ☒ Budget Workshop Meeting - April 30, 2012
- Motion was seconded by Councilman Perrette.

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

**PRESENTATION**

- O'Neill Properties & Joseph Ambrosio, SERA Director
  - Brian O'Neill, Jr., O'Neill Properties, 305 Titan Street, Philadelphia, PA
 Addressed the Mayor and Governing Body regarding concerns made in a newspaper article regarding certain dredge soils from Middletown Twp. He started by giving a brief overall history of the site from an environmental standpoint and the process for accepting soil onto the site. He said that as part of the remediation process on the NL Site, they have to excavate hundreds of thousands of yards of contaminated material and so far they have excavated 250,000 cu. yds. of material pulled from the site so far. After the area is excavated the area will then need to be back filled with material that meets the site criteria. He explained that the site criteria is a document that was created by the Dept. of Environmental Protection of the State of New Jersey, which says what contaminates exist there now and what would have to be removed and what it can be replaced with and what those parameters are. He said that the criteria have been vetted through their Engineers, Rue Associates and SERA's Engineers as well as the DEP. He then reviewed the application process and types of questions on that application, if there is a fill provider. They would need to provide a data package and those test results. He said that this process has happened for each teaspoon of soil brought onto the site. He said that to date they have imported approximately 300,000 yards of material to be used as back fill and none of it has come from the Middletown site. He also explained that Middletown Twp. would have to go through the same process. The application was first reviewed by their engineers and sent it over to CME Associates which essentially said that they

need more data and right now it does not fit within the requirements and that was then forwarded to T&M Associates who is the engineers for Middletown Twp. So as it stands today that material is not approved for use at the National Lead Site.

- Joseph Ambrosio, Executive Director of SERA

He concurred with Brian O'Neill, that it is a several step process in which one step is that SERA would have to approve the material that comes in and those that are on site are vetted, approved, checked when they come on site, deposited in segregated sections and checked again. So there are steps to make sure they are in compliance with State requirements. He said specifically as to Middletown, SERA has not approved any dredged materials from Middletown. He said that there was an application made and that application was reviewed by our engineer, CME Associates and found some concerns about certain levels that were indicated in the testing that had been produced and requested further documentation from their engineer and that information has not been forthcoming and that was several months ago. So, SERA has not approved dredged materials from Middletown onto the site.

He said that Brian O'Neill correctly reflected the process, which is a very detailed step by step process. Extreme caution is being taken to remove the materials to make sure that it is transported safely and that process has just begun by means of covered trucks and rail lines, depending on the materials which again also have to follow the appropriate guidelines.

Mayor asked if there were any questions from the governing body.

Councilman Henry questioned if he was correct in that the testing that was done on the Middletown material was not to their satisfaction or levels in order to accept those materials.

Mr. O'Neill responded that what he could recall is that their engineers required further testing be done that theirs was inadequate at that time.

Mr. Ambrosio concurred with the response.

Councilman Bella asked if they anticipate ever getting that data from the Middletown engineers.

Mr. O'Neill responded that he did think that they would.

Councilman Bella then questioned that when they receive that data and if it is within the limits set by the DEP, would they accept that material.

Mr. O'Neill responded that it has been their policy to date that they accept any that comes in and meets the criteria.

Councilman Bella then questioned that when it meets the criteria set by DEP, there are no hazards in accepting the material and why use this material over clean fill.

Mr. O'Neill said that they would and that there is a distinction between this type of fill and clean fill like top soil.

Mr. O'Neill said that when the soil come in it is deemed clean and that top soil could not be used for this it is for landscaping and meets a certain organic content.

Councilman Henry questioned if any level of arsenic would acceptable.

Mr. O'Neill said that there a variety of certain chemicals that would be acceptable in any fill situation. DEP has standards, such as the dirt in your own back yard. So to say that any fill has zero readings of any chemicals just is not true.

Mayor asked if anyone from the public has questions on this topic they could meet with Mr. O'Neill and Mr. Ambrosio in room 310 and have a dialog but asked that they limit it to 3-4 questions. The Mayor also said that he asked Mr. Ambrosio as the Director of SERA and Mr. O'Neill as the primary Developer of NL if they would update the governing body on a monthly basis. Mr. Ambrosio informed the Mayor that at their SERA meetings, there are barely any people from the public who attend.

Mr. Ambrosio explained that SERA frequently has meetings and that there are posted on the borough web and bulletin board. People could contact himself or Mr. Travisano the Chairman if anyone has any questions.

Mr Bella addressed the issue about the amount of time SERA is in closed session and asked Mr. Ambrosio if he could guess on a percentage of SERA meetings may be in upcoming closed sessions.

Mr. Ambrosio said that would be difficult to assess, but he explained that anyone familiar with this project understands that there has been a lot of litigation, contract negotiations and topic like these are required by law to cover and they be covered in executive session until resolved. He also reiterated that anyone wanting to know can attend their meetings, call himself or the chairman, Mr. Travisano and they would explain to the extent that they can. He also explained that the topic for closed session are listed on the agendas.

Mayor said that the meetings are also posted on the bulletin board, the web site and the public access television. At this time Mayor asked that anyone having any further questions of Mr. Ambrosio or Mr. O'Neill now meet with them in the conference room.

Mayor called for the next item of business.

The Clerk announced:

**OLD BUSINESS**

- a. Public Hearing on the following Ordinance(s): (none)
- b. Discussion on adopting the following Resolutions:
  - Resolution Amending the Approved 2012 Municipal Budget.

Mayor asked the Business Admin. for an update.

Mr. Frankel said that at the Budget Meeting on Monday he was charged with the task to reduce the budget even further. He said that he met with department heads and then reviewed the budget with the Wayne Kronowski and Dan Balka and came up with a reduction of \$182,000.00. \$82,000.00 was in Operating Expenses and the rest was from the Capital Budget and because this budget is being reduced \$182,000.00 there needs to be a Resolution Amending the 2012 Approved Municipal Budget and if adopted tonight there will need to be a Public Hearing on August 13, 2012. This reduction would bring it down to 3.9 cents or \$56.04 to the average homeowner.

Mayor asked that he review the reductions.

Mr. Frankel said the reductions were in the following areas:

Construction	-	\$ 2,500.00
Sewer	-	\$10,000.00
Police	-	\$21,000.00
Office on Aging	-	\$ 1,000.00
Roads	-	\$10,500.00
Snow Removal	-	\$15,000.00
Municipal Clerk	-	\$ 7,500.00

Mayor then asked where the capital was and where it is now and what was cut.

Mr. Frankel said that originally we had \$200,000.00 and they are recommending the capital be reduced by \$100,000.00 and it is the council's option to decide which projects they would want to cut.

Mayor asked which projects were considered. Mr. Frankel responded that they were talking mostly about roads. And the Mayor asked how many roads would get paved out of this year's budget.

Mr. Balka thought that they would all be out. Councilman Perrette reminded the council that there were no roads paved last year.

Councilman Perrette asked such a general cut could be made from the budget not knowing where it is going to be reduced going forward? He said that 5% of the \$2,500,000.00, which would include William Street project and other roads. He said that you are reducing the budget by approximately .96 cents per month for the average homeowner. He said that it was financially irresponsible at this point. He said that the budget cut and how it is going to affect everyone in the town and not being able to do the roads in this budget will leave us without replacing any roads for another two years.

Councilman Bella stated that it was an important function of a councilman to participate in the budget process and as always tried to represent the residents in this process. He said he made a commitment to the Business Administrator that he could support a budget that was less than 4 cent increase. Councilman Bella said that if Councilman Perrette is so concerned about the reduction in services than instead of introducing this amendment at 3.9 cents why don't we then vote on the original budget that was previously presented.

Discussion between Councilman Bella & Councilman Perrette.

Councilwoman Eicher asked what budget the funds were coming from to cover the road repairs being made now.

Borough Engineer Cornell said that it was from 2010 funding. He explained improvements made in 2011 was from DOT Grant funds. He said the last budget were there was funding for road improvements was in 2010. He explained that at this point if the council were to authorize road repairs, they would be designed and probably bid and construction would probably start next year.

Before reading the Budget amendment into record, the Clerk asked the Mayor if she could have a straw poll vote on the Budget Amendment before reading the entire Resolution into Record.

Straw Poll Vote in favor of the Amendment:

- Co. Bella: Yes,
- Co. Buchanan: Yes,
- Co. Eicher: Yes,
- Co. Henry: Yes,
- Co. Novak: No,
- Co. Perrette: Abstain.

**RESOLUTION #2012-197**

Borough of Sayreville - Budget Amendment

WHEREAS, the Local Municipal Budget for the year 2012 was approved on the 12<sup>th</sup> day of March, 2012; and

WHEREAS, the Public Hearing on said budget has been held as advertised; and

WHEREAS, the Budget was Amended on May 29, 2012 and further amended on June 25, 2012; and

WHEREAS, it is desired to further amend said approved Budget,

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Sayreville, County of Middlesex that the attached amendments to the approved Budget of 2012 be made:

**RECORDED VOTES**

<b><u>AYES</u></b>	<b><u>NAYS</u></b>	<b><u>ABSTAINED</u></b>	<b><u>ABSENT</u></b>
Bella	Novak	None	None
Buchanan	Perrette		
Eicher			
Henry			

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for the Certification of the 2012 Local Municipal Budget so amended.

BE IT FURTHER RESOLVED, that this amendment, in accordance with the provision of N.J.S. 40A:4-9, be published in the Home News Tribune in the issue of July 27, 2012 and that said publication contain notice of public hearing on said amendment.

/s/ Frank Bella \_\_\_\_\_  
 Councilman

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
 Municipal Clerk

/s/ Kennedy O'Brien  
 Mayor

2012 Budget Amendment Resolution #2012-197			<u>From</u>	<u>To</u>
<b>6.</b>	<b>Amount to be raised by Taxes for Support of Municipal Budget</b>			
	a) Local Tax for Municipal Purposes including Reserve for			
	Uncollected Taxes		25,642,154.59	25,456,440.59
	b) Addition to Local District School Tax		0.00	0.00
	c) Minimum Library Tax		1,663,740.94	1,663,740.94
	<b>Total Amount to be raised by Taxes for Support of Municipal Budget</b>		<b>27,305,895.53</b>	<b>27,120,181.53</b>
<b>7.</b>	<b>Total General Revenues</b>		<b>52,262,768.78</b>	<b>52,077,054.78</b>

<b>A. Operation Within "CAPS"</b>				
Municipal Clerk				
	Other Expenses		45,000.00	37,500.00
Police				
	Other Expenses		290,000.00	269,000.00
Construction Code Official				
	Salaries & Wages		585,000.00	584,500.00
	Other Expenses		21,400.00	19,400.00
Uniform Fire Safety Code				
	Salaries & Wages		158,000.00	156,500.00
	Other Expenses		11,600.00	10,600.00
Road Repair & Maintenance				
	Other Expenses		122,200.00	111,700.00
Snow Removal				
	Other Expenses		90,000.00	70,000.00
Parks & Playgrounds – Recreation				
	Salaries & Wages		306,000.00	301,000.00
Office on Aging				
	Salaries & Wages		216,000.00	215,000.00
Municipal Court				
	Other Expenses		47,700.00	45,700.00
Sewer Treatment & Disposal				
	Other Expenses		166,000.00	156,000.00
<b>Total Operation{Item 8(A)} within "CAPS"</b>			<b><u>34,719,087.00</u></b>	<b><u>34,637,087.00</u></b>

Total Operations Including Contingent - Within "CAPS"			34,753,087.00	34,671,087.00
Detail:				
	Salaries and Wages		19,490,087.00	19,482,087.00
	Other Expenses		<u>15,263,000.00</u>	<u>15,189,000.00</u>
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"			<u>38,703,223.50</u>	<u>38,621,223.50</u>

<b>(C) Capital Improvements – Excluded from “CAPS”</b>		
Capital Improvement Fund	200,000.00	100,000.00
Total Capital Improvements Excluded from “CAPS”	<u>230,000.00</u>	<u>130,000.00</u>
<b>(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"</b>	<u>11,489,354.28</u>	<u>11,389,354.28</u>
<b>(O) Total General Appropriations- Excluded from "CAPS"</b>	<u>11,489,354.28</u>	<u>11,389,354.28</u>
<b>(L) Subtotal General Appropriations{Items (H-1) and (O)}</b>	<u>50,192,577.78</u>	<u>50,010,577.78</u>
<b>(M) Reserve for Uncollected Taxes</b>	<u>2,070,191.00</u>	<u>2,066,477.00</u>
<b>9. Total General Appropriations</b>	<u>52,262,768.78</u>	<u>52,077,054.78</u>

Councilman Bella moved the Budget Amendment Resolution be approved on Roll Call Vote. Seconded by Councilman Buchanan.

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

**NEW BUSINESS:**

- a. Clerk to Report - (none)
- b. Introduction of the following Ordinance(s):

**ORDINANCE #187-12**  
**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

(Co. Perrette, Admin. & Finance Committee – Public Hearing August 13, 2012)

Councilman Perrette moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on August 13, 2012. Motion seconded by Councilwoman Eicher.

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

**ORDINANCE #188-12**  
**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 95-09 FINALLY ADOPTED MAY 26, 2009 BY THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR A CHANGE IN THE IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE**

(Co. Novak, Public Works Committee – Public Hearing August 13, 2012)

Councilman Bella questioned if the balance from Bond Ordinances be used to reduce the budget.

Clerk Farbaniec said that they could not. This was concurred by the Borough Attorney.

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on August 13, 2012. Motion seconded by Councilwoman Eicher.

Roll Call: Councilpersons Buchanan, Eicher, Henry, Novak, Perrette, all Ayes.  
Councilman Bella, Nay.

**CONSENT AGENDA/RESOLUTIONS**

- *PUBLIC PORTION ON CONSENT AGENDA ITEMS ONLY*

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

There were no appearance.

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

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

**RESOLUTION #2012-191**

**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/ Frank J. Bella  
Councilman

/s/ William J. Henry  
Councilman

/s/ Dan Buchanan  
Councilman

/s/ Mary J. Novak  
Councilwoman

/s/ Lisa Eicher  
Councilwoman

/s/ Nicholas J. Perrette  
Councilman

**Bill list of July 23, 2012, in the amount of \$8,086,849.28  
(Bill List - See Appendix 2012-A for this date, in a separate Bill List File for 2012).**

**RESOLUTION #2012-192**

**WHEREAS**, the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Mayor and Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Mayor and Council does hereby authorize the submission of an application for the 2013 Sayreville Municipal Alliance Grant Application in the amount of \$36,442.00.

2. The Mayor and Council hereby acknowledges the terms and conditions for administering the Municipal Alliance Grant, including administrative compliance and audit requirements.

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

**RESOLUTION #2012-193**

**BE IT RESOLVED**, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Major Drive Water System Improvements Project and that he be paid for said services at a fee not to exceed \$3,800.00.

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

/s/ Dan Buchanan, Councilman  
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

**RESOLUTION #2012-194**

**RESOLUTION OF THE BOROUGH OF SAYREVILLE COUNCIL  
SUPPORTING SERA'S EFFORTS TO PURCHASE BLOCK 257, LOT 3.05  
ON BOROUGH'S TAX MAP TO ENHANCE SAYREVILLE WATERFRONT  
REDEVELOPMENT AT THE NL SITE**

**WHEREAS**, the Sayreville Economic and Redevelopment Agency (SERA) is charged with the responsibility of overseeing the remediation and redevelopment of the National Lead site within the Sayreville Waterfront Redevelopment area (the "SWRA"); and

**WHEREAS**, SERA has requested the Middlesex County Utilities Authority (the "MCUA") to sell property identified as Block 257, Lot 3.05 on the Borough's tax map (the "Property") in order to enhance the remediation and redevelopment of the SWRA at the National Lead site; and

**WHEREAS**, the MCUA has expressed a willingness to consider this purchase in order to enhance the redevelopment of the National Lead site and ultimately to benefit the Borough of Sayreville.



**NOW, THEREFORE, BE IT RESOLVED** that the Sayreville Borough Council fully supports SERA's efforts to purchase the above described property from the MCUA in order to support and enhance the SWRA at the National Lead site.

/s/ William Henry, Councilman  
(Planning & Zoning Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

**RESOLUTION #2012- 195**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO RETAIN THE SERVICES OF SOCKLER REALTY SERVICES GROUP, INC. TO PREPARE AN APPRAISAL OF PROPERIES COMMONLY KNOWN AS BLOCK 367.01, LOT 1; BLOCK 366.01, LOT 1 AND BLOCK 32.03, LOT 83 TO BE ACQUIRED BY THE BOROUGH OF SAYREVILLE**

**WHEREAS**, the Borough of Sayreville, Middlesex County, New Jersey (hereinafter "Borough wishes to acquire certain properties as "Green Acres" ; and

**WHEREAS**, the property known as Block 367.01, Lot 1 will be used for the expansion of Kennedy Park; and

**WHEREAS**, the property known as Block 366.01, Lot 1 will be used as the Horseshoe Road Nature Area; and

**WHEREAS**, the property known as Block 32.03, Lot 83 will be used as the DuPont Wildlife Preserve; and

**WHEREAS**, an appraisal is required to attach a fair market value to the aforesaid properties; and

**BE IT AND IT IS HEREBY RESOLVED** Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to retain the firm of Sockler Realty Services Group, Inc. to prepare an appraisal of the following properties:

1. Block 367.01 Lot 1 at the cost of \$2,000.00; and
2. Block 366.01, Lot 1 at the cost of \$2,000.00; and
3. Block 32.03 Lot 83 at the cost of \$2,000.00.
4. To have the Borough Attorney prepare the appropriate Ordinance for the purchase of the aforesaid properties.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

**RESOLUTION #2012- 196**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO RETAIN THE SERVICES OF STERN & DRAGOSET TO PREPARE AN APPRAISAL OF PROPERTIES COMMONLY KNOWN AS BLOCK 367.01, LOT 1; BLOCK 366.01, LOT 1 AND BLOCK 32.03, LOT 83 TO BE ACQUIRED BY THE BOROUGH OF SAYREVILLE**

**WHEREAS**, the Borough of Sayreville, Middlesex County, New Jersey (hereinafter "Borough wishes to acquire certain properties as "Green Acres"; and

**WHEREAS**, the property known as Block 367.01, Lot 1 will be used for the expansion of Kennedy Park; and

**WHEREAS**, the property known as Block 366.01, Lot 1 will be used as the Horseshoe Road Nature Area; and

**WHEREAS**, the property known as Block 32.03, Lot 83 will be used as the DuPont Wildlife Preserve; and

**WHEREAS**, an appraisal is required to attach a fair market value to the aforesaid properties; and

**BE IT AND IT IS HEREBY RESOLVED** Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to retain the firm of Stern & Dragoset to prepare an appraisal of the following properties:

1. Block 367.01 Lot 1 at the cost of \$2,000.00; and
2. Block 366.01, Lot 1 at the cost of \$2,000.00; and
3. Block 32.03, Lot 83 at the cost of \$2,000.00.
4. To have the Borough Attorney prepare the appropriate Ordinance for the purchase of the aforesaid properties.

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

**AGENDA/BUSINESS SESSION**

**COMMUNICATIONS/COMMITTEE REPORTS**

- **ADMINISTRATIVE & FINANCE** – Councilman Perrette

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

(Applications available upon request and are on file in the Clerk's Office)

- Our Lady of Victories HSA

to conduct:

- a) On-Premise Draw Raffle on November 17, 2012- #RA:1759
- b) Off-Premise 50/50 on November 17, 2012 - #RA:1760.
- b) Off-Premise Draw (Calendar Raffle) on  
Various dates in 2012 and 2013 - #RA-1761

**- Approved**

**b) TAX ASSESSMENT APPEAL(S)**

Received the following 2012 Tax Appeals from:

Plaintiff/Petitioner	Block	Lot	Address
WJS	423	2.01	2028 Hwy. 35
LaMer V	449	6.51	6203 Fernandez Ct.
LaMer V	449	6.51	6206 Fernandez Ct.
LaMer V	449	6.51	6301-6307 Fernandez Ct.
LaMer V	449	6.51	6401 Fernandez Ct.
LaMer V	449	6.51	6402 Fernandez Ct.
LaMer V	449	6.51	6403 Fernandez Ct.
LaMer V	449	6.51	6405 Fernandez Ct.
LaMer V	449	6.51	6406 Fernandez Ct.
Kaplan & Sons	367.01	1	Off North Ernston Road
Kaplan & Sons	366.01	1	Off Main Street
The Moorehouse-Speedwell LP	31	1	3101 Bordentown Avenue

**- Refer to Tax Counsel**

**c) Authorization for Resolution to renew Liquor License #1219-33-018-009**

**Marullo 2, LLC** (pocket license) as the Licensing Authority has received a Special Ruling from the Division of Alcoholic Beverage Control to permit the renewal for the 2012/2013 and 2013/2014 License Term.

**- Approved/Resolution.**

**d) Received application for Person to Person Transfer of PRCL #1219-33-001-012**

**From:** Sting Rays, Inc. **To:** Ikon at Route 35 Corporation (Anthony V.J. Rufolo)

**- Approved/Resolution.**

**e) Application for Social Affair**-One Day Liquor Permit application received from Sayreville Democratic Organization, Inc. for their annual picnic being held on September 15, 2012.

**- Approved.**

**f) Application for Beauty Shop** received from Alison Dominguez to operate a Beauty Shop

containing 4 chairs at 107 Main Street.

**- Approved/Resolution.**

**g) Request received from **Donna Brodzinski, Tax Collector**, for a Resolution authorizing the Tax Collector to refund a portion of 2011 taxes in the amount of \$357.00, covering 45 Vandeventer Court, Block 61, Lot 9C0802, due to the approval of a 100% Disabled Veteran Tax Exemption by the Tax Assessor effective December 7, 2011.**

**- Approved/Resolution.**

**h) Bid received from **Joseph Cassidy** (adjacent property owner) for the **purchase of Block 457, Lots 46 & 47, Dolan Ave.** in the total amount of \$3,000. for the property plus \$1,750.00 covering appraisal costs. Appraisal report listed fair market value as \$4,500, plus \$1,750.00 cost of appraisal.**

**- Approved for sale at \$3,000.00 plus \$1,750.00 with restrictions that the property cannot be subdivided or buildable. clerk to prepare resolution and attorney to prepare proper paperwork.**

**i) Received notice from PSE&G regarding their rates and public hearings that they have scheduled for customers to present their views (notice on bulletin bd).**

**- Receive & File**

**Committee Reports:**

Councilman Perrette moved the following Departmental report be received & filed.

- Municipal Clerk's Report for the months of May & June, 2012.

Seconded by Councilman Buchanan.

Progress.

• **RECREATION** – Councilwoman Eicher

**a) Minutes: None**

**b)** Request received from Jerry Ust, Recreation Director and Patti Burch, Sayreville Day Chair, combining vendor fees into one \$350.00 registration fee for both the Blast from the Past Car Show (Sept. 15<sup>th</sup>) and Sayreville Day (Sept. 16<sup>th</sup>). \$300.00 to be paid to the Borough of Sayreville for Sayreville Day and \$50.00 to the Recreation Dept. All vendors will be informed of the need to file all applications for inspections and permits.

**- Resolution.**

c) Request received from Sayreville PBA Local 98 for a reduction in the Park Rental Fee from a negotiated price to a flat \$450.00, as they will be responsible for the cleanup after this event scheduled for August 5, 2012.

Councilwoman Eicher made a motion waiving the Borough's fees and authorizing a flat fee for the PBA's Aug. 5<sup>th</sup> scheduled picnic. Motion seconded by Councilman Buchanan.

Roll Call: councilpersons Bella, Buchanan, Eicher, Henry, Novak, Perrette, all Ayes.

**- Approval granted tonight and resolution memorializing action at next meeting.**

d) Request received from Jerry Ust, Recreation Director for a Resolution establishing the following Recreation Programs and fees associated with said programs:

- Recreation Fun Days
  - 1 day program \$75.00
  - 2 day program \$135.00
  - 3 day program \$180.00

**- Resolution.**

**Committee Report –**

Councilwoman Eicher made a motion to receive & file the following Departmental Report:

- Recreation Department report for the months of May & June, 2012.

Motion seconded by Councilman Buchanan.

• **PLANNING & ZONING** – Councilman Henry

**a) Minutes-**

Councilman Henry made a motion to receive and file the following minutes:

- Planning Board - June 6, 2012

Seconded by Councilwoman Novak.

**b) Notice to Adjacent Property owner**

- Application received from **Stadium Holdings, LLC** for an application before the Zoning Board on July 25, 2012 for a temporary trailer, destruction of business facilities and various Use Variance relief due to fire. Property location is 82 Main Street, Block 284, lots 689-699; lock 285, lots 427-437; Block 285, lots 560-267.

- Notice received from **Riverside Supply Co., Inc.** for an application before the Planning Board on August 1, 2012 for preliminary and Final Site Plan approval for premises known as Block 62, Lots 1.01 2 & 17, frontage on Jernee Mill road for the purpose of developing and use a portion of the property for a steel fabrication and transport company.

- **Receive & File**

c) Received notice from the **Twp of Woodbridge** of a meeting scheduled on July 25, 2012 for comments relative to the Green Building and Environmental sustainability Plan Element Amendment.

- **Receive & File**

d) Received the following **Planning Board Resolutions** which were **Memorialized on July 18, 2012:**

- Riverside Supply Co., Inc., Jernee Mill Road, Block 62.02, Lots 1.01, 2 & 17 for Preliminary and Final Major Site Plan Approval.

- (move to) \*

- **Receive & File**

e) **Committee Reports:**

a) Councilman Henry moved the following reports be received and filed:

- Construction Official's report for the months of May & June, 2012. Seconded by Councilman Perrette.

b) Questioned if the Business Administrator had a report on the use of JIF funds by Jeff Bertrand.

Mayor questioned what the accusation was.

Councilman Henry said that would be discussed in closed session.

c) Councilman Henry made a motion to remove the DeCotiis firm from the Club 35 lawsuit. Mayor said that that lawsuit the DeCotiis firm filed against him was due to the fact that he defamed them, using false statements. Then a retraction was printed and the firm dropped the lawsuit.

Councilman Buchanan said that it was totally inappropriate to represent someone that they sued.

Mayor asked if the council had the right to make this motion.

Attorney DuPont responded that the JIF assigns the attorneys off their list of approved attorneys and that if there was a conflict that could be raised. Mr. DuPont said that at the last meeting he was instructed to reach out to Mr. Kurtz, who in turn reached out to Mr. Frankel for a copy of the lawsuit and he had not heard back from him to date so see if there was any perceived or any actual conflict. He said that he would follow up with JIF tomorrow to see if their counsel have determined if a conflict exists.

Progress.

- **PUBLIC SAFETY** – Councilman Bella

a) **Requests to conduct canister fundraising event received from:**

- Sayreville Recreation Wrestling Program on Sept. 8, 2012 at the intersection of Washington & Ernston Rds. from 10am-2pm.

- **Approved/Seconded by Councilwoman Novak.**

b) The following applications for membership to Sayreville Engine Co. No. 1 were received and approved at their July 1, 2012 meeting:

- **Ryan P. Brophy**
- **Shaun M. Black**
- **Eric J. Yulo**

- **Approved**

**c) Committee Reports:**

Councilman Bella moved the following reports be received and filed:

- Fire Prevention Report for the months of May & June, 2012.
- Municipal Court Administrator's Report for the months of May & June, 2012.
- Board of Health, County & Registrar's reports For the months of April, May & June, 2012.

Seconded by Councilwoman Novak.

Progress.

• **PUBLIC WORKS** – Councilwoman Novak

**a) Minutes- (none)**

**b) Request for authorization to have clerk advertise for the receipt of bids for Snow Plowing Services.**

**- Resolution.**

**c) Committee Reports:**

**a) Councilwoman Novak moved the following reports be received and filed:**

- Buildings & Grounds Report for the months of May & June, 2012
- Parks Department for the months of May & June, 2012
- Recycling Coordinator for the months of April, May & June, 2012
- Road Department for the months of April, May & June, 2012
- Recycling Coordinator for the month of January, 2012;
- Garage Services for the months of May & June, 2012
- Sanitation Department for the months of May & June, 2012
- Commission on Aging for the months of April & June, 2012

Seconded by Councilman Buchanan.

**b) Thanked the Department of Public Works Staff. The Road Dept. is very weakly staffed between cutbacks, injuries and vacation and they still manage to do a good job making repairs to roadways in extreme temperatures.**

Councilwoman Novak also commented on the cuts to road improvement in the budgets and how it will hurt the infrastructure now and in the future and why so many roads that were once owned by the county are now owned and maintained by the borough, such as MacArthur Avenue. She requested the council put forward a resolution having the county take back all of these roadways. Councilman Perrette seconded Councilwoman Novak's proposal. With that the Mayor asked the Business Administrator to put together a list of roadways and prepare a resolution.

Mayor stated that he had received an e-mail from Nellie Malet thanking the borough of the repairs.

Progress.

• **WATER & SEWER** – Councilman Buchanan

**a) Minutes (none)**

**b) Authorization to award bids for Water Treatment Chemicals to the following:**

Hydrated Lime Bulk @ \$0.09042/lb to Carmeuse Chemicals and Calgon C-4 @ \$0.551/lb to Coyne Chemical.

**- Resolution.**

**c) Committee Reports:**

Councilman Buchanan made a motion to receive & file the following Departmental Report:

-Water & Sewer Director's Report for the months of May & June, 2012

Motion seconded by Councilman Henry.

Councilman Buchanan gave an update on an issue that occurred at the Water Treatment Plant and how well the reverse 911 system worked in notifying the residents.

Progress.

- **MAYOR** – Kennedy O'Brien

**a) Appointments :**

**At this time Mayor O'Brien asked for a motion on the following appointments:**

Public Agency Compliance Officer - 1 Yr. Term Dan Frankel

Joint Insurance Fund Administrator- 1 Yr. Term Dan Frankel

Equal Opportunity Housing Officer -1 Yr. Term Dan Frankel

Motion made by Councilman Buchanan, Seconded by Councilwoman Novak.

Roll Call: Councilpersons Bella, Buchanan, Henry, Novak, Perrette.

**b) Other Business**

- **NEW BUSINESS** –

- **BUSINESS ADMINISTRATOR** – Dan Frankel

I. Authorization to execute a contract with the Rodgers Group, LLC, for the RFP for Police Department Accreditation Consultant services at a fee not to exceed \$39,000.00.

**- Resolution.**

II. Authorization to have CME evaluate the condition of the roof at the Senior Citizen Center.

**- Resolution.**

- Reported on the great job the Public Works Department did following the recent storm.

- Councilman Perrette asked the borough engineer if the Senior Citizen Center roof had been included in the authorization for CME to perform an evaluation of all of our roofs.

The engineer responded that he had been in contact with Mr. Bailey who put together a list of roofs he wanted them to look at and once he received that information he would be able to go ahead and look at it.

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

I. Bill List Resolution

II. Public Hearing on Budget Amendment

III. Adoption of 2012 Local Municipal Budget

• **ENGINEER -Jay Cornell**

- I. Green Acres Open Space Acquisition – Review of Potential Purchases  
-Report and procedures were attached in packet.
- II. Improvements to Gondek Drive – Receipt of Bids (Report Attached).  
**- Resolution.**
- III. Furnishing and Installation of a New Automated Refuse Loader Body and Lift Arm onto a Borough Refuse Vehicle – Receipt of Bids (Report Attached).  
**- Resolution.**

• **BOROUGH ATTORNEY - Michael DuPont**

- I. Authorization to retain Stern and Dragoset Appraisal Group to prepare appraisal reports for the sale of the following properties:
  - Blk. 419, Lots 4-8.01, Division Street,
  - Blk. 147, Lot 65.01, Hart St.,as a result of requests made to purchase by adjacent property owners.

**- Resolution.**

• **PUBLIC PORTION**

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

Those appearing were:

- Charles Lukie 324 Oak Street, Melrose section.  
Thanked Councilwomen Eicher and Novak for getting the bench place so quickly at the River Road Waterfront Park.
- Ziggy Dombrowski, 32 Weber Avenue  
Complained about the increase in dues charges to the Sr. Citizen Clubs.

The Mayor asked Councilman Perrette to get a list of clubs and number of members and the amount that the borough subsidizes to each club.

- Nick Weber, Woodland Avenue, Morgan  
Commented about the look of the back entrance of the Sr. Citizens Center and parking issues.

Business Admin. reported that there have been complaints and the Department of Public Works had been contacted will be cleaned up.

- Bob Kominkiewicz, 103 Ernston road  
Questioned why the borough was spending money on a canopy at Ft. Grump and a new garbage truck. Mayor said that the borough wasn't, that it was on their wish list. The business admin stated that we are not getting a new garbage truck we are getting a new chassis and lift.

Mr. Kominkiewicz then asked for an update on the bridge upgrade. Report was given by the borough engineer.

- Theresa Strek, 140 McCutcheon Avenue.  
He said that she was appearing as a member of the Sayreville Historical Society and asked if the roof at the historical society also be evaluated along with the Sr. Center that they were experiencing issues with it.



- Barbara Kilcomons, 22 Schmitt Street  
Questioned Consent Agenda Items #2012-194, 2012-195 and 2012-196.  
- What was the cost of Block 157 in Reso. # 2012-194.  
Mayor stated that they were just looking for the borough's support on their purchase of this property. The borough was not financing it.  
- Borough Engineer explained Resolution # 195 and 196 the requirements in Green Acres for two separate appraisers and the cost factor.

- Frank Weber, 170 Wesco St.

He said that he appeared before about the trees on his street that need to be topped off for the power lines.

Councilwoman Novak responded that they had the Shade Tree Commission Chairperson go out to the location and reported that the trees on one side of the road had to be cut up because they were too low on the side of the roadway but none of them should be topped or removed.

He further complained that one of the trees is dying and the others will take down the power lines during a storm.

The Mayor asked that that they go back out and take another look at the birch tree.

- Complained about the \$535.00 fine he received for bringing in soil. He claimed that trucks were coming in bringing dirt from other towns to the SERA project, felt there were two sets of standards.

- Gorge Podolak, 48 Scott Avenue  
Wanted to present a copy an article from a Middletown newspaper regarding arsenic soil coming to Sayreville.
- Dave McGill, Stephen Street  
-Questioned if the salt dome is owned by the county or borough.  
Councilwoman Novak said that it is County owned and the borough's use is temporary in nature.
- George Podolak, 48 Scott Avenue  
Thanked Councilman Buchanan for being very instrumental in the upgrades to the park on Fouratt Avenue. He said it was very nice.

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

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION ITEMS**

Mayor O'Brien 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:

Tax Litigation

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

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

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

/s/ Lisa Eicher, Council President

APPROVED:

/s/ Kennedy O'Brien  
Mayor

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

Roll Call: Voice vote, all Ayes. Carried.

Time: 8:12 PM

- **RECONVENE**

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

Roll Call: Voice Vote, all Ayes.

Time: 8:22 P.M.

**ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:22 P.M.

SIGNED:

\_\_\_\_\_  
Theresa A. Farbaniec, Municipal Clerk

9/24/12  
Date Approved

