

Combined Meeting of the Mayor and Borough Council held on Monday, August 11, 2014 in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien 7:04 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this meeting 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, McGill, Melendez, Novak,
Rittenhouse(via telephone conference)

Absent: None

Others Present: Kennedy O'Brien, Mayor
Daniel E. Frankel, Business Administrator
Wayne A. Kronowski, C.F.O./Treasurer
Theresa A. Farbaniec, Municipal Clerk
Jay Cornell, P.E., Borough Engineer
Michael DuPont, Esq., Borough Attorney

Others Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

Council President Novak moved the following minutes be approved on Roll Call Vote, subject to correction if necessary.

- ✎ February 11, 2014 - Special Meeting-Budget Review
- ✎ May 27, 2014 - Combined Meeting & Executive Session

Motion was seconded by Councilman McGill.

Roll Call: Voice Vote, all Ayes. Carried.

- **PRESENTATIONS/PROCLAMATION:**

Proclamation

WHEREAS, as children across the State of New Jersey prepare for the start of a new school year, some students will begin their studies with undiagnosed and untreated vision problems; and

WHEREAS, vision problems could interfere with a child's education and all children deserve the opportunity to learn and to achieve their full potential. For this reason, public awareness about learning-related vision problems is helpful to ensure that young people receive the prompt vision treatment they need to enhance their lives; and

WHEREAS, parents, educators, school nurses and concerned adults should recognize the critical role that good vision plays in the learning process and work together to help prevent or reduce the impact that untreated vision problems can have on our children's ability to read and learn; and

WHEREAS, all children should have a full examination every year to test for ALL of the visual skills needed for academic success.

NOW, THEREFORE, BE IT RESOLVED, that I Kennedy O'Brien, Mayor of the Borough of Sayreville, proclaim **AUGUST 2014** as **CHILDREN'S VISION AND LEARNING MONTH** in the Borough of Sayreville.

IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 11th day of August, 2014 and the same duly attested by the Municipal Clerk.

/s/ Kennedy O'Brien,
Mayor

ATTEST:

/s/ Theresa A. Farbaniec, R.M.C.
Municipal Clerk

Council President Novak made a motion that the Mayor's Proclamation be approved on Roll Call Vote. Motion seconded by Councilman Buchanan.

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

- **OLD BUSINESS**

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

- Municipal Clerk read the Ordinance #267-14 into record and Mayor O'Brien opened the Meeting to the Public for questions or comments:

Those appearing were:

- Phyllis Batko, 5 Glynn Court
Questioned the terminology in the Financial Agreement for the Pilot.

Responding was Robert Benecke from Benecke Economics – Financial Advisory for the Developer. He explained the term is for 26 years and in the 26th year full taxes will apply to the property as regular applicable taxes. The "Or" is the Pilot Payment which will be for 10% to start then they amp up pursuant to the Financial Agreement. He further explained how the payments would be made over the course of years.

- Mrs. Batko asked why everything is not stipulated in the ordinance. Mr. Benecke responded that the terms and conditions are contained in the Financial Agreement. The Ordinance enables the Financial Agreement.

Mr. Benecke gave the Clerk a copy of the Financial Agreement and the Mayor asked that the meeting be held up so that the Clerk could make copies.

- Mrs. Batko asked if they had an estimate of what the 10% of annual gross income would be.

Mr. Benecke responded on the Project Gross Revenue for the non COAH Units and COAH Units and that the combined figure would be approx. \$2.4 million. He further explained the number of units and the figure to start after the units are rented.

- Mrs. Batko asked how much school taxes would not be collected as a result of this Pilot.

Mr. Benecke responded \$38,000 will automatically be paid in school taxes where otherwise would have been \$192,000., so the difference is \$154,000.

Mrs. Batko questioned why these new people would not have to pay school taxes and she and most of the people in the room do.

Mayor said that this is a question he also has. He did say that the only other residential area that received this was Gillette Manor which is a low to moderate income 55+ housing complex with 100 units. This is the first Market Rate development. So he asked that it go before the Board of Education so that there could be consensus, but there was no support for that. Councilman McGill said that the developer did and the response was to look at the web site. He went on to saying that they are looking to jump start this particular area and this seems to be a plan that works to everyone's benefit

Mrs. Batko said she disagreed saying that this is for the developer as he is getting on the backs of the residents.

Councilwoman Eicher asked if taxes are being paid now.

Councilwoman Novak responded that taxes are being paid now and will continue this is just on the improvement. Mr. Benecke explained the amount of taxes being paid right now and how much it will go up and how much is for land and for school taxes. All technical issues were reviewed at the last meeting. But these are not designed to have children to occupy units.

Councilwoman Novak said that at the last meeting Phoenix Advisors did reach out to the Board of Ed and was referred to their web site. Since then she had asked our Business Admin. to reach out to the Board of Education's Business Admin.

Mr. Frankel said that he spoke with Emidio D'Andrea who said that he does not see any problem with this project.

Mrs. Batko went on and expresses her concerns as a tax payer and that they're getting a school tax break.

Councilwoman Novak said that as a result of this pilot the developer will be taking down the club, the apartments, will be fixing the historic roadway, lighting, etc. She indicated that the number of kids from these apartments will be about the same if you subtract the number being lost by the removal of the cottages and other apartments in the front.

Further discussion followed regarding the pilot agreement and taxes.

Councilman McGill felt that this was a good way to bring some ratables back into the borough and this was a smart way which would work to our advantage. We've had other developers look at this area over the past 12 years and walk away.

Councilman Rittenhouse felt that they should have gone to a member of the Board of Ed not the Business Admin. of the Board. He mentioned being a member of SERA and commented on the developers past and present. He also commented on the number of students.

- Michael D'Addio, 13 Zaleski Drive
Chairman of the Redevelopment Agency

Commented that they (SERA) have been working on this project for 12 years. Studies have been done and explained that this developer did not buy the Club Bene and other improvement areas they just agreed to improve them. He said that SERA requested off site improvements. So in agreement they stipulated that not a shovel go in the ground until they knock down that Club, bungalows down, fix the historical roadway and add parking spaces to fire house. These are at a significant cost and this is what the pilot agreement is for. This is what is needed to jump start 35. This project will be a positive cash flow. This is what we need to get it going.

- Barbara Kilcomons, 22 Schmitt St.
Disagreed with Mr. D'Addio and felt that SERA should be disbanded. She felt that this Pilot Agreement is setting a precedent for future developers and that taxes would increase.

Councilwoman Eicher asked Mr. Benecke for the current figures going to the schools and what they would be under the new program. Mr. Benecke responded on the figures now and how they would increase through the years on the whole project. He also explained the improvements and that cost to the developer would be approx. one million dollars. He further explained how the taxpayers would benefit.

Mayor said that at the last meeting he was looking for consensus and additional input and asked about them making a presentation in front of the Board of Education. Co. Rittenhouse had made the same request and this was not done. He believes that before the council votes on this they should have a consensus from the Board of Education.

Councilwoman Eicher questioned the cost of the rent.
Mr. Benecke responded that the blended rate would be about \$1,433.

- Cori Weiser, 46 Brookside Avenue
Questioned who drew up the agreement and if it could be changed from a 25 year to maybe a 10 or 20 year. He felt there was an unfair advantage to someone that doesn't have to pay taxes.
- Mr. Benecke responded and explained the Statute and the ROI and how Phoenix Advisors stress tested the various areas.
- Mrs. Batko
Questioned who hired Phoenix Advisors.
- Mayor responded that the Borough did.
Questioned the average rent in Sayreville and what if he left those apartments vacant and the borough would be paid based upon the rents.
- Response by Mr. Benecke.
- John Wisniewski, Wisniewski & Associates –
Representing the developer in the project.
He explained the Pilot, the entire project and improvements to be made to the area.

Councilwoman Eicher asked how she should respond to the taxpayers why the residents are paying school taxes and they're not.
- Mr. Wisniewski responded on the two components in every Pilot Agreement.

No further questions or comments.

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

	Ayes	Nays
Roll Call: Councilpersons Buchanan	X	
Eicher		X
McGill	X	
Melendez	X w/ question	
Novak	X w/ comments	
Rittenhouse		X, w/comments

ORDINANCE #267-14

AN ORDINANCE OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF SAYREVILLE AND HIGHVIEW PROPERTIES AT SAYREVILLE URBAN RENEWAL, LLC, FOR A TWENTY FIVE YEAR PAYMENT IN LIEU OF TAXES PROGRAM FOR THE PROPERTY KNOWN AS BLOCK 538, LOTS 9.02, 19.01, 20, 26, 26.01 & 27 AND BLOCK 538.01 LOT 10 ALSO KNOWN AS THE ROUTE 35-PHASE 1 RESIDENTIAL REDEVELOPMENT PROJECT PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1et seq.

(Co. McGill – Planning & Zoning)

WHEREAS, on June 13, 2005 the Borough Council of the Borough of Sayreville adopted **Ordinance No. 907-05** establishing a redevelopment plan, after the appropriate and legally required referral to the Sayreville Planning Board, for the Route 35-Phase 1 Residential Redevelopment Project within the Borough Sayreville; and

WHEREAS, Highview Properties at Sayreville Urban Renewal , LLC, (the “Entity”) is an urban renewal entity, formed and qualified to do business under the provisions of the Long-Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq.; and

WHEREAS, the Entity and/or its affiliates owns or is under contract to purchase certain parcels of property known as Tax Block 538, Lots 9.02, 19.01, 20, 26, 26.01 and 27, and Block 538.01, Lot 10 as shown upon the official Tax Maps of the Borough of Sayreville such property is hereinafter referred to as the "Project Premises"; and

WHEREAS, the Project Premises is located within the Route 35-Phase 1 Residential Redevelopment Project area (Old Spye Road), as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g) and redevelopment of these parcels of property is controlled by the terms and conditions of the aforementioned within the Borough Sayreville; and

WHEREAS, the Entity made application for a twenty five (25) year long term payment in lieu of tax (PILOT; or tax exemption) to enable the construction and financing of a one hundred forty eight (148) unit residential redevelopment project consisting of sixty-eight (68) two-bedroom units and eighty (80) one-bedroom units. Twenty-two (22) of the aforesaid units will be affordable age-restricted units, and together with all common areas and improvements ancillary to this principal use (the “Redevelopment Project”); and

WHEREAS, Highview Properties at Sayreville Urban Renewal , LLC, has agreed to pay an annual service charges (also known as a payment in lieu of taxes; PILOT) for the overall redevelopment project of 10% of the Annual Gross Revenues as defined in the Long Term Tax Exemption Law and described in the proposed Financial Agreement attached to the Entity’s Application for Long Term Tax Exemption; said annual service charge shall also be applicable to future owners of the project premises until the PILOT terminates; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Sayreville that the benefits of this important redevelopment project, after giving due consideration to the PILOT revenues (annual service charge), include the following:

1. The real estate taxes for the Project Premises generated revenue for the Borough of Sayreville for the tax year 2005, the year immediately preceding the adoption of the redevelopment plan, were twenty one thousand four hundred forty five dollars (\$21,445.).
2. The Annual Service Charge as estimated will generate the approximate amount of revenue of Two Hundred Twelve Thousand Eight Hundred Seventy Dollars (\$212,870) per annum to the Borough of Sayreville.;
3. This Project will stabilize and contribute to the economic growth of the Borough of Sayreville by stabilizing this redevelopment area;
4. This Redevelopment Project will further the overall redevelopment objectives of the Borough of Sayreville and the Route 35-Phase 1 Residential Redevelopment Area;
5. The Borough's impact analysis on file with the Office of the Borough Clerk, indicates that the benefits of this residential redevelopment project outweigh the costs to the Borough of Sayreville; and

BE IT FURTHER ORDAINED that the Borough of Sayreville hereby determines that the PILOT, long-term tax exemption, is critical to the development of the project and influencing the location decisions of probable adult residents for the following reasons:

-The relative stability and predictability of the PILOT, annual service charge, will make the project financially viable to the designated Redeveloper; and

-The relative stability and predictability of the PILOT annual service charge will allow both the Borough and the Entity to stabilize their operating budgets, allowing for a high level of investment in the project and required improvements over the life of the project, which will ensure the likelihood of the success of the project.

BE IT FURTHER ORDAINED, that the application of Highview Properties at Sayreville Urban Renewal , LLC, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented by N.J.S.A. 40A:20-1 et seq., on file in the office of the Borough Clerk, for Tax Block 538, Lots 9.02, 19.01, 20, 26, 26.01 and 27, and Block 538.01, Lot 10, is hereby approved and that the Mayor is hereby authorized to execute a PILOT-Long-Term Tax Exemption-Financial Agreement which shall include at a minimum the following terms and conditions:

Term: A term of twenty-six (26) years from the adoption of this Ordinance, or twenty-five (25) as stipulated in the Financial Agreement;

P.I.L.O.T.: Individual Payments In Lieu of Taxes shall be established for this Redevelopment project and shall be calculated at approximately ten (10.0%) percent of the Annual Gross Revenues; with applicable staged increases;

The Financial Agreement: shall be substantially in the form on file in the office of the Borough Clerk, subject to such negotiated modifications as the Mayor and/or the Business Administrator deems appropriate or necessary.

BE IT FURTHER ORDAINED, that all Ordinances and parts of Ordinances inconsistent herewith are hereby repealed and that this Ordinance shall take effect in the manner provided by law.

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

ATTEST:

/s/ Theresa A. Farbaniec, R.M.C.
Municipal Clerk

APPROVED:

Presented to the Mayor on 8/14/14
8/18/14 Mayor returned to Clerk
Unsigned /No Action/No Veto
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

• **NEW BUSINESS:**

a) Authorization to execute a negotiated agreement between the Borough of Sayreville and Hillside Estates for extending the credit reimbursement period for the backdated sewer bills. Proposed Resolution to be Read in Full.

Councilman Rittenhouse questioned/commented

1) Who authorized the Attorney to make this agreement?

2) Followed by a series of e-mails sent to the entire council that could violate the OPMA.

Mr. DuPont responded that the counsel of record Jamie Sutton continued negotiating with the Plaintiffs counsel from the day the opinion was issued and came to conclude shortly after the last meeting.

Mayor asked when he received these instructions.

Council President Novak said that the Mayor had asked the council what they wanted done and there was no response – she said that she was the only one that spoke saying to let them negotiate something so that they would not have to pay this all at once.

The Borough Attorney Michael DuPont said that the counsel of record had been in discussion since the judgment had been issued around June 24th or 25th and as a result of those discussions that occurred during executive session, they had concluded shortly after the last meeting.

For the information of the public the Mayor gave the background of this case which was that a number of years ago the owner of Winding Wood Apartments sued the borough because they felt they were being overcharged on their water and sewer bills. He further went into the court decisions and appeals and the attorneys who handled the case at that time. During this time the Borough Attorney Mr. DuPont and the Mayor stopped him and continued stating in the end the Judge awarded them \$700,000. And it was his belief that the borough should bring back the first set of attorneys that won the case and let them appeal the decision and he did not have the support of the council at the last meeting to do so, they wanted to pay the settlement. So tonight we are discussing how many payments we're going to make and felt this is was no victory.

Council President followed-up by stating that she checked the records and that the attorney of record who won the case the first time was the current attorney of record. DeCotiis did not win that case. It was then appealed and the appellate judge ruled that we were charging them incorrectly. They were getting charged as an industrial user as opposed to residential but the judge sent it back to the lower court to determine how much money this complex owner was going to get and he wanted 25 years in payment at first to the tune of \$2.4 million dollars and the judge ruled \$700,000. She said that the authorization that was originally given was not to turn this case over to the other attorney but for them to review it and see if the borough had a chance on winning on appeal. She felt that on appeal we had more to lose than to gain on this appeal as we could end up paying more if not the \$2.5 million.

Councilman Buchanan said that he voted in favor of another firm reviewing the case to see if it could be reduced any more than the \$700,000. It does not matter who won, or who lost the problem is that the borough is out on the limb for \$700,000. And felt that we needed the attorneys to look at it and see if there were any problem that we could appeal. He said that he did comment at the last meeting that the matter should be looked at for a payment option so it was discussed at the last meeting.

The Borough Attorney said that in light of what has been said that it is in the best interest of the borough to move forward, that the Resolution speaks for itself and it's his recommendation that you accept this resolution extending the credit from one year.

Councilman Rittenhouse questioned a letter dated Aug. 1, 2014 Re: Hillside Estates v Borough of Sayreville which ask the borough to provide a written agreement by 2PM that day. He asked if the Business Admin. signed that letter or agreement. Mr. Frankel responded that he had not. Councilman Rittenhouse asked who gave authorization to write a letter like that. Mr. DuPont said that there was no authorization that was a letter written by Plaintiff's Counsel requesting authorization. No authorization could occur until the governing body all accepted this. At this point and time you are given the decision to pay it within Judge Hurley's opinion of 1 year or as counsel had negotiated to extend it for 36 months. So this is the recommendation he agrees with and concur with counsel of record.

Councilman Rittenhouse further commented on votes that were taken during closed session and the borough attorney had to caution him on what was being said.

Mayor asked if there were any other questions or comments. None being made he called for Roll Call.

Before the Roll Call the borough attorney read the resolution into record.

READ IN FULL

RESOLUTION 2014-252
BOROUGH OF SAYREVILLE

WHEREAS, the Mayor and Borough Council of the Borough of Sayreville have agreed to a Settlement of the Lawsuit, Hillside Estates, Inc. v. Borough of Sayreville, Docket No. MID-L-10570-09; and

WHEREAS, the Mayor and the Borough Council of the Borough of Sayreville have agreed to settle the above-referenced matter, which was decided by the Honorable Judge Hurley, and memorialized in a written decision dated June 17, 2014; and

WHEREAS, the Mayor and the Borough Council have agreed to settle this matter and feel that the settlement is in the best interest of the municipality, as follows:

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY, The Borough Council of the Borough of Sayreville, as follows:

1. The Borough of Sayreville has agreed to settle the matter, Hillside Estates, Inc. v. Borough of Sayreville, Docket No. MID-L-10570-09, which settlement consists of the following;
2. All parties to the above-referenced litigation have agreed to waive all appellate rights whatsoever in the matter referenced above, including appellate rights to the Honorable Judge Hurley's decision dated June 17, 2014; and
3. In consideration, of the above, Hillside Estates, Inc. has agreed to extend the period of time for which the Borough was required by Judge Hurley to either issue credit or pay the judgment provided in the Judge's decision dated June 17, 2014. The Borough of Sayreville has agreed to settle this matter with Hillside Estates Inc., in consideration for Hillside Estates Inc. agreeing to extend the term from one (1) year to three (3) years in which the Borough of Sayreville will now have three (3) years to issue credit for the judgment as set forth in Judge Hurley's decision;
4. A formal settlement document shall be drafted and executed by the Borough and Hillside Estates Inc. memorializing these terms and conditions of settlement.

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to forward a true and correct copy of this resolution to the Law Firm of Vlasac & Shmaruk, LLC at 467 Middlesex Avenue, Metuchen, New Jersey 08840.

/s/ Mary J. Novak, Council President

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

Mayor returned unsigned
Kennedy O'Brien, Mayor

At this time the Mayor opened the meeting up to the public for questions or comments on this Resolution.

There being no appearances, Council President Novak made a motion to close the public portion and adopt the resolution on roll call vote. Motion seconded by Councilman McGill.

Roll Call:		Ayes	Nays
Councilpersons	Buchanan	X	
	Eicher		X w/comments
	McGill	X	
	Melendez	X	
	Novak	X w/ comments	
	<u>Rittenhouse</u>		<u>X w/ comments</u>
		4 Ayes / 2 Nay	- Carried

Mayor felt that the borough was painted into a corner. From the time he found about the judgment to the time the decision had to be made for filing. He felt that it was a bad deal for the taxpayers of Sayreville.

Mayor called for the next order of business.

Clerk announced that under New Business Authorization is being requested to place an Open Space Referendum question on the official ballot for the November 2014 General Election. (Novak) Proposed Resolution to be Read in Full.

Mayor asked for the Resolution to be Read into record.

Municipal Clerk Farbaniec read the following in full:

READ IN FULL

RESOLUTION #2014 - 253
(TABLED)

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING A NON-BINDING REFERENDUM ON THE BALLOT AT THE GENERAL ELECTION ON NOVEMBER 4, 2014 REGARDING OPEN SPACE AQUISITION

WHEREAS, pursuant to N.J.S.A. 40:12-15.1 et. seq., the State of New Jersey allows municipalities to establish Municipal Open Space, Recreation, Farmland and Historic Trust Funds for the following purposes:

- a. acquisition of lands for recreation and conservation purposes;
- b. development of lands acquired for recreation and conservation purposes;
- c. maintenance of lands acquired for recreation and conservation purposes;
- d. acquisition of farmland preservation purposes;

e. preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservations purposes; and/or

f. payment of debt service on indebtedness issued or incurred by the municipality for any of the purposes set forth in subparagraphs (a), (b), (c), (d) or (e) of this paragraph; and

WHEREAS, N.J.S.A. 19-37-1 et. seq. authorizes the governing body to ascertain the sentiment of the legal voters of the municipality upon any questions or policy pertaining to the government or internal affairs thereof by the adoption of an ordinance requesting the County Clerk to print upon the official ballots to be used at the next ensuing general election a certain proposition as formulated and expressed in the resolution; and

WHEREAS, the Governing Body seeks to submit a question as to the funding of the Borough’s “Municipal Open Space, Recreation, and Farmland and Historic Preservations Trust Fund: to the voters of the Borough of Sayreville at the next general election, to be held on November 4, 2014; and

WHEREAS, N.J.S.A. 40:12-15.7d contemplates adjustments in a previously approved open space levy to reflect changing circumstances, provided those adjustments are approved by a referendum; and

WHEREAS, any referendum at the next general election on November 4, 2014 must be preceded by the approval of a resolution and the presentation of a ballot question to the County Clerk not later than 81 days prior to the election or August 18, 2014; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Governing Body of the Borough of Sayreville that the Borough Clerk is hereby authorized to submit the following ballot question and interpretative statement to the Middlesex County Clerk for placement on the official ballot for the November 2014 general election:

**MUNICIPAL QUESTION NO. 1
OPEN SPACE REFERENDUM**

The Borough of Sayreville has not acquired any Open Space property in excess of 15 years and has collected \$5,000,000.00 from the Open Space Tax. Should the Borough of Sayreville keep it’s Open Space Tax and use the funds to acquire Open Space *or* should the Borough instead discontinue the Open Space Tax and use the funds to provide Property Tax Relief.

INTERPRETATIVE STATEMENT

A “yes” vote will request that the Borough keep the Municipal Open Space Tax in place.

A “no” vote will request that the Borough discontinue the Municipal Open Space tax currently being collected and use the existing funds available for property tax relief.

Mary J. Novak, Council President

ATTEST:

BOROUGH OF SAYREVILLE

Theresa A. Farbaniec
Municipal Clerk

Kennedy O’Brien
Mayor

Mayor opened the meeting to the public for questions or comments. Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street

Questioned the \$5.3 million now in the Open Space Fund and if we were in the process of purchasing through Open Space the Mocco property and other certain sections of town. She stated she did not agree with this referendum.

Mayor responded on the need to have the Open Space and Environmental committees opinions however they could not be here tonight and felt this is being rushed and was political.

Councilman Buchanan said he did not get this resolution until this morning and did not get a chance to read it until 5PM tonight. He questioned who asked that this be placed on the agenda.

Councilwoman Novak stated that it was her request. She said the residents have been coming up to her about taxes and it is only going to get worse. She said that she was the one who originally had this item placed on the ballot to create the Open space Fund and now she would like to ask the residents again if they still want to contribute.

Mrs. Kilcomons commented that she should have asked the residents about the energy aggregation on the ballot.

Attorney DuPont gave the history on the various other properties that the borough was proposing to purchase.

Mayor stated that he would like this to go to Open Space Committee and Environmental Committees before the council votes on it.

Councilman Buchanan asked if this proposal was to ask the taxpayers if they wanted it back.

Councilwoman Novak said this referendum would ask the residents if they want to continue to be taxed for Open Space or if they want this discontinued for tax relief.

Further comments by the Borough Attorney on the past history.

- Cori Weiser, 46 Brookside Ave. (Open Space Committee)
Explained the Open Space committee did have an expenditure of approx. \$800,000. for the National Lead Project and well as several attempts to purchase several other large pieces of property. Although no one came to fruition but it does not mean that the Open Space Committee has not been trying to purchase property in the proper manner. He said that the tax is very small and will not make much of a difference and feels that this sends a message that there is very little commitment to open space.

The Borough attorney pointed out that the Assembly recently passed a bill that will permanently establishes a line item for Open Space.

Council President Novak stated that she just wanted to know if the residents wanted this taken out from their taxes any more. The money that has been collected will remain in Open Space. She said that she is the council liaison to open space. She trusted the voters to create the tax and just wanted to know from the taxpayers if they still wanted contribute to it.

Mayor commented on the energy aggregation project and her knowing what the people want and people are upset and now the need to put this Open Space item on the ballot.

Mr. Weiser said that the Open Space Fund will be defunded in the future if there is no funding.

Council President said that the reason why this was on tonight is because of timing issues to get it on the ballot.

- Stanley Drwal, 121 Bissett Street

Commented on his involvement on Open Space. They obtained two parcels of property for free from DuPont, Dieker's Farm free to Sayreville. Mocco's property was also on the list but was basically too expensive. There are some new properties they are looking at purchasing through Open Space and it is an on-going process. He said that he is not against the referendum process and should be used more often but the people may think they will be getting a huge tax break and they are not.

Council President clarified that the five million will not be taken away from Open Space it is for future tax deductions.

- Lillian Lukacs, 38 Quaid Avenue, Open Space Committee
Commented that the Open Space Committee does check out places for Open Space purchases. Feel that there will be a lot more space for available in the future.
- Victoria Kilpatrick, 21 Wick Drive
Wanted to clarify that the question would be an opinion question and Non-Binding, whether or not the money for Open Space will continue to be collected and the \$5.4 million will remain.

Council President Novak said yes the money would remain in the Open Space Line Item of the budget the referendum is just for future collections from the taxpayers. She then commented on the hard work the Open Space Committee does.

The Mayor read the statement from the Resolution and found it to be misleading.

Councilwoman Eicher commented on the council having to vote on this right now. Why?

Council President said that because we would have to get to the County Clerk by the August 18th.

Councilman Buchanan asked if the tax relief would come from the two cents going into the regular budget?

Council President said no, they would no longer collect that money.

- Cori Weiser,
He felt that there seems to be a lot of misinterpretation and this resolution needs to be put off and worded correctly.

Mayor recommended that this item be Tabled and review and refer it to the Open Space Committee, Environmental Comm. as well as the Historical Society for their review and comments.

Councilwoman Eicher moved the matter be Tabled. Seconded by Councilman Buchanan.

Roll Call:		Ayes	Nays
Councilpersons	Buchanan	X	
	Eicher	X	
	McGill		X w/comments
	Melendez	X	
	Novak		X
	Rittenhouse	X	
		4 Ayes / 2 Nay - Tabled	

CONSENT AGENDA/RESOLUTIONS

Mayor O'Brien opened the meeting to the public for questions or comments on the consent agenda items.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street

Questioned the amount of equipment being purchased.

No further appearances. Mayor O'Brien called for a motion.

Council President Novak moved the public portion be closed and the Consent Agenda Resolutions be approved on Roll Call vote. Motion seconded by Councilman McGill.

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

RESOLUTION #2014-243

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

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

/s/ Kennedy O'Brien, Mayor

/s/ Councilman Daniel Buchanan

/s/ Councilman Ricci Melendez

/s/ Councilwoman Lisa Eicher

/s/ Councilwoman Mary J. Novak

/s/ Councilman David McGill

/s/ Councilman Arthur Rittenhouse

Bill list of August 11, 2014, in the amount of \$12,926,946.26 (See Appendix 2014-A for this date, in a separate Bill List File for 2014).

RESOLUTION #2014-244

BE IT RESOLVED that the proper Borough officials are hereby authorized to execute a contract for the Repairs to the Caterpillar Front End Loader with Foley Caterpillar, 855 Centennial Avenue, Piscataway, NJ 08855 through State Contract #T-2188/A85846, at a total cost not to exceed \$60,000.00.

/s/ Mary Novak, Councilwoman
(Public Works Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2014-245

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, through the Middlesex County Regional Education Commission Cooperative Purchasing Program #65MCECCPS, Contract #14/15-05, One (1) 2014 Morbark M15 Beaver Wood Chipper for the Borough of Sayreville, Department of Public Works Department from Bobcat of Central Jersey, 45 Route 22 East, Green Brook, NJ 08812, at a total cost not to exceed \$44,280.75.

/s/ Mary Novak, Councilwoman
(Public Works Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2014-246

WHEREAS, on July 17, 2014 the Mayor and Council of the Borough of Sayreville, have received bids for "Monroe, or Equivalent, 10 yard Salt Spreader with Hydraulic Calcium Chloride Pre-Wetting System for Snow Removal"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 11th day of August, 2014, that:

1. Contract for “Monroe, or Equivalent, 10 yard Salt Spreader with Hydraulic Calcium Chloride Pre-Wetting System for Snow Removal” be awarded to Cliffside Body Corp., 130 Broad Avenue, Fairview, NJ 07022, on their bid price of \$20,964.00, as it appears on copy of bid document attached hereto and made a part hereof.

/s/ Mary Novak, Councilwoman
(Public Works Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O’Brien, Mayor

RESOLUTION #2014-247

WHEREAS, on July 17, 2014 the Mayor and Council of the Borough of Sayreville, have received bids for “Routine and Emergency Repairs to Water, Sewer, Road and Storm Sewer Infrastructure”; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 11th day of August, 2014, that:

1. Contract for “Routine and Emergency Repairs to Water, Sewer, Road and Storm Sewer Infrastructure” be awarded to B & W Construction Co. of NJ Inc., P.O. Box 574, South River, NJ 08882, on their low bid price as contained in the bid document attached hereto and made a part hereof.

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

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

ATTEST:

/s/ Kennedy O’Brien, Mayor

RESOLUTION #2014-248

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, Two (2) 8X18 Enclosed Cargo Trailers through State Contract #T-2622/A82779 for the Borough of Sayreville, Fire Department from FDR Hitches, 112 W Westfield Avenue, Roselle Park, NJ 07204, at a total cost not to exceed \$9,655.40 each.

/s/ Arthur Rittenhouse, Councilman
(Public Safety Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O’Brien, Mayor

RESOLUTION #2014-249

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, Two (2) 2015 Ford F-250 Utility Body with Plow through State Contract #A85971 and One (1) 2014 Ford F-450 Utility Body with Plan, Lift Gate and Crane through State Contract #A83560 for the Borough of Sayreville, Water & Sewer Department from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962, at a total cost not to exceed \$138,209.00.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2014-250

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AWARDING
THE PURCHASE OF ONE (1) 624K WHEEL LOADER
THROUGH HGACBuy (HOUSTON-GALVESTON AREA COUNCIL)**

WHEREAS, the Governing Body of the Borough of Sayreville, Middlesex County, New Jersey (hereinafter "Borough") is in need of a 624K Wheel Loader; and

WHEREAS, the Governing Body of the Borough of Sayreville is a member of HGACBuy in order to purchase services, equipment, etc. from vendors approved by the HGACBuy thus saving in costs for products and administration time; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and the Governing Body of the Borough of Sayreville approve the purchase of one (1) 624K Wheel Loader through the HGACBuy Purchasing Program, Contract #EM06-13 at a purchase price not to exceed One Hundred Ninety-Six Thousand Five Hundred and Seven (\$196,507.00) Dollars (delivered) to Jesco, Inc., 118 St. Nicholas Avenue, South Plainfield, NJ 07080.

/s/ Mary Novak, Councilwoman
(Public Works Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

PERSON TO PERSON TRANSFER

RESOLUTION #2014-251

WHEREAS, an application has been received by the Municipal Clerk for a Person to Person Transfer of Plenary Retail Consumption License #1219-44-041-004, heretofore issued to MA Management, LLC, t/a Bridge Liquors for premises located at 32 Washington Road, Sayreville, NJ 08872; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

WHEREAS, the applicant has duly advertised in the Home News Tribune on June 30, 2014 and July 7, 2014 as required by law, and has produced proof of publication as to such advertising; and

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

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sayreville does hereby approve, effective August 12, 2014, the transfer of the aforesaid Plenary Retail Consumption License #1219-44-041-004 to Bridge Liquors, LLC and hereby direct the Municipal Clerk of the Borough of Sayreville to endorse the license certificate to the new ownership as follows:

“This license, subject to all of its terms and conditions, is hereby transferred to Bridge Liquors, LLC, August 12, 2014.”

/s/ Daniel Buchanan, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION 2014-252
BOROUGH OF SAYREVILLE
(VOTED ON EARLIER IN MEETING AND TABLED)

RESOLUTION #2014 - TABLED
VOTED ON EARLIER AND TABLED

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING A NON-BINDING
REFERENDUM ON THE BALLOT AT THE GENERAL ELECTION ON
NOVEMBER 4, 2014 REGARDING OPEN SPACE ACQUISITION**

Business Session Agenda – August 11, 2014

COMMUNICATIONS & COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE – Councilman Buchanan**

a) **Minutes & Departmental Reports: - NONE**

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

- i) **St. Stanislaus HSA** to conduct an Off Premise Draw (Calendar Raffle) on 26 various dates in 2015 calendar (RA:1884)
- ii) **St. Stanislaus HSA** to conduct an On Premise 50/50 on Oct. 17, 2014 (RA:1885).
- iii) **St. Stanislaus HSA** to conduct an On Premise Draw on Oct. 17, 2014 (RA:1886).
- iv) **St. Stanislaus HSA** to conduct a Bingo on Oct. 17, 2014 (BA:489).
- v) **SWMHS Band Parents Assoc.** to conduct an Off Premise 50/50 on Oct. 24, 2014.

(i-v) Approved

c) **Tax Appeal** received from:

- 1) Michael Vail, Trustee, Block 276, Lot 8, 7076 Hwy. 9 & 35
- 2) WJS, Block 423, Lot 2.01, 2028 Hwy. 25

- Refer to Tax Counsel

d) Application for a Person to Person Transfer of PRCL #1219-33-039-003

From Norman's Tavern, LLC

To Tap & Growler, LLC, 361 Main St., Sayreville effective August 26, 2014.

- Approved Clerk to prepare resolution.

e) Application for a **Social Affair Permit** submitted by Our Lady of Victories Church to serve beer and wine at their Oktoberfest scheduled for Oct. 4, 2014 from 6:30-10:30 PM in Monsignor Dalton Hall, 42 Main Street.

- Approved

f) Committee Reports –

- 1) Reported a flooding issue on Raritan Street by Mechanicsville/Melrose area and asked if the engineer could coordinate efforts between South Amboy, County and the borough and see what can be done.
- 2) Questioned our hiring process and the ordinance we have with resident preference that he believes was looked over. Asked if the attorney could look at this matter.

• **PLANNING & ZONING – Councilman McGill**

a) **Minutes & Departmental Reports: NONE**

b) Notice received from PSE&G that they filed a petition with the New Jersey Board of Public Utilities in August 2014 requesting approval to continue the current PSE&G Energy Efficiency Economic Extension.

-Receive & File

c) Committee Report:

- 1) Requested the Business Admin. to look into an ordinance prohibiting the purchase of tobacco items to anyone under the age of 21.

• **PUBLIC SAFETY – Councilman Rittenhouse**

a) **Minutes & Departmental Reports: NONE**

b) Request for **coin toss** at the intersection of Washington & Ernston Roads from 10am-2pm received from Whiskers Rescue, Inc. – November 8, 2014 (County approval received).

-Approved

c) Letters of resignation received from Firefighter Ryan Thurkhauf from the President Park Fire Co. No. 1.

-Receive & File

d) Committee Reports-

1) Commended Police Chief Zebrowski as well as the entire police department for putting together the National Night Out last Tuesday as it was a big success.

2) Wants the Energy Aggregation program looked into further as he and the Mayor have received numerous phone calls.

• **RECREATION – Councilwoman Eicher**

a) Minutes & Departmental Reports: **NONE**

b) Committee Reports –

1) Thanked Dan Frankel for helping one of our residents with a water main break.

2) Thanked the police department for National Night Out program.

3) Explained why she had originally voted for the Energy Aggregation program that she thought it would save taxpayers money. But in the course of the two weeks since social media has been exploding with comments regarding the opt out progress, etc. So at this time she would like to make a motion to stop this process. Motion was seconded by Councilman Rittenhouse. Mr. Frankel commented that the council signed a contract. Councilwoman Eicher then asked what the ramifications would be. She said that her questions were not answered correctly. The Borough Attorney said that with the contract being executed since your last vote he suggested the council wait until he has the contract in front of him and review it so you could decipher your liabilities should you terminate the contract prematurely. He said that our next meeting is on Aug. 25th so we would have an opportunity to make a motion to withdraw from the contract and have a better understanding. His legal recommendation is to hold off on the motion, wait until we get a full review so that he can at the next meeting go into closed session and advise the council what their liabilities and risks are.

Councilwoman Eicher asked the Business Admin. when the Energy Aggregation meetings would be. He informed her that they are on Aug. 13 at the Sr. Center and Aug. 19 in the Council Chambers. He also told the council if they are getting a lot of phone calls that he would like to know because he is the point of contact and would need to know what the issues are so he could address them. Councilman Rittenhouse asked if he was keeping track of the time spent on this issue. Councilman Buchanan also expressed residents concerns with the opting out issue. Further discussion followed. Mayor stated that for the record he did not and would not sign this contract as the Chief Executive Officer for the Borough. He had requested that this program begin in October when everyone was back from vacation and after school started. He said that Mr. Rittenhouse has done research with other towns who have used this with very disappointing results. He said that this is the most unpopular piece of legislation that he has ever experienced.

Councilwoman Eicher rescinded her motion and requested that they receive all the information before the 25th so that they could go over it. Councilman Rittenhouse also withdrew with comment regarding the other towns having the option to opt in and not have to opt out. Councilwoman Novak said she will look into that because it was her understanding that the BPU Laws state the opt out clause and she would prefer it to be an opt in.

• **WATER & SEWER/ENVIRONMENTAL – Councilman Melendez**

a) Minutes & Departmental Reports: **NONE**

b) Committee Reports-

1) Also thanked the Police Depart for the National Night Out program.

2) Questioned if the punch list items for the Bordentown Ave/Ernston Road overpass project were complete.

The engineer responded that there are still a few items outstanding.

Mayor asked Councilman Melendez if he would address the issue with residents receiving very large water and sewer bills following a catastrophic issue such as fire, hurricane, etc. He felt that there should be a policy in place due to the fact as it is taxpayers money/property. Councilman Melendez asked the borough attorney what that was. Mr. DuPont said that he spoke with the Mayor and that he, the Business Admin. and the water department were going to sit down and discuss the past history and past precedence policy. He said that there was recently a resident who suffered an extreme fire. They were displaced. The water was never shut off and they are now faced with a large water bill. So again he stated that he would like to sit with the BA, Water Director and get facts to set policy.

Mayor said that there have been circumstances where an organization asked if the borough has unused desks, chairs, furniture, etc. that they could use in their church or school and the law prohibits us from giving away government property and the same as with water it is government property and cannot be given away. The water department is not privately owned it is owned by the residents and taxpayers of the Borough of Sayreville and in this case it is \$10,000 in government property and we need a policy externally and internally. So he asked Councilman Melendez to take the lead on this and bring back a policy to be reviewed.

- **PUBLIC WORKS – Council President Novak**

- a) **Minutes & Departmental Reports: NONE**

- b) Authorization to enter into an agreement with Sun Pacific Power Corp. to replace NJ Transit bus shelters. Which will have solar power lighting, advertising mixing with our Nixle Police Alerts, WiFi reception and device charging station. Sun Pacific Power will handle all of the maintenance.

Mayor asked if they could come in and make a **presentation** .

- c) Committee Reports:

- 1) Requested the Council authorize the Borough Engineer to work with the county to see if they would entertain the concept of widening Washington Road for an acceleration lane for the high school and middle school due to the amount of traffic during school hours.

- 2) Requested to have Woodland Avenue Park Paved – Informed the council that there is a contractor currently working in town and would be able to perform the work necessary for \$15,000. As opposed to the \$25,000. estimated. Mayor said he previously wanted the matter before the Recreation Advisory Board. Councilwoman Novak said that the paving came under the purview of Public Works and that right now the park is closed and would like to get it open and operating. She said that the use comes under the Recreation Board. Councilman Buchanan asked the engineer what the plan was as far as the use of that park was concerned.

The engineer responded that his involvement in this was the court repairs. The contractor was going to come in and repair the cracks. Have them put in stabilized base and then overlay. Then the Public Works would do the other work recommended by the Athletic Association such as fence repairs, bleachers and it was his understanding that it be converted to a hockey court. However you could leave the basketball posts he felt it was never really discussed.

Councilman Buchanan stated that he thought that we could have the Recreation Committee look at it because Union Beach put up a hockey court for free. They had advertising so there was no cost to the town. He said that this is why he wanted it looked at by the Recreation Dept. and have Jerry look into if we could get sponsorship for that type of activity. Councilman Buchanan then asked who is in charge at having all of the basketball courts, tennis courts, etc look at and maintained.

Mr. Frankel stated that would be up to the Parks Supervisor. Councilman then asked who checked out Woodland Avenue Park and determined that there were issues. Mr. Frankel said the Parks Dept. Supervisor and the Public Works Director and the representative from our JIF who inspected it because of complaints and their response was to fix it or close it.

Mr. Frankel also indicated that use was multipurpose; street hockey and basketball . Mr. Cornell said that Public Works would do the stripping. Councilwoman Novak said that right now there is no specific use for that park. It is only blacktop which needs to be repaired with a basketball pole with only a metal ring. It is not stripped for anything. Councilwoman Eicher recommended that we take the money and fix it and let all other plans go before the recreation advisory board which will meet in Sept.

Mayor asked if there was a consensus for the contractor to go in and cut, fix and repave the Woodland Avenue Court for the \$15,000.

Councilman Buchanan made a motion to repair the Woodland Avenue Park court and hold off on any stripping until the Recreation Advisory can meet and discuss its use. Motion seconded by Councilwoman Eicher.

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

- **MAYOR – Kennedy O'Brien**

- Appointments to the Skate Park Committee
 - 3 Yr. Term - Troy Jankowski
 - 3 Yr. Term - Donald Connors
 - 3 Yr. Term - John Lewinski
 - 3 Yr. Term - Matt Szkodny
 - 2 Yr. Term - Sergio Lima
 - 2 Yr. Term - Larry Longobardi, Jr.
 - 2 Yr. Term - Connor Hullings
 - 1 Yr. Term - Lancelot Grandsoult
 - 1 Yr. Term - Mike Smith
 - 1 Yr. Term - William Logan
 - 1 Yr. Term - George Sinka
 - 1 Yr Term Alt. - Scott Jedrusiak
 - 1 Yr. Term Alt. - Theodore Leandro

Councilman Buchanan moved the Mayor's appointments. Motion seconded by Councilwoman Eicher.

Roll Call: Voice Vote, all Ayes. Carried.

Before moving on Council President Novak brought up the Helmetta Animal Shelter. Mayor stated that he received a letter from the Middlesex County Health Department late this afternoon and sent it to the clerk for distribution. The letter gave the animal shelter a clean record. She said that she is aware of that but there are other problems with it and the animal control officer not being available, limited dates and times to access the shelter. She recommended that we review the contract and see if we could bring it back into town. We should meet with other towns and see what they are doing. She is going to try and set up an appointment with Woodbridge and tour their shelter. Mayor said that he is going to instruct Joe Notarangelo the President of the Board of Health and whoever the chief designates and let them put the data together and present it to the council and we will go from there. Councilman Buchanan said that he had asked the Borough Attorney to review the contract and asked him at this time to give his synopsis.

The Borough Attorney first reviewed the Animal Impoundment Service had expired and the Animal Control Contract may be terminated upon a 60 day notice. He recommended that Dan review the terms and conditions of the contract as well as the facility. Mayor said that the Board of Health, who administers this and the Police designee who does the call outs on this be involved and coordinate this with Dan Frankel for a report.

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

- **Administrative & Finance**

- Public Works

- 1) Discussion on conditions of the Woodland Park Basketball Court
– discussed earlier.

- Water & Sewer

- 1) Discussion on customers receiving water department bills when they are not living in their homes due to a catastrophe i.e. Hurricane Sandy, Fire, etc.
– discussed earlier.

- Public Safety

- 1) Request received from Sgt. Sean O'Donnell for authorization to use the OEM trailer to assist the participants of the Sayreville Police Department in their Annual Tour DeForce Charity Police ride from the Boston Bombing site and travel to Ground Zero Memorial in NY beginning on September 11, 2014.

- Approved.

Councilman Rittenhouse asked the Business Admin. for a report with regards to our Dept. of Public Works picking up old televisions from senior citizen homes.

- Mr. Frankel told Co. Rittenhouse that he did not have an answer as of yet.

• **C.F.O.- Wayne Kronowski**

- I. Bill List Resolution

• **BOROUGH ENGINEER - Jay Cornell**

- I. Woodland Avenue Park – Proposed Street Hockey Court
(Report Attached)

- II. Public Safety Complex – Parking Lot Repairs (Verbal Report)
- Resolution authorizing the Borough Engineer prepare Plans & Specs.

• **BOROUGH ATTORNEY - Michael DuPont**

No Report.

• **PUBLIC PORTION**

At this time the Mayor opened the meeting up to the public for any and all questions or comments. Those appearing were:

- Colleen Figueroa, 39 Hart Street
Complained about property at 84 Smullen Street.
Construction is at a standstill. Overgrown, etc.
- Mayor asked that she leave her contact information to the Clerk and they will send the Construction office out to report on the location tomorrow.
- Elaine Ciecko, 43 Hart Street
Complained about the property at 84 Smullen Street
Lives directly across the street from this overgrown property.
- Mayor also said that the matter will be looked into.
- Ed Strek, Nickel Avenue
Expressed concerns about the elimination of Open Space Funds.
Expressed his concerns about the up lifted grates around the trees along Main Street and suggested that they be removed and mulch around the trees.
Complained about graffiti – Rice Cake store and drums in that alley way.
- Mayor said that he will have that looked at and taken care of and get estimates for the removal of the grates.
- Elaine Ciecko, 43 Hart Street

Stated that a truck delivering material at 84 Smullen St had ran up onto her property and ripped up part of her sod. She said that she reported it to the police department and called the company to no response.
-Borough Attorney suggested she put in a claim with the homeowners.

- Bill Rhumm, 33 Vernon Street
Commented on the energy aggregation contract and felt that it is nothing but aggravation for everyone and that it should be the people's choice, you are taking away our freedom - it is not about the money.
- Stanley Drwal, Bissett Street
Commented about the graffiti getting out of hand and debris throughout the town.
-Mayor asked that he and Ed Strek while driving around and see an issue to call and report it.
Mr. Drwal also commented on the restriction on tobacco sales to people under the age of 21 and related it to a wounded vet coming home from the military and not being able to purchase cigarettes.
- Response by Councilman McGill regarding his young friend dying from smoking.
Not him taking a shot at a veteran it is something that he feels very passionate about.
- Barbara Kilcomons, 22 Schmitt Street
Opposed to the energy aggregation project and the amount of phone calls she receives from residents that are against this project. Feels that is a disservice to our community and the community should of had the option to opt in and not opt out.
- Responses made by Mr. Frankel.
- Councilwoman Novak explained that on a JCP&L Bill there is a breakdown of supply and delivery. The supply is no longer JCP&L as they no longer generate their own electric. JCP&L buys it. Your bill will look the same. When you have a problem with the electric you will call Jersey Central and they will service you. She also said that the opt out rule was that of the BPU but will check it again.
- Alex Klinger – Carteret
Questioned when the Helmetta Shelter issue would be on the agenda.
He asked that the council consider getting out of Helmetta and explained his issue.
- Mayor O'Brien responded that he gave instructions to our Board of Health and Police Dept. to review and issue their results to the governing body.
- Cori
Graffiti issue
Smoking law – people should have their own choice.
- Brianne Rodgers, 28 Muth Street
Urged the governing body to change shelters and explained her personal experience.
- Mayor said that they are having it reviewed.
Councilwoman Novak said that East Brunswick also dropped Helmetta so maybe we should also talk to them and find out why they did and who they are using now.

No further questions or comments

Councilwoman Novak made a motion to close the public portion. Motion seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION - None**
- **ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 10:38 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved