

Combined Meeting of the Mayor and Borough Council held on Monday, August 27, 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, Henry, Novak, Perrette

Others Present: Mayor O'Brien
CFO Wayne Kronowski
Business Administrator Dan Frankel
Municipal Clerk Farbaniec
Engineer Cornell
Attorney Mike DuPont

Absent: None

APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

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

- ☒ Receipt of Bids of May 1, 2012
(Roadway Paving & Reconstruction Project Phase II)
- ☒ Combined Meeting – May 14, 2012
- ☒ Combined Meeting – May 29, 2012
- ☒ Receipt of Bids – June 7, 2012
(Hook Lift Swap Truck)

Motion was seconded by Councilman Buchanan.

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

- **OLD BUSINESS**

- a. Adoption of 2012 Municipal Budget - Resolutions #2012-219

Before the discussion on the budget the Mayor read the following into record.
Letter dated August 9, 2012
From the Dept. of Community Affairs

Dear Mayor O'Brien & Governing Body Members

The Division of Government Services as of this date has not received the current years 2012 adopted budget of your municipality. Submit the necessary documents in order for the division to grant approval to adopt your budget. The failure to adopt your 2012 budget places your municipality in financial jeopardy and may negatively affect your bond rating. Accordingly, pursuant to NJSA 52:27BB18, you are hereby directed to adopt your budget not later than September 7, 2012.

Failure to comply with the Local Budget Law or with this directive may subject your municipality and officials to penalties under New Jersey Statutes. Under the provision of N.J.S.A. 40A:4-84, an order of the Director shall be binding on the governing body. If the governing body fails or refuses to comply with this directive, the members of the governing body who willfully fail or refuse to comply shall each be subject to a personal penalty of \$25 for each day after the date fixed for final action that failure or refusal to comply continues.

If you choose to appeal this directive, you must notify the Local Finance board within ten days, in writing, and request a hearing. Any such application to the board must give adequate explanation for the delay. Members of my staff and I are available to assist you in properly preparing your budget for adoption to meet the applicable New Jersey Statutes.

If you have any questions, please do not hesitate to contact my office at 609-292-6613

Sincerely,

Thomas Neff, Director
Division of Local Government Services.

Mayor said that he did call the DCA regarding this directive. He said he was told that this is a last minute effort to encourage the governing bodies that have not adopted their budget to do so. It is not something that they look forward to. He said that they did tell him that he, as Mayor is not subject to the \$25 a day fine, that is only for the legislative body, the council. He encouraged them to come together in a bi-partisan manner to get this budget passed. He said that our Attorney, on August 16th did send a letter to the DCA, making a formal appeal of this potential penalty. He asked the Attorney if he received a reply. The Attorney stated that he did not.

Councilman Henry addressed the past vote on the budget where there was a tie and the Mayor refused to vote.

Mayor stated that he viewed this as a duty of the legislative branch of our government to pass a budget.

Councilman Henry said that the law is written that the Mayor could break a tie and asked if he intends to break it.

A heated discussion ensued and the Mayor moved the discussion forward on the 2012 Municipal Budget.

Mr. Kronowski, the CFO said that the DCA is monitoring the borough's budget issue and needed to report to them on the outcome of Thursday's Budget meeting. Explained the budget resolution before the council tonight reflects a 3.9 cent increase. He said that there are enough funds on reserve in the capital improvement fund, general capital account to cover this capital program's 5% down payment as put forth in this years' budget, if the council moves forward with them between now and the end of the year. He further explained the funds in the reserve and how they are placed there. He encourages the council to adopt this budget tonight and explained what could happen if they did not.

Councilman Bella commented on the monies in the capital reserve. Mr. Kronowski once again explained the reserve in the capital improvement account and how there is a balance. These are monies that were appropriated in previous budgets and not yet used and is placed in a reserve in the Capital Improvement Fund.

Councilman Bella asked if these monies could be used for additional relief to the tax payers. Mr. Kronowski explained that it could not and why.

The Borough Attorney instructed the council that someone would have to make a motion to adopt Resolution #2012-219

Again the Borough Attorney stated that this is a **motion to move and adopt Resolution #2012-219.**

Moved by Councilwoman Novak and seconded by Councilwoman Eicher.

Roll Call:

- Ayes - Councilpersons Bella, Eicher, Novak, Perrette
- Nays - Councilpersons Buchanan, Henry

BUDGET RESOLUTION 2012-219

BE IT RESOLVED by the Council of the Borough of Sayreville, County of Middlesex that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 25,456,440.59 for municipal purposes, and
- (b) \$ 0 for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ 0 to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ 456,342.32 Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.
- (e) \$ 1,663,740.94 Minimum Library Lev e (R.S. 40:54-8 et seq.)

| <u>RECORDED VOTE</u> | | | |
|-----------------------------|-------------|------------------|---------------|
| AYES | NAYS | ABSTAINED | ABSENT |
| Bella | Buchanan | None | None |
| Eicher | Henry | | |
| Novak | | | |
| Perrette | | | |

SUMMARY OF REVENUES

| | |
|--|------------------|
| GENERAL REVENUES | |
| Surplus Anticipated | \$ 2,800,000.00 |
| Miscellaneous Revenues Anticipated | \$ 20,822,873.25 |
| Receipts from Delinquent Taxes | \$ 1,334,000.00 |
| | |
| AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES | \$ 25,456,440.59 |
| | |
| AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY | \$ 1,663,740.94 |
| | |
| TOTAL REVENUES | \$ 52,077,054.78 |

SUMMARY OF APPROPRIATIONS

| | |
|---|------------------|
| GENERAL APPROPRIATIONS | |
| | |
| WITHIN "CAPS" | |
| (a&b) Operations Including Contingent | \$ 34,671,087.00 |
| (e) Deferred Charges and Statutory Expenditures – Municipal | \$ 3,950,136.50 |
| | |
| EXCLUDED FROM "CAPS" | |
| (a) Operations – Total Operations Excluded From "CAPS" | \$ 5,442,022.25 |
| (c) Capital Improvements | \$ 130,000.00 |
| (d) Municipal Debt Service | \$ 5,476,029.00 |
| (e) Deferred Charges – Municipal | \$ 341,303.03 |
| (m) Reserve for Uncollected Taxes | \$ 2,066,477.00 |

SCHOOL APPROPRIATIONS – TYPE I SCHOOL
DISTRICTS ONLY (N.J.S. 40A:4-13)

TOTAL APPROPRIATIONS \$ 52,077,054.78

It is hereby certified that the within budget is a true copy of the budget finally adopted by this resolution of the governing body on this 27th day of August, 2012. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2012 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

b. Public Hearing on the following Ordinance(s): (none)

NEW BUSINESS:

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

ORDINANCE #2012-189
AN ORDINANCE DONATING TO MIDDLESEX COUNTY THE
TEMPORARY CONSTRUCTION EASEMENT FOR DRAINAGE IMPROVEMENTS
TO SCOTT AVENUE, PARCEL TCE-8, BLOCK 285, LOT 393
OF THE BOROUGH OF SAYREVILLE

(Co. Novak, Public Works Committee-Public Hearing, Sept. 10th)

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on September 10, 2012. Motion seconded by Councilman Buchanan.

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

CONSENT AGENDA/RESOLUTIONS

PUBLIC PORTION ON CONSENT AGENDA ITEMS ONLY

At this time the Mayor opened the meeting on Consent Agenda Resolutions.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street
Questions regarding the budget.
Mayor stated that she needs to discuss these issues during the Regular Public Portion. That this is for Consent Agenda Resolutions only.

No further appearances.

Councilwoman Eicher moved the public portion be closed and the consent agenda resolutions be approved on Roll Call Vote. Motion seconded by Councilman Buchanan.

Councilpersons Bella, Buchanan, Eicher, Henry Novak, Perrette, all Ayes.

RESOLUTION #2012-220

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 August 27, 2012, in the amount of \$ 8,421,338.38
 (Bill List - See Appendix 2012-A for this date, in a separate Bill List File for 2012).**

RESOLUTION #2012 - 221

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY
 OF MIDDLESEX, NEW JERSEY, APPROVING THE ISSUANCE OF A "NEW" PLENARY RETAIL
 CONSUMPTION LICENSE NO. 1219-33-052-005
 HERETOFORE HELD BY FLAMINGO LIQUOR, LLC**

WHEREAS, Flamingo Liquor, LLC (the "Licensee"), has filed a verified petition with the State Division of Alcoholic Beverage Control requesting the issuance of a "new" license to replace the license that expired upon failure to timely renew the 2011-2012 license term pursuant to the provisions of N.J.S.A. 33:1-12.18; and

WHEREAS, by Special Ruling dated July 2, 2012, the Director of the State Division of Alcoholic Beverage Control authorized the Borough of Sayreville to consider Flamingo Liquor, LLC's application for a "new" plenary retail consumption license that expired upon failure to timely renew for 2011-2012 license term; and

WHEREAS, in accordance with the Special Ruling Flamingo Liquors, LLC has filed its application for a "new" **plenary retail consumption license for failure to timely renew for the 2011-2012** license term, and

WHEREAS, the application is now complete in all respects and Flamingo Liquors, LLC has duly advertised in the Home News Tribune on July 14, 2012 and July 21, 2012 as required by law, and has produced proof of publication as to such advertising; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville, County of Middlesex and State of New Jersey, that a "**new**" **Plenary Retail Consumption License #1219-33-052-005 is hereby issued to Flamingo Liquors, LLC for the 2011-2012** license term and in accordance with the Special Ruling of the State Division of Alcoholic Beverage Control dated July 2, 2012.

BE IT FURTHER RESOLVED that license is also subject to the to the following terms and conditions as hereinbefore imposed and re-stated as follows which are part of the Licensee's requirements as outlined in the Stipulation of Settlement Agreement dated August 15, 2006:

1. The licensee agrees to operate the licensed premises as a Mexican Restaurant or other type of restaurant where the service of food is the primary use of the licensed premises.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

(Pocket License)

RESOLUTION #2012-222
RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF SAYREVILLE TO RENEW LIQUOR LICENSE
NO. 1219-33-052-005, FLAMINGO LIQUOR, LLC,
WITH CONDITIONS FOR THE 2012-2013 LICENSE YEAR

WHEREAS, an application has been filed in a timely manner for the renewal of Plenary Retail Consumption License #1219-33-052-005, Flamingo Liquor, LLC, covering the License Term 2012/2013; and

WHEREAS, said applicant has also complied with the necessary requirements including payment of fees for both the 2012/2013 license term; and

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Mayor and Borough Council do hereby grant the **renewal of Plenary Retail Consumption License No. 1219-33-052-005 to the licensee, Flamingo Liquor, LLC for the 2012/2013** license term subject to the following terms and conditions as hereinbefore imposed and re-stated as follows which are part of the Licensee's requirements as outlined in the Stipulation of Settlement agreement dated August 15, 2006:

1. The licensee agrees to operate the licensed premises as a Mexican Restaurant or other type of restaurant where the service of food is the primary use of the licensed premises.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2012-223

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A PROPERTY DISPOSITION SERVICE AGREEMENT BETWEEN PROPERTY ROOM.COM AND THE BOROUGH OF SAYREVILLE

WHEREAS, the Borough of Sayreville, Middlesex County, New Jersey (hereinafter "Borough") is in need of a service for the storage, auction and disposition of certain property impounded, confiscated and/or otherwise under the control of the Borough of Sayreville;

WHEREAS, it is the parties intention to enter into a service agreement for an initial term of one (1) year; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the Property Disposition Service Agreement provided by Property Room.Com.

/s/ Frank J. Bella, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2012-224

WHEREAS, LaMer has posted Performance Bonds and a Letters of Credit covering Section 5-1 and 5-2 project which said amounts were reduced in November, 2007 as follows; and

| | <u>90% Performance Bond</u> | <u>10% Letter of Credit</u> |
|-------------|-----------------------------|-----------------------------|
| Section 5-1 | \$241,360.87 | \$26,817.87 |
| Section 5-2 | \$118,004.80 | \$13,111.65 |

WHEREAS, the Borough Engineer's Office has recently performed a site inspection and has indicated that the required work has been completed and has recommended that the Performance Bonds and Cash Bonds be released, subject to the posting of a two (2) year 15% maintenance bonds in the amounts listed below:

| <u>15% Maintenance Bond</u> | |
|-----------------------------|-------------|
| Section 5-1 | \$81,976.49 |
| Section 5-2 | \$38,741.86 |

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to release said bonds in the amount so stated.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-225

WHEREAS, Towne Lake West has posted Performance Bonds and a Letters of Credit covering **Section 1 project** which said amounts were reduced in July, 2010 as follows; and

| | <u>90% Performance Bond</u> | <u>10% Letter of Credit</u> |
|--|-----------------------------|-----------------------------|
| | \$960,949.32 | \$106,772.15 |

WHEREAS, the Borough Engineer's Office has recently performed a site inspection and has indicated that the required work has been completed and has recommended that the Performance Bonds and Cash Bonds be released, subject to the posting of a two (2) year 15% maintenance bonds in the amounts listed below:

15% Maintenance Bond
Section 1 \$205,003.44

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to release said bonds in the amount so stated.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-226

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear by Closeout Contract Change Order No. 2:

- Project: Kennedy Park Tennis Court Improvements Project
- Contractor: Sita Construction Co., Inc.
5 Yankee Main Lane
Goshen, NY 10924
- Net Increase: \$5,162.67
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved:

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-227
ACCEPTING FINAL WORK
AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD

WHEREAS, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: Kennedy Park Tennis Court Improvements Project
- Contractor: Sita Construction Co., Inc.
5 Yankee Main Lane
Goshen, NY 10924
- Balance Due: \$ 10,212.75

WHEREAS, the Borough Engineer has fully issued a certificate certifying to the completion of the work and recommending payment in accordance with the terms thereof; and

WHEREAS, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

WHEREAS, the Statutes of New Jersey pertaining to the enforcement of mechanic's and materialmen's liens on municipal projects provide that notice thereof may be filed at any time within 45 days of the final acceptance of said work;

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.
2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.
3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.
4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$76,595.65 and the approval of same as to form and sufficiency by the Borough Attorney.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-228

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized authorized and directed to execute a contract with Housing and Community Development Services, Inc. as a result of a request for proposals for Case Management Services for Owner Occupied Housing Rehabilitation Program for low and moderate income homeowners.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2012-229

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized authorized and directed to execute a Right of Entry Agreement with the Department of Army Corps of Engineers to enter Block 176, Lot 2.05 and Block 178, Lot 9, off River Road and along the Raritan River to perform a site-wide remedial investigation and feasibility study of dredged materials deposited on the Sayreville side of the Raritan River, pending the receipt of the following documents:

- a) A Self Insurance Letter from US Army Corps of Engineers
- b) Certificate of Insurance from US Army Corps of Engineer's Contractor Delineating the Borough as a Certificate Holder.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTIONS TO BE READ IN FULL:

RESOLUTION #2012-230

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving;
and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2012 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 17 through September 3, 2012; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Mayor and Council of the Borough of Sayreville do hereby declare its support for the *Drive Sober or Get Pulled Over 2012 Statewide Crackdown* from August 17 through September 3, 2012 and pledges to increase awareness of the dangers of drinking and driving.

/s/ Frank J. Bella, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

At this time Mayor O'Brien opened the meeting to the Public for questions or comments on Resolution #2012-230.

No one appeared.

Councilwoman Eicher moved the public portion be closed and the Resolution be adopted on Roll Call Vote. Seconded by Councilman Perrette.

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

Carried.

BUSINESS SESSION
COMMUNICATIONS/COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE** – Councilman Perrette

a) Minutes:

**b) Request for a CDBG Discharge of Mortgage on 113 North Edward Street.
- Resolution.**

c) Committee Reports:

Councilman Perrette moved the following report(s) be received and filed.

- Municipal Clerk's report for the month of July, 2012.

Seconded by Councilman Buchanan.

• **PLANNING & ZONING** – Councilman Henry

a) Minutes-

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

- Board of Adjustment – July 25, 2012

Seconded by Councilman Buchanan.

b) Resolution received from SERA recommending proposed amendments to the Borough of Sayreville Waterfront Redevelopment Plan and Land Development Ordinance.

- Referred to Planning Board

c) Committee Reports:

--Councilman Henry moved the following reports be received and filed:

- Construction Official's report for the month of July, 2012

Seconded by Councilman Buchanan.

--Comment and discussion between Councilman Henry and Councilman Perrette regarding the Budget.

- **PUBLIC SAFETY** – Councilman Bella

a) **Request to Travel received from Sayreville Engine Co. No. 1** to travel to Wildwood, NJ from Sept. 14-16, 2012.

- Approved.

b) Request to hold **Coin Toss**, received from :

- Sayreville River Dogs Select, on Sunday, September 9 & Sunday, September 23rd
- Sayreville Soccer Association/Sayreville Sharks U14 Girls on Sunday, October 28 and Saturday, November 10, 2012 both organizations from 10am – 2pm at the intersection of Washington Rd. and Ernston Rd.

- **Approved Pending County Approval.**

c) Request for authorization for the Police Department members to utilize the OEM Trailer as a support vehicle for the 2012 Tour De Force fundraiser beginning on Sept. 8th from Boston, MA to Ground Zero Memorial, New York City.

- **Approved.**

d) Request received from Our Lady of Victories HAS to hang banners across Washington Road & Bissett St., advertising their annual Christmas Bazaar from October 29-Nov. 19, 2012.

- **Approved.**

e) Resignation received from Rebecca Wallentine as the President of the Sayreville Board of Health, effective August 22, 2012.

- **Receive & File.**

f) Committee Reports:

- Councilman Bella moved the following reports be received and filed:

- County Board of Health report for the month of July, 2012
- Police Department reports for the month of July, 2012
- Municipal Court Administrator's report for the month of July, 2012
- Fire Prevention report for the month of July, 2012

Seconded by Councilman Buchanan.

- Councilman Bella stated that for the past three years he had sat as councilman had fought to reduce taxes and voted “no” on budgets and bond ordinances and the only reason he supported this budget is because he had made the commitment to support one that was below 4 cents.

- **PUBLIC WORKS** – Councilwoman Novak

a) **Minutes- (none)**

b) Committee Reports:

- Councilwoman Novak moved the following reports be received and filed:

- Parks Department for the month of July, 2012
- Garage Services for the month of July, 2012
- Sanitation Department for the month of July, 2012

Seconded by Councilwoman Buchanan.

- Councilwoman Novak commented on her support of e-ticketing.

- **RECREATION** – Councilwoman Eicher

a) **Minutes: None**

b) Received Special Events application from Faith Fellowship Ministries World Outreach Center to hold a Car, Bike and Truck Show event on their property located at 2707 Main Street, Sayreville. The date of the event is scheduled for September 15, 2012, from Noon – 5PM.

- **Approved.**

c) Committee Report –

- Commented on the budget and the Mayor having the ability to vote in case of a tie.

- Councilwoman Eicher moved the following reports be received and filed:

- Recreation Director's report for the month of July, 2012

Seconded by Councilman Buchanan.

• **WATER & SEWER** – Councilman Buchanan

a) Minutes (none)

b) Committee Reports:

- Councilman Buchanan moved the following reports be received and filed:

- Water & Sewer Director's report for the month of July, 2012

Motion seconded by Councilwoman Novak.

-Councilman Buchanan discussed outdoor advertising on recycling/trash bins and going out for an RFP. He said that there would be no cost to the borough. The company comes out places the bins and picks up the trash and recycling and we get the money for the advertising.

- Reported on the Water Treatment Plant Project.

- Made a motion to appoint Dave McGill to the Open Space Committee. Motion seconded by Councilwoman Novak.

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

- Councilman Buchanan gave his comments about the budget, followed by a discussion with Councilmen Perrette and Bella all commenting on the budget.

• **MAYOR** – Kennedy O'Brien

a) Appointments :

b) Other Business

- Mayor commented on receiving a letter of retirement from Bob Konen from the Department of Public works and he wished him well.

• **BUSINESS ADMINISTRATOR – Dan Frankel**

I. Copy of correspondence received from the State Dept. of Transportation, informing us that Sayreville was awarded \$40,278.56 through the NJDOT Highway Safety fund grant program for Fiscal year 2012.

II. Request for authorization to advertise for RFP for E-Ticketing program.

- Resolution.

III. Authorization to amend Ordinance #150-10 increasing Telephone System Technician stipend in the Admin. & Executive Offices to \$1,500.00.

- Ordinance.

IV. Informing the Governing Body that we will be starting contract negotiations with AFSCME beginning in September, 2012.

V. Informed the Governing Body and residents of the spraying of ground adulticide mosquitoes on August 29 or 30th by the Middlesex County Mosquito Commission and the notice of precautions will be on the web and cablevision.

C.F.O.- Wayne Kronowski

I. Bill List Resolution

Comments:

Mr. Kronowski commented on the funds that the council was referring to tonight as the “found funds” there were no funds found. The reference to the capital improvement fund was – that money is dedicated to the 5% down payment and can’t be used to reduce taxes. He said that it is a dedicated reserve the same as the snow removal fund. About five years ago the State regulations permitted the municipalities to reserve their balances for a period of two years to be sure all bills cleared then roll it over into surplus. With snow removal – to transfer any balances to a dedicated reserve to a trust account and once that is done it cannot be used for any other purpose other than snow removal. And even if you could use these monies it would be a one-time revenue and would create an unbalance in the structure moving forward. So it is not found money. In the case of the capital improvement fund it is funds that are available for bond ordinances. He gave examples.

• **ENGINEER -Jay Cornell**

- I. AES/Red Oak Site Plan – Bond Release Request (Report Attached).
- Resolution.
- II. NJ Department of Transportation Trust Fund–2013 Municipal Aid Program (Report Attached).
- Resolution.
- III. Ethyl Corporation (Albemarle Corporation)-Commuter Parking Lot (Report Attached) – To be discussed at a future meeting.
- IV. Melrose Fire House Parking Lot – Review of Alternate Plan (Verbal Report)
Reducing parking spaces from 17 to 9 and constructing building.
- V. Ernston Road/Bordentown Avenue Intersection Improvements – Status of Project (Verbal Report)

• **BOROUGH ATTORNEY - Michael DuPont**

- I. Amending Revised General Ordinance 8-1.1 Mercantile Licensing
- Amending application and licensing process to be administered through the Construction office.
- Ordinance.
- II. Amending Revised General Ordinance 27-1 Permit Required for Special Event
- Amending Section 27-1 to require a report from the Recreation Department;
- Amending Section 27-2 B requiring the Borough Clerk refer application to Department Heads;
- Amending Section 27-3 Review of Application; Decision by Borough Council. Authorizing the Department Heads respond to the Borough Clerk and Authorizing the Council approve by majority vote whether to issue a permit and only if it is determined that there is a need for conditions and restrictions the Mayor and Council shall then only approve the permit by RESOLUTION incorporating such conditions, restrictions and fees by Resolution.
- Ordinance.

Comments:

-Councilman Bella responded to Mr. Kronowski account of the snow removal trust fund and capital fund.

-Councilman Henry asked the Borough Attorney for his report on the DeCotiis firm representing the borough on the Club 35 lawsuit.

The Borough Attorney said that he was waiting for a determination from the court on the Motion to Dismiss and if the Motion to Dismiss was not granted then there would be different council assigned.

Mayor asked for a copy of all correspondence he has on this case.

PUBLIC PORTION

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

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street.
 - Expressed her being upset at the council's actions during the budget meeting held last Thursday. The way the meeting was closed so quickly without having a public portion as well as the behavior of certain council members..
 - She also gave her opinion about Co. Henry not offering any cuts during any budget workshop session but has comments now.
 - She said that all equipment items in the capital should be cut.
 - Commented about texting during meetings.
Mayor O'Brien responded that that texting during council meetings is against the Sunshine Law.
 - Commented about the amount of litter throughout our town.
Mayor asked that she contact the business admin. when she sees these issues.
Councilman Henry responded to Mrs. Kilcomons' comments about his not offering any cuts.

- Theresa Strek, 140 McCutcheon Avenue
 - Finds coin toss fundraisers to be nuisance.
 - Asked if the police overtime was considered in the budget.
Response by Councilman Perrette that some of the overtime is covered by revenue that is generated by tickets.
 - Commented to Co. Bella and tax and infrastructure.
Response by Co. Bella that he felt that he speaks for the senior citizens and the young families.

- Chuck Wojtazek, Fire Chief
 - Commented that the fire departments follow NFPA with is a standard that must be followed and if not there are consequences.

- Fran O'Conner, Weber Avenue
 - Up dated the council and residents on the work being done with the DEP to try to reduce costs that will be associated with this project and explained their position. She also said that they had sent in a request to FEMA on the 2010 flood for how much money was spent on claims adjusters, disaster relief, the setting up of the senior center as a disaster relief center and the costs of the structures as what was requested as disaster relief. And she said that this information took over one year to produce. She received the response two weeks ago and said that the Federal Government spent \$62 million dollars on flood relief for the Borough of Sayreville and for \$10 million dollars we could fix the problem.

- Ed Strek, 58 Nickel Avenue
 - Spoke as a Veteran of Sayreville and recognized all the work and support the Mayor has given the veterans over the years.

- Bob Kominkiewicz, 103 Ernston Road
 - Commented on the council's action on the dais.
 - Asked about the bridge.
Response by the Engineer that Conrail has not given their approval to the procedures that are necessary to install that bridge.
 - Questioned if Sayreville had a Hotel/Motel tax as other States do.
Mayor said that we do have a hotel/motel tax.
 - Questioned how much the borough had in back-taxes.
Response by CFO, Mr. Kronowski, about 1.3/1.4 million dollars, which the property owners pay back little by little with interest or by the end of the second year there will be a tax sale.
 - Asked if we bought a new garbage truck.
The C.F.O. said that the money was appropriated in 2011 and was ordered earlier in the year.

Councilwoman Novak commented on the last budget meeting and the issue she has on items being delayed due to the budget cuts. She said that Co. Perrette could not make the budget meeting that they wanted and Mayor had nothing to say so they adjourned the meeting. She quoted parliamentary procedure – a motion to adjourn is always in order and will not be superseded by any other motion. So after that was done the public portion of the budget would take place at the next meeting.

- Barbara Kilcomons, 22 Schmitt Street
 - Commented that the Mayor did right by moving the meeting to the Council Chambers as there were a lot of people in attendance and that this meeting was a public advertised meeting and the way it was handled was not right.

Response by Councilwoman Novak and Councilman Bella.

- John Rucki, Hendricks Court
 - Commented that there was an agenda set for that budget meeting and it should have been followed. He said that it was an improper adjournment.

Councilwoman Eicher asked the Borough Attorney if the meeting was handled improperly.

The borough attorney said that he was not present at that meeting and it seems that someone opened and closed the meeting, but he would have to read the minutes or listen to the tape.

Councilman Buchanan said that Robert’s Rules of Order reads that a motion to adjourn is non discussable, always in order and any items on an agenda can be carried over to the following meeting and the Borough Attorney agreed.

Mr. Rucki commented that the whole budget process used in this year was flawed and hope that the same mistakes would not be made next year and how he felt the meetings should take place next year. He also commented that he felt the majority of the council does not know the difference between the operating part of the budget and the capital improvements part of the budget.

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

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION ITEMS** - none
- **ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:30P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

10/22/12 _____
Date Approved