

Combined Meeting of the Mayor and Borough Council held on Monday, September 8, 2014 in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien 7:06 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

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 prior Minutes** of the Mayor and Borough Council:
(None Submitted for Approval)

- **PRESENTATIONS/PROCLAMATION:**

Presentation made to Mike Fogarty of Rita's Italian Ice on his Corporate Sponsorship in the support of ALS through a fund raiser donation made to the Leonard Florence Center for Living in Chelsea, Mass as he donated 25% of his proceeds from sales the day he held the ALS Bucket Challenge to the Sayreville Fire Department, Police Department and the Mayor. He made the challenge without knowing the Mayor's son had ALS. Mr. Fogarty donated over \$3,000 in one day.

Mayor O'Brien presented Mr. Fogarty with a Certificate of Appreciation and a letter of commendation from Governor Chris Christie.

Words of acceptance from Mr. Fogarty.

Mayor O'Brien called for the next order of business:

- **OLD BUSINESS**

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

- Clerk Read the heading for Ordinance #268-14 for Public Hearing.

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #268-14.**

There were no appearances.

Councilman Rittenhouse moved the Public Hearing be closed and the Ordinance be adopted on second and final reading according to law. Motion seconded by Councilwoman Eicher.

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

ORDINANCE #268-14
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VIII, OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE SECTION 8-23 “MOTELS”

(Co. Rittenhouse, Public Safety – Public Hearing September 8, 2014)

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

Section 1. This Ordinance amends Chapter 8 of the Revised General Ordinances of the Borough of Sayreville by adding Section 8-23 entitled, “Motels” as follows:

8-23. Motels.

8-23. Definitions. The following terms shall, for the purpose of this Section, have the meaning indicated in this Section.

MOTEL – A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

OCCUPANCY – The use or possession or the right to the use or possession of any room(s) or portion thereof in any motel for sleeping purposes.

PERSON – Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint-stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

RENT – The consideration charged, whether or not received, for the occupancy of space in the motel value in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and service of any kind or nature, without reduction there from whatsoever.

TRANSIENT – Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right to access, license or by other payment of any money for the right to occupy the premises for a period of fifteen (15) consecutive calendar days or less, counting portions of the calendar days as full days. Any such person so occupying any space in a motel shall be deemed a “transient” up to and including the 15th day. In determining whether a person is a “transient”, uninterrupted period of time extending both prior or subsequent to the effective date of this Section may be considered.

8-23.2 License Required.

It shall be unlawful for any person, partnership, firm, corporation or entity to establish, operate, maintain, occupy or offer for occupation upon any property owned, controlled or leased by him a motel as defined herein without first having secured a license from the Borough of Sayreville. Said license shall be for a period of one (1) calendar year from January 1st to December 31st. There is no proration of the annual license fee. Said license shall be renewed for additional periods of one calendar year. Said renewal shall be completed no later than 30 days prior to the termination of the existing license. Licenses shall not be transferrable from one person, firm, partnership, corporation or entity to another person, partnership, corporation or entity except as provided in this Section.

8-23.3 Conditions Requiring License. When any person shall by the use of signs, circulars, business cards, newspapers, other publications, radio or television stations advertise or solicit patronage, actively or passively, it shall be considered prima facie evidence of liability, and a license shall be required for the ownership and/or operation of a motel.

8-23.4 Application for a License.

A. Each applicant for such license shall make written application on forms prescribed and supplied by the Borough Clerk setting forth:

1. The full name, phone number, address and post office address, if applicable, of the applicant (if a corporation, provide the names and addresses of the President and Secretary and Registered Agent, if applicable; if a partnership, provide the names and addresses of all partners). The address provided must be different than that of the motel to be licensed.

2. The exact location of the proposed licensed premises, including the street address, block and lot number as described on the Tax Map of the Borough of Sayreville.

3. A description of the business, structure and accommodations upon said land, including a statement of the number of sleeping units, the maximum number of persons who can be accommodated at any given time.

4. The name, address and owner of said lands and buildings and the name, address of the individual, corporation, partnership or other entity renting said building. In the event that the entity who owns or leases the licensed premises is a corporation, the name and address of the officers of the corporation and the particular position they hold, the name and address of any stockholders holding five (5) percent or more of the stock, directly or indirectly, or in any way beneficially of the corporation which is seeking a license and the name, address and phone number of the registered agent, if applicable.

5. The name(s) of the person or persons on the licensed premises upon whom process may be served.

6. The residence of the applicant during the past five (5) years, if the applicant is an individual.

7. Indication of whether the applicant has ever had a license to conduct any type of business anywhere denied or revoked and setting forth details of same.

8. Details of any arrest and/or convictions for crimes or disorderly conduct, including the nature of the offense for which arrested and/or convicted, the date of conviction and the court in which said conviction occurred.

9. The name and address of the applicant's attorney, if applicable.

10. The telephone number(s) where the owner(s) and/or his or her agent may be reached in the event of an emergency. A minimum of at least three emergency contacts must be provided prior to the issuance of the license.

B. The application should contain a certification that the statements made by the applicant in connection with the application and covering the information requested in Paragraph A are true and that the applicant makes such statements to induce the Borough of Sayreville to issue a license to operate a motel covering the applicant's business and that the applicant agrees to comply with all rules, regulations and laws of the State of New Jersey and Borough ordinances applicable to same.

C. The application shall be accompanied by a payment in the amount of the license fee for the period involved. In the event that the license applied for shall be denied, said fee shall be returned to the applicant less ten (10%) percent thereof to cover investigation costs relative to said application.

D. If the applicant is not the owner of the site where the business is to be conducted, the owner's written consent to the conduct of the business described in the application shall be annexed to the application.

E. The application for an issuance of a license hereunder shall constitute the consent of the applicant to an inspection of the entire premises at reasonable times by the Middlesex County Health Inspectors, Chief of Police, Fire Official, Director of Code Enforcement and other

authorized agencies of the Borough of Sayreville for the purpose of determining whether there exists on the proposed licensed premises, violations of any ordinances of the Borough of Sayreville or any Laws of the State of New Jersey.

8-23.5 Licensing Procedures.

A. Each applicant shall make an application upon forms issued by the Borough Clerk. This Section shall apply to any individual, firm, partnership, corporation or entity who is now or in the future conducting any activity within the Borough limits regulated by this Chapter.

B. Upon application for a license, the Borough Clerk shall send a copy of same to the Middlesex County Health inspector, Fire Official, Chief of Police, Director of Code Enforcement and any other authorized agency who has an officer who shall have the duty to inspect each premises regulated by this Section. If the premises are determined to be in compliance, the respective officers shall provide the Borough Clerk with a written certificate of such approval. Thereupon, if the applicant has complied with the other licensing provisions set forth in this Section, the Borough Clerk shall issue a license in accordance with the terms and conditions of this Section.

C. If, upon inspection, the premises do not comply, the respective officers shall provide the Borough Clerk with a written report setting forth the specific violations of applicable ordinances, statutes, rules, regulations or standards. The Borough Clerk shall thereupon transmit a copy of such reports citing violations to the applicant, together with written notice that a license for the premises will not be considered until the violations contained in the reports are corrected. The applicant shall have the right to request a hearing before the Borough Business Administrator to reconsider the denial of the license. Said request must be in writing.

D. All written reports and certificates by the various officers charged with making an inspection under this Section shall be completed within fourteen (14) days from the date the application is made. All written reports and certificates shall be transmitted to the Borough Clerk.

E. The Borough Clerk shall set a date for a hearing to be held on the denial of said application at a reasonable time thereafter, which hearing, however, shall not be later than March 15th of each year, or in the case of a new license, not later than thirty (30) days from the date of a written request for a hearing unless the applicant requests or consents to a postponement. The Borough Business Administrator will act as hearing officer for said hearing. The Business Administrator will be assisted by the Borough Attorney during this process.

F. A copy of all reports, certificates and investigations shall be made available to the applicant, upon request, at least seven (7) days prior to any hearing date set by the Borough Clerk on a particular license.

G. All applications that are deemed acceptable shall be presented to the Mayor and Council for final review and approval by resolution. This shall include any application(s) that may have been initially denied but had subsequently corrected any concerns or deficiencies through routine correspondence or the administrative appeal process described within.

H. In the event that objections in writing are filed with the Borough Clerk as to the issuance or renewal of a particular license after a recommendation for approval is made to the Mayor and Council or objections are made orally on the night set for issuance or renewal of a license, the governing body may set a date for a hearing. The Council shall then proceed to hear the objection(s) and all evidence for and against the issuance of such license and within ten (10) days determine whether to issue or renew a license or deny same if the evidence presented indicates good cause for the denial of a license.

A refusal to issue a license shall be in writing, and the reasons for a denial shall be stated. If the circumstances warrant, the Mayor and Council may hold a hearing on the date set by the Borough Council meeting for the renewal or issuance of a license(s).

I. After considering all evidence with respect to the application, the Borough Council may deny, suspend or revoke the license to the applicant for good cause, and if any

application for a license is denied, suspended or revoked, the Borough Council shall state in writing the reason for the denial.

J. Nothing contained herein shall prevent the Borough of Sayreville or officers of the Borough from proceeding against an applicant who is in violation of any of the provisions of this Section by filing a Complaint in a Court of competent jurisdiction.

8-23.6 Occupancy.

A. The sleeping accommodations of a motel shall be rented only for the use of transient occupants and shall not be used or occupied on any permanent basis, and no such occupant shall be deemed to be a resident therein. Every licensed premises shall maintain at all times a complete register of all rentals therein and the true identification and correct hours of occupancy of each person using any room on the licensed premises.

B. No person shall use or occupy any room or a portion of any room in any motel for more than fifteen (15) consecutive calendar days unless placed by Municipal, County or State Agency. A portion of a calendar day shall constitute a full day.

8-23.7 Identification of All Renters in each room/unit; Renting for Improper Purposes Prohibited. A licensee shall have the authority to ask the head of a party or any person renting accommodations on the licensed premises for written evidence of his or her identity and residence and, in addition thereto, the full and true name and address of each member of his or her party. In the case of the operator of a motor vehicle, a licensee shall have the authority to ask same the state, license and registration number of the motor vehicle conveying him or her to the licensed premises. In addition to the other rules and regulations proposed hereunder, no licensee shall knowingly rent, allow or permit any room on the licensed premises to be used for any illegal purpose. The licensee's failure to set forth the true identity and correct hours of occupancy of any person shall be deemed knowledge on the part of the license holder of such illegal or immoral purpose or use.

8-23.8 Compliance with all Laws and Regulations Required.

A. All structures, buildings, dwellings, houses or parts thereof used for the purposes herein regulated shall comply with the Uniform Construction Code, the Land Use Development Ordinances, the Uniform Fire Safety Code, Middlesex County Health Code and other applicable ordinances of the Borough of Sayreville and with the rules, regulations and laws of the State of New Jersey.

B. All fire escapes shall comply with the New Jersey Uniform Construction Code. An exit light shall be installed in the passageway or doorway leading to any such fire escapes. Doors leading to fire escapes shall be unlocked from the inside at all times and shall open outward.

8-23.9 Report of Communicable Diseases. A licensee shall report to the proper authorities of the Borough of Sayreville all cases of persons or animals affected or suspected of being affected with any communicable disease in or about the licensed premises.

8-23.10 Restriction on Ownership and Management. The operation, conduct and management of a motel shall not be under the management of, control or supervision of any person convicted of a crime involving moral turpitude or suffering from any contagious disease. No person shall own, directly or indirectly, more than five (5%) percent of stock or be an officer or director of any corporation or participate in any way in the management of any licensed premises if he or she has been convicted of a crime involving moral turpitude.

8-23.11 Payment of Fees.

A. The annual fee for each license hereunder shall be the amount set forth in Chapter 2-64 "Fees and Licenses" of the Revised General Ordinances of the Borough of Sayreville, entitled "Motels".

\$ 300.00 – Application Fee (New or Renewal, change of ownership)

+ \$20.00 – Annual per room fee

B. Payment of said fee shall accompany the filing of the application for licenses and any intention to renew thereafter.

C. Except as otherwise provided, all license fees shall become part of the Borough's treasury.

D. Where the licensee is engaged in more than one (1) activity as enumerated in this Section, at the same location, which may be subject to more than one fee, said licensee shall be required to pay that fee which would be charged for the activity assessed the highest fee.

8-23.12 Time for Submission of Applications; Term of License.

A. Applications for such license shall be made on a form as set forth in this Section and shall be signed and sworn to by the person, firm, partnership, corporation or entity actually engaged in such business and actually the true owners thereof.

B. All licenses issued hereunder shall be issued for a period of one (1) year commencing January 1st and expiring at 12:00 midnight on December 31st. All renewals shall be applied for and issued in a similar manner as the original application.

C. In the event of a termination or closing of a motel, or a moving of same to a location outside the Borough of Sayreville, the holder of the license shall notify the Borough Clerk of such termination or relocation not less than twenty (20) days prior to the effective date of the termination or change of location. The change of location as set forth in this Subsection is to apply only to those changes of location whereby the motel operation is moving beyond the boundary lines of the Borough of Sayreville. Changes of location within the Borough of Sayreville are governed by this Section.

8-23.13 Renewal Date. No later than forty-five (45) days prior to the expiration of the existing license, each applicant shall make an application upon the forms issued by the Borough Clerk. This Subsection shall apply to any individual, firm, partnership, corporation or entity who is now or in the future conducting any activity within the Borough of Sayreville regulated by this Section.

8-23.14 Change in Ownership, Corporate Address, and Emergency Contact Information.

1. Any change or modification of ownership of the license motel during the term shall require the execution of a new application. Review of the modifications to ownership shall follow the same procedures as stipulated for all other applications. There shall only be charged an application fee as set forth in Chapter 2-64 of the Revised General Ordinances of the Borough of Sayreville. There shall be no additional "per room fees" associated with this form of application.
2. In the event that emergency contact information (as stipulated in section 8-23.4) has changed, the owner shall provide updated information to the Borough Clerk in a manner and format prescribed by the Borough Clerk within 3 calendar days of the change.

8-23.15 Suspension and Revocation of License. In the event that the Borough Clerk finds upon a written report filed that there is such a serious infraction of the rules, regulations and ordinances of the Borough of Sayreville or the rules, regulations and laws of the State of New Jersey or that the operation of a premises licensed hereunder will constitute a serious menace to the health, safety, and welfare of the people of the Borough or the occupants of such licensed premises, the Borough Clerk shall have the right, upon the finding of good cause, to immediately suspend the license of such person, firm, partnership, corporation or entity licensed under this Section. In the event that a license is suspended as set forth herein, the Borough Business Administrator shall within seven (7) business days hold a hearing, unless the Administrator and the licensee mutually agree to hold same at a later date. A written report upon

which the Borough Clerk originally based its determination shall be given to the licensee at the time the Borough Clerk suspends its license.

The hearing to continue the suspension, revoke the license or take such other action as the Borough Council deems necessary in its lawful discretion shall proceed where applicable in the same manner as if the proceeding were for the issuance of a new license. Nothing contained herein shall prevent the Borough of Sayreville or the officers of the Borough from proceeding against the applicant in a court of competent jurisdiction.

8-23.16 Enforcement. The proper enforcement of the provisions of this Section dealing with motel licenses shall be within the jurisdiction of the Borough of Sayreville Police Department and, additionally, within the jurisdiction of those officers charged with providing the necessary inspections and regulations.

8-23.17 Violations and Penalties.

A. Noncompliance with the terms and conditions of this Section shall constitute a violation.

B. Each and every day any violation of this Section exists or continues to exist shall be determined as a violation or offense under this Section.

C. Any person, firm, partnership, corporation or entity violating any provision of this Section shall, upon conviction, be sentenced to a fine not exceeding the statutory limit as provided by State law, be sentenced to a jail term not exceeding ninety (90) days and/or a period of community service not exceeding ninety (90) days.

8-23.18 Deadline for Existing Operations.

Within sixty (60) days of the effective date of this Section, all parties regulated hereunder shall make application for a license to the Borough Clerk. Failure to make such application within the sixty (60) day period shall constitute a violation of this Section.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Eight General Licensing**, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

- Clerk Read the heading for Ordinance #269-14 for Public Hearing.

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #269-14.**

There were no appearances.

Councilman Rittenhouse moved the Public Hearing be closed and the Ordinance be adopted on second and final reading according to law. Motion seconded by Councilman McGill.

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

ORDINANCE #269-14
**AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES
FOR THE YEARS 2014, 2015, 2016 AND 2017 AS
COMMENSURATED IN THE P.B.A. LOCAL #98
BARGAINING AGREEMENT**

(Co. Rittenhouse, Public Safety – Public Hearing September 8, 2014)

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Sayreville as follows:

Section 1. The following annual salaries be and the same are hereby established for the following Borough Officials, officers and employees as per Schedules annexed hereto and made a part hereof.

NEW OFFICERS HIRED ON OR AFTER JAN. 1, 2014

Borough of Sayreville – P.B.A. Local #98 Salary & Wage Schedule

	1/1/2014	1/1/2015	1/1/2016	1/1/2017
Academy Rate (6 mos)	43,000	43,000	43,000	43,000
Probation (1 yr)	49,058	49,058	49,058	49,058
Step 2	55,117	55,117	55,117	55,117
Step 3	61,176	61,176	61,176	61,176
Step 4	67,234	67,234	67,234	67,234
Step 5	73,293	73,293	73,293	73,293
Step 6	79,352	79,352	79,352	79,352
Step 7	85,411	85,411	85,411	85,411
Step 8	91,470	91,470	91,470	91,470
Step 9	97,529	97,529	97,529	97,529
Step 10	103,588	103,588	103,588	103,588
Step 11	109,647	111,566	113,797	116,073

ALL OFFICERS HIRED PRIOR TO JAN. 1, 2014

Borough of Sayreville – P.B.A. Local #98 Salary & Wage Schedule

	4/1/2014	1/1/2015	1/1/2016	1/1/2017
Academy Rate (6 mos)	47,099	47,923	48,882	49,859
Post Academy Rate	50,840	51,730	52,756	53,820
2nd Year Patrolman	57,088	58,087	59,249	60,434
3rd Year Patrolman	65,024	66,162	67,485	68,835
4th Year Patrolman	72,962	74,239	75,724	77,238
5th Year Patrolman	80,898	82,314	83,960	85,639
6th Year Patrolman	88,834	90,389	92,196	94,040
7th Year Patrolman	95,933	97,612	99,564	101,555
8th Year Patrolman	105,106	106,945	109,084	111,266
9th Year Patrolman	109,647	111,566	113,797	116,073
Sergeants	117,608	119,666	122,059	124,500
Lieutenants	126,029	128,235	130,799	133,415
Captains	144,149	146,672	149,605	152,597
Detective Stipend	1,000	1,100	1,100	1,100

Section 2. All ordinance or parts of ordinances inconsistent herewith are hereby repealed and this ordinance shall take effect immediately upon final passage and publication as required by law.

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

- Clerk Read the heading for Ordinance #270-14 for Public Hearing.

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #270-14.**

Those appearing were:

- Sal Risalvato, Executive Director
NJ Gasoline, Convenience Store, Automotive Association
Representing gasoline stations convenience stores and automotive repair shops.
Asked that this governing body not adopt this ordinance for the following reasons.
Customers would travel to the next town and stores would lose those customers together with whatever purchases they would make by entering the store.
Not penalizing the person purchasing the cigarette, penalizing the person selling the cigarette.
Fine paid by seller not purchaser.
Military person in uniform come into an establishment not 21 wanting to purchase cigarette how would you feel as the counter person.
This is something for the State Legislature to adopt.
- Danny Jallo, owns gas station on Rt. 9 So.
Concerned about the business he will lose, over 50% of sales are cigarettes. Sales will go to Old Bridge.
- Mr. Patel, Exxon gas station and convenience store on Rt 9 No.
Same complaint as Mr. Jallo.

Mr. Risalvato told the governing body that they appreciate them taking this testimony and again request that they do not adopt the ordinance. He submitted written testimony for the record.

Councilman Buchanan asked Mr. Risalvato if the legislation he referred to passed the Senate. Mr. Risalvato said it passed the Senate but is held up in Assembly. He said that the concerns the legislators have are the same as his-concern for the small business people and the loss of sales to other towns.

Councilman Melendez questioned the percent of sales and ages.

Further discussion between the governing body and Mr. Risalvato.

- Mr. Michael Burns, 23 Miara Street
Supports the Ordinance and asked the governing body not to table it.

Councilman Buchanan expressed concerns regarding our military people coming home and not being allowed to purchase.

Councilman McGill moved the Public Hearing be closed and Ordinance #270-14 be adopted on second and final reading according to law. Motion seconded by Councilwoman Novak.

	<u>Aye</u>	<u>Nay</u>
Roll Call: Councilpersons		
Buchanan,	X, with comment	
Eicher		X, with comment
McGill	X, with comment	
Melendez	X, with comment	
Novak	X, with comment.	
<u>Rittenhouse</u>		<u>X, with comment</u>

Clerk announced 4 – Yes, 2 No.

ORDINANCE #270-14
**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE
TO ADD SECTION 5-28 “PROHIBIT THE SALE OF
TOBACCO TO PERSONS UNDER THE AGE OF TWENTY-ONE”**

WHEREAS, the United States Department of Health, the American Cancer Society and surveys conducted by other entities linked increased dangers and health risks associated with smoking and using tobacco products by person who started smoking as teenagers. Therefore the Governing Body of the Borough of Sayreville has concluded that it is appropriate to prohibit the sale of tobacco and nicotine delivery products within the Borough of Sayreville to persons under the age of twenty-one (21) years; and

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

5-28 Prohibiting the Sale of Tobacco to Persons Under the Age of Twenty-One.

5-28.1 Retail Sale of Tobacco Products

A. No person shall sell tobacco products or nicotine delivery products in the Borough of Sayreville unless the sale of such products is controlled by an employee of the establishment. A person may only sell tobacco products or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays of tobacco products or nicotine delivery products shall be prohibited.

B. No person shall sell tobacco products or nicotine delivery products to any person under the age of twenty-one (21) years or give tobacco products or nicotine delivery products to any person under the age of twenty-one (21).

C. Retail establishments where tobacco products or nicotine delivery products are sold shall conspicuously post and reasonably maintain signs having a minimum size of six (6) inches by eight (8) inches where these products are displayed and at all check-out counters notifying customers that proof of age is required to purchase tobacco products or nicotine delivery products.

D. All clerks, selling tobacco products or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer’s date of birth that no person purchasing the tobacco or nicotine containing products is younger than twenty-one (21) years of age. No such verification is required for any person over the age of twenty-six (26). No clerk shall sell tobacco products or nicotine delivery products to a person under twenty-one (21) years of age who has a note from an adult requesting such sale.

E. No person selling tobacco products or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read the Board of Health regulations and State laws pertaining to the sale or distribution of tobacco products and nicotine delivery products and has signed a statement that the employee has read the regulations. Such form statement will be supplied by the Board of Health and kept on file at the establishment subject to review by the Board of Health.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Five, Section 28** of the Revised General Ordinances of the Borough of Sayreville, shall be added to reflect said change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

/s/ David McGill, Councilman
(Sponsor)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

- **NEW BUSINESS: None**
- **CONSENT AGENDA/RESOLUTIONS**

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

There were no 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 Councilwoman Eicher.

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

RESOLUTION #2014-257

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 September 9, 2014, in the amount of \$8,571,416.57
(Bill List – See Appendix 2014-A for this date, in a separate Bill List File for 2014).**

RESOLUTION #2014-258

WHEREAS, on August 12, 2014, the Mayor and Council of the Borough of Sayreville received bids for “Furnishing and Installing a New Automated Refuse Loader Body and Lift Arm onto Borough Refuse Vehicle”; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 8th day of September, 2014 that:

1. Contract for the “Furnishing and Installing a New Automated Refuse Loader Body and Lift Arm onto Borough Refuse Vehicle” be awarded to Mid Atlantic Waste Systems, 8C Route 130, Pedricktown, NJ 08067 for a total of \$100,000.00 as appears on their bid documents and attached hereto and made a part hereof, subject to the waiver of minor irregularities.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2014-259

WHEREAS, on August 26, 2014 the Mayor and Council of the Borough of Sayreville, have received bids for the “2013 Roadway Paving & Reconstruction Project – Phase II” covering the improvements to Oak Street and Old Cheesequake Road; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 8th day of September, 2014, that:

1. Contract for the “2014 Roadway Paving and Reconstruction Project – Phase II, Improvements to Oak Street & Old Cheesequake Road Project be awarded to Black Rock Industries, LLC, 1316 Englishtown Road, Old Bridge, NJ 08857, on their bid price with deletion items of \$795,446.50, as appears on copy of bid document attached hereto and made a part hereof and is subject to the waiver of minor irregularities.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2014 - 260

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE BOROUGH ENGINEER SUBMIT THE GRANT
APPLICATION WITH THE NJDOT FOR THE 2015 MUNICIPAL AID PROGRAM
THROUGH THE NEW JERSEY TRANSPORTATION TRUST FUND**

WHEREAS, the Governing Body of the Borough of Sayreville, Middlesex County, New Jersey (hereinafter “Borough”) received notice that the New Jersey Department of Transportation (NJDOT) is currently accepting applications for the 2015 Municipal Aid Program the Fiscal Year 2015; and

WHEREAS, the Borough desires to continue with the road improvements previously funded by the NJDOT Municipal Aid Program; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED Mayor Kennedy O'Brien and the Governing Body of the Borough of Sayreville hereby authorize the Borough Engineer,

Jay Cornell, P.E. to complete and submit the appropriate application with the NJDOT for the 2015 Municipal Aid Program.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-261

WHEREAS, on April 23, 2012 the Borough of Sayreville awarded a contract for “Water Meters and Related Equipment” to H.D. Supply Waterworks, LTD, 61 Gross Avenue, Edison, NJ 08837; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract for one additional one-year period at no additional increase in price contained therein; and

WHEREAS, H.D. Supply Waterworks, has indicated their interest in extending their terms of the aforesaid contract for an additional tow-year period;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for “Water Meters and Related Equipment” is hereby renewed for one additional one-year period at no additional increase in price.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-262

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

NAME OF APPOINTEE:	Thomas Pavlik
POSITION:	Police Sergeant
DEPARTMENT:	Police
EFFECTIVE:	September 8, 2014

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

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-263

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

NAME OF APPOINTEE: William Kilcomons
POSITION: Police Sergeant
DEPARTMENT: Police
EFFECTIVE: September 8, 2014

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

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

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

• **RESOLUTIONS TO BE READ IN FULL: - None**

• **SWEARING IN**

Officers Thomas Pavlik and William Kilcomons were introduced by Police Chief John Zebrowski. Theresa Farbaniec, Municipal Clerk swore in Thomas Pavlik and William Kilcomons as Sergeants in the Sayreville Police Department. Each signed their Oaths of Office.

Business Session Agenda - September 8, 2014

Mayor O'Brien commented on and welcomed back to the council meeting Mr. Bob Kominkiewicz. He also thanked Ken Kelly, retired Sayreville Police Detective, Air Force Veteran, former VFW Commander, Veterans Alliance Counsel member, 9-11 Monument designer and Master of Ceremonies for each year's event for his dedication and hard work each and every year.

COMMUNICATIONS & COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE - Councilman Buchanan**

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

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

- i) **Sayreville Leprechauns** to conduct an On Premise Draw on Oct. 25, 2014 (RA:1891).
- ii) **Raritan Bay Cougars of Old Bridge**, to conduct an On Premise Tricky Tray and 50/50 on October 18, 2014 at the VFW Post 4699 (RA:1892 & 1893).
- iii) St. Stanislaus Kostka Athletic Association to conduct an Off Premise 50/50 on Nov. 22, 2014 (RA:1894).

- i-iii) Approved.

c) Application for a Special Event received from:

- i) Sayreville Softball Assoc. to conduct a Charity Walk for **Kayla's Crew** on Oct. 11th from 9am-11am (rain date Oct. 12) in Kennedy Park. Proceeds to benefit Children's Hosp. of Philadelphia.

- ii) **Sayreville Engine Co. No. 1** to conduct a flower sale at the fire house on Sept. 26, 27 & 28, 2014. Proceeds to be used toward their 100th Anniversary.

- i-ii) Approved.

d) Notice received from JCP&L on their Filing and public hearing for Basic Generation service procured by JCP&L on behalf of its Default Electric Service Customers and Proposed Recovery through its BGS statewide Auction for Basic Generation Service.

- (Notice posted on bulletin bd. & on file in Clerk's Office)
- Receive & File
- e) Notice that PSE&G filed a Petition with the BPU requesting approval to continue the current Energy Efficiency Economic Extension Program offerings.
(Notice posted on bulletin bd. & on file in Clerk's Office)
- Receive & File
- f) Committee Reports –
- 1) Thanked Ken Kelly, the Veterans Alliance, the VFW, the American Legion, Fire and First Aid Squads, police, police auxiliary, boy & girl scouts and public works employees for their participation in the 9-11 Memorial Service.

 - 2) Reported that Councilmen Melendez and McGill and he had met regarding the bus shelter replacement and the only concern they had was the wording in the contract with regards to Creative Outdoors and their advertising. The Borough Attorney reported that the Business Admin. spoke with Creative Outdoors who had been very receptive and language is being put together to be sure that the bus shelters are excluded.
- **PLANNING & ZONING – Councilman McGill**
- a) **Minutes & Departmental Reports: NONE**
Move the following Minutes/Reports be Received & Filed:
- i) Board of Adjustment minutes of July 23, 2014
 - ii) Planning Board Minutes of August 20, 2014
- Receive & File
- b) Received the following **Planning Board Resolutions** which were **Memorialized on June 18, 2014:**
- North Jersey Energy Associates, Blk 14, Lot 4.02/Preliminary & Final Site Plan Approval.
 - Gerdau Ameristeel Sayreville, Blk 246, Lots 1.02, 1.05, 1.06, 1.07 & 1.08/ Preliminary & Final Site Plan Approval Bulk Variances & Fill and Soil Removal Permits.
- Receive & File
- c) **Notice to Sayreville as Adjacent Property Owner(s)** received from:
- 1) Borough of South River on the adoption of an Ordinance Amending Chapter 350 of their Code entitled "Zoning".
- Receive & File
- d) Committee Report:
- 1) Progress.
- **PUBLIC SAFETY – Councilman Rittenhouse**
- a) **Minutes & Departmental Reports: NONE**
- b) Request for a Leave of absence received from Firefighter Matthew Kenny from July 24, 2014-January 1, 2015 was granted by the Sayreville Engine Company No. 1.
-Approved/Denied.
- c) Letters of resignation received from Firefighter Craig Connors from the Sayreville Engine Co. No 1, effective Aug. 1, 2014.
- Receive & File.
- d) Application of Anthony Rambhajan as a firefighter in President Park Fire House No. 1. was accepted at their Aug. 4, 2014 meeting (regular member w/ 3 month probation).
-Approved/Denied
- e) Request to travel received from Engine Co. No. 1 to attend:
- White Horse Volunteer Fire Co. 100th Anniversary Parade on

Oct. 4, 2014 in Hamilton, NJ from 10am-7pm ***and***
- New Brunswick Fire Department 250th Anniversary Parade
on Oct. 11, 2014 from 9am-6pm.

-Approved.

f) Notice received from NJ Transit regarding Public Hearings being conducted to gather information and comments from interested parties concerning programs developed pursuant to the Sr. Citizen and Disabled Resident Transportation Act. See notice posted on Bulletin Board.

-Receive & File

g) Request received from Our Lady of Victories HSA to hang banners for their Christmas Bazaar across Washington Rd. and Bissett St.

- Approved.

h) Committee Reports – Co. Rittenhouse

1) Comments made with regards to the 9-11 Memorial service.

2) Reported that Council President Novak and Councilwoman Eicher and he visited the Helmetta animal shelter and are now in the process of gathering other information and should have a report together for the next meeting.

• **RECREATION – Councilwoman Eicher**

a) Minutes & Departmental Reports:

1) Recreation Advisory Board Minutes and Recommendations made at their September 4, 2014 meeting.

- Held over for corrections in some wording.

2) Thanked all who made it to the 9-11 memorial ceremony and all participants.

3) Reported on all various Recreation Department sponsored events.

4) Sayreville Day this Sunday from 10am – 4pm.

b) Resolution received from the Borough of Carteret supporting the Middlesex County Ballot question regarding the establishment of a County Cultural and Arts Trust Fund.

- Resolution.

c) Committee Reports - 1) above.

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

a) Minutes & Departmental Reports: NONE

b) Committee Reports-

1) Reported that his committee met and discussed the issue regarding large water billing due to extreme issues and would like to adopt a policy or ordinance and that it be placed on the next agenda.

The Borough attorney stated that he has prepared the ordinance as discussed by the committee. The Mayor asked if Co. Melendez and committee reviewed it and if they are ok with it. Co. Melendez said yes (no specific direction given).

2) Commented on the poor condition of Old Cheesequake Road behind the new Starbucks.

- Engineer Cornell responded that this street was included on the award of contract made tonight.

- Progress.

• **PUBLIC WORKS – Council President Novak**

a) Minutes & Departmental Reports: NONE

b) Committee Reports – Co. Novak

- 1) Reported that Sayreville has finally obtained the properties necessary for the installation of the traffic light at Main Street and White Oaks Drive. She requested we move forward and notify the County that they can go out for bid.
- 2) Reported that there is bias awareness training session taking place on Sun. Sept. 28 from 2-4pm at the Sayreville Library.
- 3) Thanked Ken Kelly for the 9-11 Memorial Service he put together. She also reminded everyone about Pearl Harbor Day.
- 4) Reported that she attended the Recreation Advisory Board Meeting and they discussed the Leasing Agreement with the Board of Education regarding the Morgan Athletic Fields and it was the recommendation of the Recreation Advisory Board that the Business Admin and Borough Attorney handle negotiating the contract in conjunction with the Board of Education because we do need the fields.

Councilwoman Eicher expressed her concerns regarding Co. Novak attending a committee meeting of which she was not appointed to.

Councilwoman Novak stated she attended as a resident and wanted more information on issues that she would be voting on and that they thanked her for attending.

Co. Novak also reported that the Recreation Advisory Board recommended that the Morgan Athletic Association run the street hockey program and that it be held in Morgan and that the lines be drawn for basketball and street hockey.

Discussion between the Mayor, Co. Eicher and Co. Novak.

Co. Rittenhouse called for a Point of Order that Co. Novak was reading from Recreation Advisory Board Minutes were not accepted here tonight because they are being sent back to be corrected.

Councilwoman Novak stated that the decision was made at the meeting and she was reading from the minutes and she read it again. She also stated that our Ordinance says that the moment an application is complete they have 11 days to approve it. Councilwoman Eicher said that she was never opposed to street hockey her concern is the location as they want to start playing at 9am and there are homes that back-up to those tennis courts that will now have competitive hockey at 9am. She said that there is also a parking issue that she is trying to work out. She said that she had suggested the area by the baseball fields that could be fixed up just as well and not affect the residents. She further stated that the AA was given the Okay at that meeting and why it had to go before the Recreation Board and expressed that she did not understand why she has been attending all of these meetings. Councilwoman Novak said that at the last meeting the Mayor directed you to bring this matter before the Recreation Board for their advise.

Councilwoman Eicher said that at the meeting the Recreation Board according to the Athletic Association has no business telling them what they can do as an organization, so it was discussed as an organization of sports, and it was determined that they can do it and Jerry was issuing them the permits.

Councilman Melendez questioned what the next step would be.

Councilwoman Eicher said that they filed their application and permits were issued and registrations took place and they are playing.

Councilman Melendez further questioned the business administrator if they were okay. Mr. Frankel stated that the only thing that needed was the authorization to line the court. Mayor asked if there were any objections.

Councilman Buchanan asked if the spot behind the borough hall was discussed. Councilwoman Novak stated that the recreation board felt they would be better off in Morgan because they have storage.

Discussion continued between the Mayor and Councilwoman Novak. Mayor then asked if there was any objection to the court in Morgan being stripped for both hockey and basketball.

No objection made and he asked the Business Admin to move forward with that course of action.

- **MAYOR – Kennedy O'Brien**

Mayor O'Brien then thanked the Parks Department for their help in making the 9-11 Memorial area beautiful. He also thanked the Police, Fire, two First Aid Squads, VFW, American Legion, Boy and Cub Scouts, Girl Scouts, etc. for their participation in the ceremony.

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

- **Administrative & Finance**

- **Planning & Zoning**

- 1) Authorization to appoint (upgrade) four employees from Clerk II Provisional to Permanent Status in accordance with the Civil Service Promotional Certification.

- **Resolution.**

- **Public Safety**

- 1) Authorizing the purchase of "turnout gear" from Skylands Area Fire Equipment & Training LLC under State Contract #80948 in the amount of \$37,635.48.

- **Resolution.**

- **Public Works**

- 1) Authorization for CME Associates to prepare plans and specifications for bid for roof replacement at Morgan Fire House and Engine Co. No. 1 and upon approval request for authorization for the Clerk to advertise for the receipt of bids.

Councilman Rittenhouse requested the roofs be inspected as it may only be a drainage issue and not a whole roof.

Mayor asked the Engineer to inspect the roofs and make his recommendation then if roofs are necessary there will be a resolution on for the next meeting.

- **Engineer Inspection / Resolution if necessary.**

- 2) Authorization to extend the contract for Snow Plowing Services on one additional two year term with no price increase to T. Marcinczyk & Son, Inc. and B&W Construction Inc.

- **Resolution.**

- 3) Authorization to transfer John Smith, Security Guard/Library and appoint him to the position of Laborer in the Dept. of Public Works.

- **Resolution.**

- 4) Authorization to appoint Charles Wojtaszek, to the title of Equipment Operator in the Dept. of Public Works as per Civil Service Promotional Certification.

- **Resolution.**

5) Authorization to appoint Craig Fallon to the title of Equipment Operator in the Dept. of Public Works as per Civil Service Promotional Certification.

- Resolution.

6) Authorization to appoint Gary Aich, to the title of Supervisor/Provisional in the Dept. of Public Works.

- Resolution.

- Recreation

- Water & Sewer

• **C.F.O.- Wayne Kronowski**

1) Bill List Resolution

• **BOROUGH ENGINEER -Jay Cornell**

i) 2013 Roadway Paving & Reconstruction Project – Phase II
Receipt of Bids

ii) Resolution A Resolution consenting to NJDOT Investigation and Cost Sharing of the Route 35 and Old Spye Road/Tyler Street Intersection.

- Resolution.

• **BOROUGH ATTORNEY - Michael DuPont**

• **PUBLIC PORTION**

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

➤ Thomas Bieshada, 17 Greenhill Avenue

- Questioned the council's decision regarding to the rescinding Ordinance #267-14. He stated that the board of education adopted a resolution and will be sending it to the council stating the detriment this ordinance will have on the students.

Mayor asked Co. Buchanan to contact the Board of Education member to discuss this issue.

- Asked that Ida Street be looked at for road repaving as the curbs are disintegrated.

➤ Barbara Kilcomons, 22 Schmitt Street

- She said she attended the Board of Education Meeting and they are totally unaware that they would not be collecting taxes for students under the Pilot Agreement.

Mayor stated that he had requested this be brought before the Board of Education numerous times in the past.

- Commented on the Lease Agreement covering the Morgan Athletic Fields and suggested it be a year to year lease.

Councilman Buchanan asked if there would be any objection to him discussing this Lease Agreement with the Board of Education while discussing the Highview Homes Pilot. Mayor said that there was no objection.

Councilman Rittenhouse asked that they give them the proper information.

- She stated that with the Opt Out Program for Energy Aggregation you have to use the customer number not the account number and that she and many other residents were upset with having to opt out this should be her decision to opt in. Lengthily discussion followed.

- Commented on the Highview Homes Pilot Agreement.

- Questioned who sprayed the vegetation along Main Street as it turned it all brown and unsightly.

- Fort Grumpy is an unsightly mess.

- Questioned why Mechanics are working overtime on Saturday fixing vehicles when the borough bought so many new vehicles.

- Robert Kominkiewicz, 103 Ernston Rd.
 - Fort Grumpy is a mess.
 - Commented on how fortunate we are to have such a great first aid squad that the cost of private ambulances are expensive.
 - Thanked the Water Dept for the fast response when he called regarding a sewer back-up.
 - Questioned why he could not drive into Kennedy Park to sell hot dogs on special Occasions and if it was ever brought up at a Recreation Advisory Board meeting that he was not allowed to drive into that park and Councilwoman Eicher responded that it was due to safety concerns.
 - Vendors in Kennedy Park.
 - Commented on the number of people selling hot dogs at events when he used to be the only one.

- Barbara Kilcomons, 22 Schmitt Street
 - Commented on the number of traffic lights there are along Main Street and how worthless the one at Sayreville Blvd. is and how much one is needed at White Oaks Drive. She requested a report on the number of traffic accidents there have been over the last 36 months at White Oaks Drive.

- Bill Rhumm, 33 Vernon Street
 - Questioned the number of opt-outs from the Energy Aggregation Program we have thus far. He also stated that there are still a number of residents who still have not received a letter.Mr. Frankel replied the number was 1,967.

- Dennis Luciano, 125 Buchanan Avenue
 - Complained about the abandoned property across the street from his home. He said that after the fire it is now bank owned, overgrown and has a dangerous foundation remaining.Mayor explained the difficulties the municipality has when a property becomes bank property.
Mr. DuPont said that when it has been determined that the health and welfare of the neighborhood is effected by a building of this nature then the municipality has in its powers the right to take the necessary steps to eliminate the trash, trees, grass, mosquito's and place a lien on the property.
Councilman Melendez asked how we can move this forward.
Mayor said that it will be referred to the Construction office for a report.

- Damon Enriques, 121 Buchanan Avenue
 - He said, due to that dangerous property he cannot let his kids out of the house without watching and this has been going on for 5 years.

Mayor said the next public discussion will have to deal with the Helmetta Animal Shelter and a like.

Mayor said that Councilman Rittenhouse, Novak and Eicher visited the shelter this week and Councilman Rittenhouse will be commenting on this. He also said that the Board of Health has also requested that they be kept in the loop and that if anyone wishes to make any comments and give testimony that it go to them (the board of health).

Councilman Rittenhouse reported that he, Council President Novak and Councilwoman Eicher visited the shelter and gathered information to study. They are also looking into other areas to be sure the animals are kept properly and that Sayreville is getting the best service for its money. He said that he will have a report for presentation at the next meeting. This is a municipal building operated by the Borough of Helmetta and we are looking at the care of the animals, Police reports,

health reports and that is what is going to make the determination. He did say that changes are being made there such as their record keeping. He said that the bad publicity is hindering Helmetta from moving forward with their RFP's for veterinarians. A final report will be prepared for the next meeting.

Mayor called for Sayreville residents first.

Those appearing were:

- Kathy Gabrieleescu, 200 Main Street
 - She spoke on animal control, money waste and TNR Program.
 - The need to consider a long term prospect on how the issue will be resolved.Mayor suggested that she appear before the Board of Health and make a presentation.
- Brianne Rodgers, 28 Muth Street, Morgan
 - Questioned if the council had a breakdown on Helmetta's spending and where the money is going. She said she would OPRA the records.
 - Commented on Helmetta's record keeping in Helmetta.
 - She said that she also OPRAed e-mails of Director of the Shelter, the Mayor and the Councilperson in charge of the shelter and people she commented on what the e-mail said.

Discussions between Councilman Rittenhouse and Councilwoman Novak regarding the shelters.

- Further comments made by Ms. Rodgers regarding the e-mails she received regarding the shelter.

- Colleen Wronko, 148 Main St., Spotswood.
 - Commented on record keeping and felt that the numbers are being made up for billing. She also commented on the intake logs and disposition logs as well as the number of animals being euthanized with no records. She further read the state law regarding shelters and the intake of animals, etc.
 - Could not understand why they are getting puppies shipped from down south.

Mayor asked that she bring her paperwork to the Board of Health because they were the ones who originally administered the contract. Mayor said that he understood that she was upset with Helmetta and Sayreville but we will do our due diligence to get it straightened out and will announce once that is completed.

Councilwoman Eicher asked who she is reporting these Helmetta issues to. Ms. Wronko said she has reported them to the SPCA and the State Dept. of Health. Councilwoman Eicher requested a copy of the e-mails she is referring to and Ms. Wronko left a package with the Clerk.

Councilwoman Eicher said that she hears them and wants to be sure that the animals are being treated correctly.

Outburst from audience member. Mayor addressed him.
Colleen Wronko commented to the Mayor about his response and comments.

Councilwoman Eicher addressed the vet issue at Helmetta.

- Josephine Tozzi, Carteret, NJ
 - Carteret has approved Trap Neuter Release program
 - Less cats going to shelters and being put to sleep.
 - Public education is important.
 - Helmetta is a mess with 21 towns, they cannot handle it.
 - TNR works.

- Steven Wronko, 62 Roland Street, Keansburg, NJ
Read statement into record regarding the Helmetta Animal Shelter.
Took pictures and video of Helmetta shelter. Implored change.
Read e-mails.

- Kathy Gabrieleescu, 200 Main Street
- Improper record keeping at Helmetta.
Councilwoman Eicher asked who polices these records.
- She felt the elected officials paying the bills should be over-seeing it.
Mayor asked that they approach the Sayreville Board of Health.
Councilman Buchanan asked for a list of violations.
Information handed to the clerk.

Co. Buchanan asked the Borough Attorney if these facilities are licensed through the State and if so how we could get a list of violations.
Mr. DuPont said that they are licensed through the DCA.
Co. Rittenhouse said that the violations that they have are mostly for record keeping and the other reports are mostly what you would find in most shelters.

- Alex Klinger, 1501 Roosevelt Avenue, West Carteret
Spoke about abuse and issues with animals being adopted.

- Melissa Idyk, 154 Bertram Ave., South Amboy
Asked what needs to be done to get TNR in all 21 Counties.
Mayor indicated that he was not sure. That Kathy tried to bring TNR here years ago and it did not get approved. They need to approach the Board of Health and present the facts to them again.

- Josephine Tozzi, Carteret, NJ
A lot of these cat issues can be prevented with TrapNeuterRelease.
Mayor recommended that she make her recommendation to the Board of Health.

- Colleen Wronko, 148 Main Street, Spotswood, NJ
Concerned about the abuse of the animals at the shelter.
The abuse is the care of the animals.
Animals being adopted out sick.

No further questions or comments

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

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION - None**

- **ADJOURNMENT**

Before the meeting was adjourned the entire governing body wished the Councilwoman Lisa Eicher and Councilman Dave McGill a Happy Birthday as they sang and shared cake.

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 9:56 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved