

Combined meeting of the Mayor and Borough Council held on Monday, September 12, 2011, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 6:30 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:** Councilpersons Bella, Buchanan, Eicher, Henry, Kelly, Perrette.

Absent: None

Others Present: Mayor O'Brien  
 Business Admin. Bertrand  
 C.F.O. Kronowski  
 Municipal Clerk Farbaniec  
 Engineer Cornell  
 Attorney DuPont

**Approval of Previous Council Meeting Minutes**

Councilman Kelly moved the following Minutes of the Mayor and Council be approved, subject to correction if necessary:

- May 3, 2011 Budget Workshop
- May 5, 2011 Receipt of Bids – (Bordentown Ave. Water Treatment Plant Expansion)
- May 9, 2011 Regular Meeting
- May 9, 2011 Agenda Meeting

Seconded by Councilman Buchanan.

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

**Swearing in of Police Officer Michael A. Pascone**

Mayor called upon Police Chief John Zebrowski who commented on Mr. Pascone and why he was chosen for Police Officer in the Borough of Sayreville. He then introduced Michael Pascone and asked him to come up and be sworn in.

Municipal Clerk Farbaniec swore in Michael A. Pascone as Police Officer of the Borough of Sayreville.

**PRESENTATIONS**

Assemblyman Craig Coughlin was called forward by Mayor O'Brien to present a check for the second year in a row to three of Sayreville's Food Banks from proceeds from Sayreville's involvement in the Bowl for Hunger Event.

Mayor O'Brien reflected on yesterday's September 11th ceremony and thanked Council President Ken Kelly who spearheaded the construction of the Memorial and the annual ceremonies along with Rich Kosmoski the other member of the Veteran's Alliance Committee. He said that Councilman Ken Kelly puts the ceremony together every year with such honor, it is a tremendous credit to our community.

Mayor O'Brien then commended and thanked the borough employees for their work during hurricane Irene. He said it was his privilege to watch Emergency Management Coordinator Barry Eck coordinate plan after plan. He also watched the Police Chief and Police Department coordinate their efforts in executing the plans flawlessly. Along with our Dept of Public Works, our Fire Departments and Emergency Squads.

Berry Eck then came forward and remarked on everyone's efforts and the loss people experienced due to the storm but thank goodness there was no loss of life or injuries. He said that the recovery was a team effort and shows that Sayreville is truly a community working together. He also recognized the fire dept and police auxiliary.

Mayor asked for the clerk to read Resolution #2011-214 into record (out of order) in order to accommodate the people present here tonight.

**RESOLUTION #2011-214**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND COUNCIL TO REPLACE M.K. MANAGEMENT, INC. AS TRUSTEE OF TOWNE LAKE EAST**

**WHEREAS**, the Mayor and Council of the Borough of Sayreville, in its sole discretion, as outlined in Article III, Section 3.02 of the Declaration of Covenants and Restrictions for Towne Lake, has decided to remove M.K. Management, Inc. as Trustee of the community known as Towne Lake East; and

**WHEREAS**, the Mayor and Council of the Borough of Sayreville has determined that the current Trustee, M.K. Management, Inc., should be replaced in keeping with the initial intent of the developer of the community; and

**WHEREAS**, the Mayor and Council of the Borough of Sayreville have agreed that the residents of the community commonly known as Towne Lake East have the right to form their own homeowners association; and

**BE IT AND IT IS HEREBY RESOLVED** Mayor Kennedy O'Brien and the members of the Council of the Borough of Sayreville authorize the residents of Towne Lake East to form a homeowners association; and that the Mayor and Council of the Borough of Sayreville will appoint an interim Property Manager who will serve only until the Towne Lake East Homeowners Association holds an election to elect five (5) members of the Association who will act as the Directors of the Towne Lake East Homeowners Association.

/s/ Nicholas J. Perrette.

Councilman

(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

Councilman Kelly moved the Resolution be adopted on Roll Call Vote.  
Seconded by Councilman Perrette.

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

In recognition of the number people present here tonight from the flood affected areas of Sayreville, he opened the meeting up to the public to these residents only.

Those appearing were:

- Fran O'Conner, 84 Weber Avenue
- Larry Gates, 66 Weber Avenue
- Ellen Bednarz, 85 Weber Avenue

Fran O'Conner said that the residents of Weber Avenue, MacArthur Avenue and the surrounding streets suffered yet another horrific flood on Sunday, August 28<sup>th</sup>. She spoke on behalf of the residents of Weber Avenue and thanked the Mayor,

the govern body, Jeff Bertrand for pulling together and being there for them. Every phone call was responded to and sincerely appreciates that. They also thanked Barry Eck, the Office of Emergency Management, the First Responders the Police Department, the Fire Dept. She thanked the Police Department for closing off the street for their protection and safety after the flood. They stopped the scavengers and looters from going through their stuff as they tried to dry their belongings. She also thanked the employees of the road dept., water dept., and the public works. They cleaned the street afterwards and helped to move the flooded items. She said that they just finished putting the houses back together after the last storm and are again suffering emotionally and financially. She said that unless they move on the fix there is nothing to stop it from happening again. She said that there are homes on here street where the foundations are starting to collapse. Engineers have to come out and give estimates as to the damage and not everyone has the means or insurance to pay for it. After the last flood they were told the Army Corp of Engineers who have been studying this project for 20 years, estimated it would be 10-15 years before the levy's and storm walls would be completed. She said with the help of the Mayor a sub-committee was formed and they have been meeting on a monthly basis but progress is slow. She said the committee came up with an interim solution. She said the engineer came up with a sheet metal wall that he believed would sustain the river from flooding their homes. Now they need the funding. She said that Assemblyman Coughlin and Wisniewski have introduced legislation and there is a bill for one million dollars and is making its way through the legislative process. Right now it is waiting to go before the Senate Budget Appropriation Committee. She said that they are very hopeful that it would be done before the end of this calendar year.

A meeting between the Weber Avenue residents and council was scheduled for Wednesday, September 21, 2011 at 5:30.

- Larry Gates distributed pictures of the affected areas. He expressed their frustration and emotional and physical stress. He described how his foundation cracked and the water was flowing in like a waterfall. He said that the infrastructures around the homes cannot take the force of the water and these issues are big and should be addressed by the town. He also addressed issues with the pump station down the street from them. He asked for an alarm system to be put on the pumps with some type of notification when they are not working.

Councilman Buchanan responded that he just received the report and the quote for the alarm system.

Mayor asked that this issue be carried over until the September 21<sup>st</sup> meeting.

Mr. Gates expressed his concern that next time they will not have such good notification, that it may hit quick and fast and could lose even more.

Mayor said that he learned from the Emergency Management Coordinator, Barry Eck that there is no way to predict flooding and asked him to address these many variables.

Barry explained the variables such as the wind direction, how the tides are being pushed up from a particular storm. He said that one of the things that saved us somewhat was the wind direction. That Sunday morning the wind direction changed out of the west and was pushing the tide out, extremely hard. He then explained the number of rivers feeding up into the South River from the Old Bridge section, coming down from a series of dams from Monroe, Jamesburg and all that area. Then there is the Raritan River coming in from New Brunswick, Bound Brook and the tide coming in from the Raritan Bay. He said that several people had approached him with concerns about the dams up the river. He said that he is personally going to hold a meeting with the towns up the south river to find out if the system is working the way it is supposed to. He said that no dam to his knowledge was compromised, broken or washed out. At these meetings he intends to find out if the system that was put in place over 25 years ago is still in place and still feasible.

- Ellen Bednarz, 85 Weber Avenue  
She questioned why some of the homes were inundated with sand and others were not.

Barry Eck responded that his concern is that the sand may have come from around the foundation. He said that the old bridge area was different. He said that the majority of the sand was washed up from the river bed itself.

Mr. Gates said that the reverse 911 system worked on the house phones but did not work on the cell phones.

Mayor O'Brien indicated that it is being worked on with the Police Chief and Lt. Batko.

Mayor called forward the William Street area residents.

Councilman Buchanan asked what could be done with the residents who have foundation issues.

Business Admin. stated that last week they started working with the residents. FEMA did the inspection and they said they would need an engineer to certify that there is an issue with the property before FEMA would bring in their engineers. Mr. Bertrand said that he called Pete Campisano of USA Architects and he reported to the area and evaluated the resident's home and is willing to do the same for the others on Saturday as well as Old Bridge Section residents.

- Frank Mazzaroni, 40 William Street, Old Bridge section Commented that the Old Bridge section felt like they are kept out of the loop and expressed concerns over the several elderly residents in the neighborhood.
- Joe Kloc, Old Bridge section of Sayreville.  
Mr. Kloc gave special recognition to Bruce Totten, Supervisor of the Sewer Dept., Bob Konen, Supervisor of the Road Dept. He said that they made sure that the residents of Sayreville received the assistance needed in a timely manner. He said that all of the workers of Sayreville should all be commended for the efforts they put forward.

He then addressed the Mayor and Council advising them that the residents of that area are getting older and cannot do what they used to. He said that they do not have storm sewers. They have gullies and ditches of which are overgrown with weeds and silt. He expressed that the residents know where they live but ask for a fighting chance. If they can't have storm sewers he asked for curbs that could be maintained and graded in such a fashion so that the water does not lay stagnant in the streets. He asked that the gullies and ditches be maintained and cleared of weeds and debris.

He asked the Mayor to send the town engineer to evaluate their situation. He said that he knows it has been studied by the Army Corp. of Engineers for as long as he can remember. The last study he has is from 2002. He said that if they had a storm sewer pipe with a check valve at the end of William Street along with five loads of dirt it would give those 2-3 hours of safety from regular floods. This will not cure the problem but will provide a fighting chance.

He asked if the plan for the Weber Avenue residents would affect the residents of Old Bridge and why the Old Bridge residents wasn't offered the same consideration.

Councilman Perrette responded that he had been in touch with Mr. Kloc and the Dept. of Public Works Director to get the debris cleaned up in that area. But there is a man power issue so he asked for a number if we have to get an outside agency. He said that the Mosquito Control Commission will be testing for mosquitos and spraying. He said that he would like to be on the Old Bridge section sub-committee as well as on the Weber Avenue sub-committee.

Councilman Bella said that he also met with and drove through the area with Mr. Kloc. He then called the engineer, but the engineer wanted the endorsement of the entire council.

- Deanna Smith, 80 William Street, Old Bridge section  
Passed out pictures of her home and the area. She said that she was on her honeymoon and not home at the time of the storm and was informed by her neighbors. She questioned if the flood arrives at the Weber Avenue area or the William Street area first.

Mayor responded that the water goes both up and down the river so there is no normal sequence.

Mrs. Smith then commented that William Street was never addressed and asked where their support was. She said there were looters in their area and had no police support.

Mayor said that the problems will be looked at in its entirety.

- Janet Misiur, 54 Charles Street  
Stated that she has been before the council before in 2002 and spoke with Mr. Cornell. She stated that they need storm sewers and need the help just as Weber Avenue. Streets need to be paved, sewers, etc. they also need help.

- Jennifer Rodgers, 29 William Street  
Recently bought home and was told they were not in a flood zone and the only notification she received was a notice on the door that if they were in a flood zone they needed to evacuate.

Engineer stated that that entire old bridge area is in a 500 year flood plain and certain areas of Charles and William Street are actually in a 100 year flood plain.

Mayor asked if she spoke with FEMA and filed paperwork and if she spoke with Barry Eck. She indicated that she did.

Councilwoman asked if individual homeowners have to apply or if the town can do as a whole.

Business Admin. Bertrand responded that the individuals have to on their own and the borough can also apply for our loses.

Emergency Management Coordinator Barry Eck stated that he will be meeting with FEMA tomorrow and Wednesday. He explained how the system works that the individual homeowner applies for the damages to the home and property and then explained how the borough would apply and what is included in the calculation. He asked the homeowners to contact his office to determine if they are in a flood zone because he has the most up to date maps from 2010.

Mayor asked resident Frank Mazzaroni to put together a committee of four to five residents for the Old Bridge section.

Councilman Henry asked that the Weber Avenue and Old Bridge Section be the same committee not two separate ones.

Richard Bednarz, 85 Weber Avenue

He said that they have been actively working with the council for over two years to make this happen and are not in favor of any efforts that would take away from the work they have done this far.

Mayor stated that he would not allow this to become a contest or competition, this is one town one group of people but different areas, different neighborhoods with different things to look at. So he would like to address each as individual neighborhoods through one checking account. It is not his intention to combine one super sub-committee.

- Mr. Bednarz said that Assemblyman Wisniewski and Congressman Pallone as well as the Mayor visited his home and they saw the impact of the sand and that this has impacts that we don't even see. He informed the residents not to close their claims because 6 months after the 1992 flood his basement dropped 8-10".

Mayor said that one home at the end of Liberty Street in Morgan along with half his property washed down the hill. He said that the heavy rain that fell in such a short amount of time washed out. This was an unusual storm.

Police Chief gave information on how residents can set up the phone numbers for the reverse 911 system. He also said that they are still working out the bugs.

Mayor apologized the residents who felt they were treated rudely by the police dept. or any borough employee.

Captain Ronald Batko addressed people who call 911 and if there is a complaint regarding a dispatcher they should contact him and he will investigate. He said that just because you live in Sayreville and dial 911 does not mean you speak with a dispatcher in Sayreville. During a storm or an emergency of this magnitude there are a great many calls coming into 911 and they have to prioritize and that is how their people are trained. If a person is calling from a cell phone the call may go to the State Police and are routed from there. He further addressed the reverse 911 system and how to register their home and cell phone numbers.

- Jennifer Herrick, 89 Weber Avenue  
She addressed her foundation issue. She then commended the group of people who represent the Weber Avenue residents. She said that they mean no harm to the residents of the Old Bridge section.
- Richard Bednarz, 85 Weber Avenue  
He commented about Barry Eck on the way water flows. He also said that the program the towns have from 20 years ago no longer works.

Barry Eck responded that he is scheduling a meeting with the various towns above us throughout the South River Basin and all the way down and will find out how the system is operating. He said that he was involved with it 25 years ago when it was first put together and the plan worked back then. He said that he will find out what if anything happened and will address it. He addressed various rumors about the dams breaking are just rumors. After this meeting he will have answers.

- Danielle Bialkowski, 64 William Street  
She said that they do not have curbs and the drains constantly get blocked up and they keep clearing it. She said that the water is still there. She asked that the governing body look into helping William Street.
- Anthony Obal, 47 Charles Street  
He questioned what this does to their property values and he said that he thinks the property should be re-assessed and lowered.

Mayor asked the CFO to get the Tax Assessor to weigh in on this.

- Dolores Beaton, 56 William Street (renter)  
This is the second flood they endured. FEMA helped a little with her car and some other stuff that was lost in the basement. She said that this time it came into her house and lost furniture. She is disabled and lives on a fixed income. She said that her landlord talks about helping but does nothing. She said that the money they received last year did not go into the house. They never replaced anything except the circuit breaker box. This time public Service tagged everything such as the hot water heater and the furnace and when the landlord was told he went down and lit the furnace and left. She said that they are afraid to plug anything in the water was up past the outlets. There is still water in the basement and he (the landlord) doesn't come or call. She said the walls are buckling.

Mayor said the first thing they are going to do is authorize the engineer to do an assessment. Second thing is have the Dept. of Public Works to come up with a plan of action to clean the ditches and get the water off the streets. He said that they are meeting on Sept. 21<sup>st</sup> with the Weber Avenue residents. He asked if Tuesday Sept. 2<sup>th</sup> was good for the council to meet with the Old Bridge residents. All agreed who could make it and meeting was set for Tuesday, Sept. 20<sup>th</sup> at 6:30 PM to meet and start working towards an assessment and a plan.

Councilman Buchanan asked if this area has ever been evaluated before.

Engineer Cornell stated that this area is included in the Army Corp. of Engineer's project. This project will address the Weber Avenue area, Old Bridge section of Sayreville, East Brunswick and surrounding areas.

Councilwoman Eicher asked when the Army Corp. of Engineers started working on this project.

Response was from 1992.

Mr. Kloc. handed out e-mails to the council.

Barry Eck stated that with Dolores's case Sayrewoods Bible Church is offering their people and time to help in cases such as this. They are neighbors helping neighbors to help restore some normalcy in people's lives such as this.

Mayor gave some stories of neighbors helping neighbors.

- Ms. Lieberman, 23 MacArthur Avenue  
She said that the road is chopped up and water just lays there, everything is getting washed away and her back yard is a swamp.
- Sheela Mantri, 78 Weber Avenue  
She informed the council that when she first moved in 25 yrs ago the sump pump hardly went on. Now it runs all the time. She said that she believes there have been environmental changes. Weeds behind house are high, which wasn't like that before.
- Joe Harkay, 20 Weber Avenue  
He commented that he was one of the lucky ones that did not flood. He said that he put his waders on and cleaned storm drains then went down to the pump station. He commented that no one looked at that pump for a number of hours.

Mayor responded that their men were spread thin throughout town.

- Mr. Harkay then complemented the police department.

Councilwoman Eicher asked what the plan of action was instead of putting together committees. She wants to bet the ball rolling now.

The engineer said that the long term resolution is the Army Corps project. That is going to go through and address the flooding problem throughout the entire river. He said that curbing and storm sewers will not fix the problem based upon the elevations.

- Janet Misiur, 54 Charles Street  
Commented that she had been here before and there was no response.

Engineer Cornell stated that there was a response. He said that she had come here with a concern about flooding at the end of William Street and there was a report that was sent making recommendations as to what could be done. He said that storm sewers can be put in, shut off valves could be put in but the resident have to realize there is still water that has to go out so there is still going to be flooding on your street because river water still going to come up and not be able to go out.

Councilwoman Eicher still said she does not agree with committees. What she would like to see is CME go out there and give us three different options and we pick from them, what we could feasibly do for the residents.

- David Yu, 43 Weber Avenue  
He said that he was not prepared for the first flood, but was for the second one. Now the question here is about money. He said that he is willing to give up his weekends to solicit money with a bucket if that would help.

Mayor said that the money is in the millions.

- Resident –  
Commented that she was told that the tiles in her basement are asbestos and now that they are broken up she does not know who could help.

Councilman Perrette said that he agrees with Co. Eicher to a point about the committees, but he doesn't believe that it is a waste of time because it helps keep everyone informed as to what is going on. He then asked our C.F.O. Wayne Kronowski if he could find long term funding. But this project is long term.

- Richard Bednarz said that this project is going to cost 10 million dollars and asked that they find the money to fund it as it needs to be tackled now.

Councilman Henry stated that we had a meeting with the Army Corp a 1 ½ years ago and we had the same questions. We need to get creative and find this money. He commented that he was not aware of the Weber Avenue Sub-committee meetings.

- Larry Gates, 66 Weber  
Commented about the sub-committee.
- Frank Mazzerino  
Commented on the 10 million dollar price to cover that expanse on a river. He said that this is just a mitigation plan for Weber Avenue up to the pump stations.

Engineer responded that there is an interim solution for Weber Avenue that has a 10 Million dollar price tag associated with it. The Army Corp project is 115 million dollars, that is the one that would impact the Old Bridge area.

- Mr. Mazzerino then asked if there was a study to make sure Old Bridge does not fee what would have normally went into Weber Avenue.



Engineer indicated that this would not impact the Old Bridge area.

Mayor asked for a motion to close the Public Portion.

Motion made by Councilman Kelly. Seconded by Councilman Bella,.

Roll Call: Voice Vote, all Ayes.

Councilman Bella asked that the Weber Avenue Sub-Committee meetings be listed on the weekly memo.

Response by Municipal Clerk Farbaniec as to what meetings get listed. Mayor asked that it be listed on the web site.

Mayor called for a 10 minute recess. Time: 8:35 P.M.

Mayor O'Brien called the meeting back to order. Time 8:54.

Roll Call: Councilpersons Bella, Buchanan, Eicher, Henry, Kelly, Perrette.

Mayor asked the Clerk to announce a problem she was having with her recording equipment.

Clerk announced that the meeting was being recorded on cassette because the digital was not operating.

Mayor said that in order to accommodate the police that were present tonight as well as the people present regarding the Deko Lounge Resolution.

Mayor asked the Police Chief to review Resolution #2011-212 containing the settlement as to the charges that were filed against Sting Rays, Inc.

Police Chief Zebrowski said that he had a discussion with the pending owners relative to the suspension period and felt that if the Mayor and Council were willing, they are open to hearing a request for the current owners to serve part of the suspension and the new owners to serve part of the suspension as well. Given the fact that all of the suspension will not be taken place consecutively it would take place within a very small period of time.

Mayor asked what the Police Chief's recommendation was.

He said that he thought it was that the current owners be closed up to September 15<sup>th</sup> and the balance would then be served a short period of time afterward under the new owners.

Mayor asked the new owner to come forward and introduce himself.

Appearing was:

Mr. Guerra representing the pending owner of Deko Lounge LLC. he said that they got caught up in the whole suspension thing with the current owners. He said that they have invested a lot of time and money into the grand opening. He said that he spoke with the Chief and Lt. Brennan asking them to let Sting Rays serve 15 days and letting them serve the other 15 days at a later date.

Chief stated that they had an extensive conversation with the new owners that brought these issues to light and he believes the new ownership has an understand of the type of business that is expected to be operated in our town. From the police departments point of view they have their cooperation. Chief stated that they would be looking for the new owner to serve the balance of the suspension at the end of October.

Mayor asked if there were any questions or comments.

Discussion followed on the exact dates to be served.

Councilman Perrette asked what benefit it would be to the new owners to take a hit.

Mr. Guerra explained that if the business were to be closed for a period of 30 days straight they would lose a lot of business especially as they had advertised for the Grand opening.

The Borough Attorney then modified the resolution to read that the current owners will serve a penalty and be closed from September 1<sup>st</sup>-14, 2011. The premise will be open from September 15, 2011 to October 30, 2011 and the new owners will incur the balance of the thirty days suspension beginning on October 31, 2011 through November 15, 2011.

Councilman Kelly made a motion to amend the resolution as read by Attorney DuPont. Seconded by Councilman Perrette.

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

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

Clerk Farbaniec announced that we need to conduct a Public Hearing on the following Ordinances and read them into record:

**ORDINANCE #167-11**  
**BOND ORDINANCE PROVIDING FOR THE ACQUISITION**  
**OF VEHICLES AND EQUIPMENT IN, BY AND FOR THE**  
**BOROUGH OF SAYREVILLE, NEW JERSEY,**  
**APPROPRIATING \$660,000 THEREFOR AND AUTHORIZING**  
**THE ISSUANCE OF \$628,000 BONDS OR NOTES OF THE BOROUGH**  
**FOR FINANCING PART OF SUCH APPROPRIATION**

(Co. Perrette, Admin. & Finance Comm. - Public Hearing to be held on Sept. 12, 2011)

At this time Mayor O'Brien opened the Meeting to the Public on questions or comments on Ordinance #167-11. No one appeared.

Councilman Perrette moved the Public Hearing be closed the Ordinance adopted on second and final reading and advertised according to law.

Seconded by Councilman Kelly.

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

**ORDINANCE #167-11**  
**BOND ORDINANCE PROVIDING FOR THE ACQUISITION**  
**OF VEHICLES AND EQUIPMENT IN, BY AND FOR THE BOROUGH OF**  
**SAYREVILLE, NEW JERSEY, APPROPRIATING \$660,000 THEREFOR AND**  
**AUTHORIZING THE ISSUANCE OF \$628,000 BONDS OR NOTES OF THE**  
**BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

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

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$660,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$32,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$660,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$628,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$628,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the acquisition of the following equipment and vehicles: (i) snow plows, (ii) fire fighting equipment, (iii) fire department pagers, (iv) fire chief's response vehicle, (v) vehicle conversion for snow, (vi) sanitation truck, (vii) roll-off containers, (viii) calcium chloride systems and (ix) body and arm for sanitation vehicle.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$628,000.

(c) The estimated cost of said purposes is \$660,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$32,000 down payment for said purposes.

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

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

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 8.61 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$628,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$27,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

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

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

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

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$628,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

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

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

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**APPROVED:**

/s/ Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael R. DuPont, Borough Attorney

**ORDINANCE #168-11**  
**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN,  
BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY,  
APPROPRIATING \$2,370,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$2,257,000 BONDS OR NOTES OF THE BOROUGH FOR  
FINANCING PART OF SUCH APPROPRIATION**

(Co. Perrette, Admin. & Finance Comm. - Public Hearing to be held on Sept. 12, 2011)

At this time Mayor O'Brien opened the Meeting to the Public on questions or comments on Ordinance #168-11. No one appeared.

Councilman Perrette moved the Public Hearing be closed the Ordinance adopted on second and final reading and advertised according to law.

Seconded by Councilman Kelly.

Comments: Councilman Bella questioned if we have any idea how much more bonding was going to be done this year.

Councilman Perrette responded that they do not know.

Roll Call: Councilpersons Bella, Nay;  
Councilpersons Buchanan, Eicher, Henry, Kelly, Perrette, all Ayes.

**ORDINANCE #168-11**  
**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY  
AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY,  
APPROPRIATING \$2,370,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$2,257,000 BONDS OR NOTES OF THE BOROUGH FOR  
FINANCING PART OF SUCH APPROPRIATION**

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

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$2,370,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$113,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$2,370,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,257,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$2,257,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the following: (i) Senior Center boiler; (ii) Borough Hall improvements, including without limitation, air conditioning, (iii) Morgan Firehouse concrete improvements; (iv) Melrose Firehouse parking lot improvements, (v) various roof renovations; (vi) Mechanics Garage improvements, including without limitation, walls and doors and truck bays, (vii) Fort Grumpy Storage Facility improvements, (viii) Morgan First Aid elevator; (ix) refurbish fuel tanks; (x) technology improvements, and (xi) drainage improvements.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$2,257,000.

(c) The estimated cost of said purposes is \$2,370,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$113,000 down payment for said purposes.

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

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

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 9.58 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,257,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$217,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

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

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

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

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$2,257,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

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

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

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**APPROVED:**

/s/ Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael R. DuPont, Borough Attorney

**NEW BUSINESS: -**

a. Introduction of the following Ordinance(s): None

b. Other - None

**CONSENT AGENDA/RESOLUTIONS**

Mayor O'Brien opened the meeting to the public on Consent Agenda Resolutions only.

No one appeared.

Councilman Kelly moved the Public Hearing be closed and the Consent Agenda Resolutions be approved on Roll Call Vote. Seconded by Councilman Perrette.

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

Councilman Kelly requested that he read Resolution #2011-202 in full into the record.

Approved.

**RESOLUTION #2011-202**

**Borough of Sayreville**

WHEREAS, the freedoms we enjoy as Americans have been purchased and maintained at a high price throughout our history; and

WHEREAS, since the establishment of the original 13 states, Americans have been willing to fight and die to preserve their individual rights as guaranteed in the United States Constitution and the Bill of Rights; and

WHEREAS, we owe a great debt to those who have served in defense of this nation and throughout the generations, their sacrifices have preserved our unique form of government dedicated to human rights and respect for the individual; and

WHEREAS, for many, that sacrifice has ended in permanent injury or death, yet their spirit remains in the continued preservation of our freedoms and the promise of liberty established as an example for all the oppressed persons of the world; and

WHEREAS, in special honor and recognition of the seventeen U.S. Navy Seals, five U.S. Navy Special Forces, three U.S. Air Force Special Forces and five Military Air Crew Members who perished when their Chinook Helicopter was shot down over Afghanistan as they went to the aid of U.S. Army Rangers and in recognition of all Service Members who have made the supreme sacrifice; and

WHEREAS, in honor of these dedicated men and women, we pledge our continue defense of our nation so that their sacrifice will stand before the entire world as a tribute to the spirit and determination of a people dedicated to the principles of freedom and democracy.

**NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Sayreville urges all citizens in the Borough to honor our veterans and rededicate themselves to the preservation of our liberties under the Constitution.**

/s/ Kennedy O'Brien  
Mayor

/s/ Frank J. Bella  
Councilman

/s/ William J. Henry  
Councilman

/s/ Daniel Buchanan  
Councilman

/s/ Kenneth P. Kelly, Sr.  
Councilman

/s/ Lisa Eicher  
Councilwoman

/s/ Nicholas J. Perrette  
Councilman

**RESOLUTION #2011-203**

**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/ Daniel Buchanan  
Councilman

/s/ Kenneth P. Kelly, Sr.  
Councilman

/s/ Lisa Eicher  
Councilwoman

/s/ Nicholas J. Perrette  
Councilman

**Bill list of September 12, 2011, in the amount of \$7,154,888.46  
(Bill List – See Appendix 2011-A for this date, in a separate Bill List  
File for 2011)**

**RESOLUTION #2011-204**  
**RESOLUTION MEMORIALIZING ACTION TAKEN ON**  
**CERTAIN COMMUNICATION ITEMS AT THE**  
**AUGUST 22, 2011 COUNCIL MEETING**

**BE IT AND IT IS HEREBY RESOLVED THAT** this Resolution hereby memorializes action taken by the Governing Body at the August 8, 2011 Council Meeting approving the following:

- a) Approving Application for a Special Permit for Social Affair received from Sayreville Democratic Organization for the sale of beer and wine at their annual picnic on September 25, 2011 at Burke's Park
- b) Approving Raffle applications received from St. Stanislaus Athletic Association for an Off-Premise Raffle to be conducted on November 12, 2011 9RA:1714)
- c) Approving a request received from Sayreville Engine Co., #1 for a coin toss at the intersection of Washington Rd./Jernee Mill Rd.
- d) Approving the use of the OEM Trailer for the police officers participating in the annual Tour de Force cycle event

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

**ATTEST:** **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O'Brien  
Municipal Clerk Mayor

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**RESOLUTION #2011-205**

**WHEREAS**, Chingari Fine Dining, LLC is the holder of Plenary Retail Consumption License #1219-33-056-007 in the Borough of Sayreville; and

**WHEREAS**, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2011-2012 license term; and

**WHEREAS**, on August 11, 2011, Jerry Fischer, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of an inactive license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 06-11-7045 for a *two-year period*, covering the *2011/202 and 2012/2013 license terms*; and

**WHEREAS**, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the 2011/2012 license term and to grant or deny said application in the reasonable exercise of its discretion;

**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. 1219-33-056-007 to the licensee for the 2011/2012 license term, pursuant to special conditions as contained in the Special Ruling issued by the Director of the State Division of Alcoholic Beverage Control issued on August 11, 2011.

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately and/or as required by law.

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

**ATTEST:** **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O'Brien  
Municipal Clerk Mayor

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**RESOLUTION #2011-206**

*PERSON TO PERSON TRANSFER (Pocket License)*

**WHEREAS**, an application has been received by the Municipal Clerk for a Person to Person Transfer of Plenary Retail Consumption License #1219-33-056-007, heretofore issued to Chingari Fine Dining, LLC (pocket license);

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

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

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

**WHEREAS**, the applicant has duly advertised in the Home News Tribune on April 7, 2011 and April 14, 2011 as required by law, and has produced proof of publication as to such advertising; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Sayreville does hereby approve, effective September 12, 2011, the transfer of the aforesaid Plenary Retail Consumption License #1219-33-056-007 to Marullo 3, LLC and does hereby direct the Municipal Clerk of the Borough of Sayreville to endorse the license certificate to the new ownership as follows:

“This license, subject to all of its terms and conditions, is hereby transferred to Marullo 3, LLC, effective September 12, 2011.”

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

**ATTEST: \_\_\_\_\_ BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec                      /s/ Kennedy O'Brien  
**Municipal Clerk**                                      **Mayor**

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**RESOLUTION #2011-207**

**WHEREAS**, the following applicant has applied for the licensing of three trailer to be used as a temporary office construction trailers:

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

**WHEREAS**, said application has been referred to the proper department for investigation and review; and

**WHEREAS**, a favorable report has been received from the Zoning Officer covering the location of a said trailers;

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

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec                      /s/ Kennedy O'Brien  
**Municipal Clerk**                                      **Mayor**

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**RESOLUTION #2011-208**

BE IT AND IT IS HEREBY RESOLVED that the proper Borough officials are hereby authorized and directed to execute the acceptance of the Community Development Block Grant Award for the year 2011, in the amount of \$206,478.00.

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec                      /s/ Kennedy O'Brien  
**Municipal Clerk**                                      **Mayor**

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**RESOLUTION #2011-209**

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Hart St. Reconstruction Project, which is funded through the 2011 CDBG Program Grant and that he be paid for said services at a fee not to exceed \$32,500.00.

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

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec                      /s/ Kennedy O'Brien  
**Municipal Clerk**                                      **Mayor**

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**RESOLUTION #2011-210**

WHEREAS, on August 2, 2011 the Mayor and Council of the Borough of Sayreville, received bids for the "Sodium Chloride (Rock Salt)"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 12<sup>th</sup> day of September, 2011 that:

1. Contract for the "Sodium Chloride (Rock Salt)" be awarded International Salt Co., Clarks Summit, PA on their bid price of \$59.86 per ton and a not to exceed figure of \$209,510.00 as appears on copy of bid document attached hereto and made a part hereof.

2. This resolution shall take effect immediately, upon execution of the proper documents.

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

**ATTEST: \_\_\_\_\_ BOROUGH OF SAYREVILLE**

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/s/ Theresa A. Farbaniec                      /s/ Kennedy O'Brien  
Municipal Clerk                                      Mayor

**RESOLUTION #2011-211**

**BE IT RESOLVED**, that the Borough Engineer is hereby authorized and directed to prepare grant applications for the New Jersey Department of Transportation Fiscal Year 2012 Municipal Aid Program and that he be paid for said services at a fee not to exceed \$2,000.00.

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

**ATTEST: \_\_\_\_\_ BOROUGH OF SAYREVILLE**

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/s/ Theresa A. Farbaniec                      /s/ Kennedy O'Brien  
Municipal Clerk                                      Mayor

**RESOLUTION #2011 - 212**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, NEW JERSEY, MEMORIALIZING THE SUSPENSION OF PLenary RETAIL CONSUMPTION LICENSE NO. 1219-33-001-012, HELD BY STINGRAY'S INC. T/A DEKO LOUNGE**

**WHEREAS**, Stingray's Inc., trading as Deko Lounge (the "Licensee"), has heretofore been the holder of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License No. 1219-3-001-012 (the License"); and

**WHEREAS**, May 3, 2011 a disturbance arose at the premises of the "Licensee" which required a full scale response from the patrol division of the Borough of Sayreville Police Department resulting in charges being filed against the "Licensee"; namely, N.J.A.C. 13:2-23.6a2 and N.J.A.C. 13:2-23.6a3; and

**WHEREAS**, on July 22, 2011 licensee waived a hearing and requested a disposition of charges;

**WHEREAS**, on August 22, 2011 the Borough Council decided to suspend the Plenary Retail Consumption License No. 1219-33-001-012 for a period of thirty (30) days; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Sayreville as follows:

1. Stingray's Inc. t/a Deko Lounge's ("Licensee") will be suspended for a period of thirty (30) days; and

a. License will be suspended and the establishment will be closed from September 1, 2011 through September 14, 2011; and

- b. The establishment will be allowed to re-open and operate from September 15, 2011 through October 30, 2011; and
  - c. License will be suspended and the establishment will be closed from October 31, 2011 through November 16, 2011.
2. The Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and any remaining suspensions shall apply to any transfers.
  3. A certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:
    - a. Licensing Bureau  
Division of Alcohol Beverage Control  
140 East Front Street  
P.O. Box 087  
Trenton, NJ 08625-0087
    - b. Chief, Sayreville Police Department
    - c. Stingray's Inc.

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

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**BOROUGH OF SAYREVILLE:**

/s/ Kennedy O'Brien, Mayor

**RESOLUTIONS READ IN FULL:**

**RESOLUTION #2011-213**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the fiscal year ended December 31, 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:0-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments and  
Recommendations

; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled "General Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB, to wit:

R.S. 52:27BB-52 "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Sayreville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

**ATTEST: \_\_\_\_\_ BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec      /s/ Kennedy O'Brien  
Municipal Clerk                      Mayor

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**GROUP AFFIDAVIT FORM**  
**CERTIFICATION OF GOVERNING BODY**

STATE OF NEW JERSEY )  
COUNTY OF MIDDLESEX )

We, members of the Governing Body of the Borough of Sayreville, County of Middlesex, of full age, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Mayor and Borough Council of the Borough of Sayreville.
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit Filed with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6 for the fiscal year ending December 31, 2010.

3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:

GENERAL COMMENTS ANDRECOMMENDATIONS

/s/ Kennedy O'Brien  
Mayor

/s/ Frank J. Bella  
Councilman

/s/ William J. Henry  
Councilman

/s/ Daniel Buchanan  
Councilman

/s/ Kenneth P. Kelly, Sr.  
Councilman

/s/ Lisa Eicher  
Councilwoman

/s/ Nicholas J. Perrette  
Councilman

Councilman Buchanan moved the resolution be approved on Roll Call vote.  
Seconded by Councilman Perrette.

Roll Call: Councilman Bella, Buchanan, Eicher, Henry, Kelly, Perrette, all Ayes.

**COMMUNICATIONS/COMMITTEE REPORTS**

❖ **ADMINISTRATIVE & FINANCE** – Councilman Perrette

**a) Minutes:**

**Councilman Perrette moved the following minutes be received and filed:**

Board of Education - July 18, 19 & 26, 2011.

Seconded by Councilman Buchanan.

- b) Renewal of PRCL #1219-33-011-008 issued to Ethan H. LLC trading as Prime Time Sports Bar & Billiard Café for the 2011-2012 License Term.**

Resolution 9/26/11.

- c) Approving Raffle applications received from St. Stanislaus HSA for an Off Premise Drawing – Calendar Raffle to be conducted from January 2012 – June 2012 (RA:1715).**

Approved-Resolution memorializing action to be listed for 9/26/11.

- d) Request to display three promotional banners received from St. Stan's Parish to promote the HSA Annual Oktoberfest. Banners are to be displayed on the following poles:**

1. Poles JC643SE/JC621SE – Main St. & MacArthur Ave.
2. Poles BT5SAR/BT1944 – Washington Rd. near Parkway Overpass
3. Poles JC519SE/BT279SE – Washington Rd. & Bissett St.

Approved-Resolution memorializing action to be listed for 9/26/11.

• **PLANNING & ZONING** – Councilman Henry

**a) Minutes**

**Councilman Henry moved the following minutes be received and filed:**

- o Board of Adjustment - July 27, 2011
- o Planning Board - August 3, 2011

Seconded by Councilman Perrette.

- b) Notice of Hearing before the Board of Adjustment at their Sept. 28, 2011 meeting, received from Karl A. Meyertons, Esq., attorney for PAK Enterprises, Inc., for application for use & bulk variance and preliminary & final major site plan approval for premises known as Block 168.13 Lots 58.01 and 58.02 (91-97 Main St.)**

-Receive & File

- c) Zoning Review Advisory Committee – referring their final recommendations for possible amendments to the Borough Ordinances to facilitate commercial development within the Municipality to the Mayor and Council for further review  
-Held over until Sept. 26, 2011.

Reports-

Councilman Henry stated that he may have misspoken earlier when he said that he did not know about the Weber Avenue sub-Committee. He clarified that he does know that there is a committee but he was not aware that they met the 3<sup>rd</sup> Wednesday of the month.

Councilman Henry asked for a report on the phone system and when we would be realizing the savings.

Business Admin. reported that there has been a breakthrough at Verizon and the latest date would be in 2 ½ weeks. All of the equipment has been installed for the phone systems we now need the handsets and training and T1's to be installed and that should be about 2 ½ - 3 weeks.

❖ **PUBLIC SAFETY** – Councilman Bella

Councilman Bella said that he received an e-mail on Aug. 18<sup>th</sup> from the Recycling Committee, expressing a concern with a change in Recycling Coordinator with regard to an up-coming Girl Scout/Boy Scout event and certain planning that need to be addressed.

Business Administrator Bertrand reported that the new Recycling Coordinator and Dept. of Public Works Director have addressed all concerns in that e-mail.

Councilman Buchanan concurred stating that was the Green Team which would voluntarily go around to all the parks and cleaning them throughout this year and he would follow-up with the Recycling Coordinator.

Councilman Bella questioned some grant money associated with this program.

The Recycling Coordinator is looking into the issue she needed to gather some answers.

Councilman Bella then asked the C.F.O. if it was good accounting practices to have revenue and cost in the same cost center.

C.F.O. Kronowski replied that the State required that they account for everything is a certain format.

Councilman Bella stated that the Board of Health expressed a concern about the permitting process that we used for the fourth of July and Sayreville Day Celebrations.

Mayor stated that this issue has been corrected.

Councilman Bella went onto say that he spoke with the President of the Board of Health and Fire Inspector in terms of the fees.

Mayor asked what he wanted done.

Councilman Bella said that perhaps in light of the Audit report there should be a functional report of the Recreation Dept.

Mayor stated that the proper procedure would be to have the Recreation Liaison look into it.

Further discussion followed.

Business Administrator clarified how the revenue for such events are calculated and this was done with Mr. Notarangelo and Mr. Ust.

Mayor O'Brien then expressed his objection to Councilman Bella's statement to the Board of Health that the Borough Council finds the Board of health superfluous and unnecessary.

Councilman Bella stated that he would also like to look into increasing the fees we charge for those events.

❖ **PUBLIC WORKS** – Councilman Buchanan

Councilman Buchanan thanked Barry Eck and the Emergency Management Team, the Police Dept., Fire Dept. and First Aid for a job well done with the hurricane clean-up and throughout the hurricane. He said that he went to the Police Dept. when he could after the storm and witnessed the wonderful job of departments coming together for the town. He said everyone put their heads together and came up with results. He also thanked the Public Works Dept. for the clean-up and getting it done in the short amount of time as well as that of the Conservation Corp.

He also reported on Liberty Street and Manor Street being washed out and wanted it on record authorizing the engineer go out and see what we can do to have it repaired.

Councilman Buchanan also reported to the council that he asked the Police Chief to look at Scott Avenue and stop signs with the upcoming plan for National lead, he has concerns about people flying through Scott Avenue.

Councilman Buchanan said that there is an issue with Landlords and Section 8 Housing and the amount of people living in the home and other activities going on in the house.

Business Admin. reported that it was Code enforcement.

Mayor stated that it is the issuing authority. And property is to be inspected once every other year. And they have very strict guidelines.

He also reported that the Stevens Avenue paving project has stopped and residents are being told that they went to another location to perform a job and when they get back, they get back.

Engineer reported that he has sent letters to the contractor and made him aware of the provisions in the contract for Liquidated Damages so at this point he suggested sending the documents over to the borough attorney for a letter to be sent to the bonding company. He said that he has also extended the time frame for the completion of the project.

Borough Attorney stated that the borough has the right to file a claim on the bond. Borough Attorney asked for the documents to be submitted to him in order for him to file the proper paperwork.

Lastly Councilman Buchanan commended Councilman Kelly on an outstanding job on the 9-11 Memorial Ceremony.

Councilman Henry asked if we knew who our Section 8 residents are.

Mayor responded that the Housing Authority has that information and that they are an autonomous body.



❖ **RECREATION** – Councilwoman Eicher

Councilwoman Eicher reported on upcoming recreation events.

❖ **WATER & SEWER** – Councilman Kelly

Councilman Kelly expressed that he was very pleased and thanked everyone for their performance before, during and after the hurricane. He said that there is a good plan in place with Emergency Management and it was executed well.

For the record he wanted to thank everyone for coming out the 9-11 Memorial Service last night.

Councilman than read the following Proclamation into record received from Governor Chris Christie:

**STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT**

**PROCLAMATION**

**WHEREAS**, on September 11, 2001, the United States was attacked by terrorists, killing thousands of innocent citizens in New York, Washington, D.C. and Pennsylvania; and

**WHEREAS**, in the aftermath of these horrific attacks, thousands of Americans displayed the highest levels of bravery and selflessness, risking or sacrificing their own lives to save their fellow citizens; and

**WHEREAS**, on this tenth anniversary of that terrible day, we pay tribute to the police officers, firefighters, EMS responders, federal agents and ordinary citizens who performed extraordinary acts of courage and valor during our Nation's most dire moment of need; and

**WHEREAS**, the tragic events of September 11, 2001 have unified our Nation against the forces of hatred and oppression and reaffirmed our dedication to the fundamental American ideals of freedom and liberty; and

**WHEREAS**, as New Jersey residents gather at memorial ceremonies across the State, we are once again demonstrating the resiliency, determination, compassion, strength and patriotism that define us as Americans;

**NOW, THEREFORE, I, CHRIS CHRISTIE**, Governor of the State of New Jersey, do hereby proclaim:

**SEPTEMBER 11, 2011 AS  
PATRIOT DAY  
AND  
NATIONAL DAY OF SERVICE AND REMEMBRANCE**

in New Jersey and urge all residents to honor those who lost their lives ten years ago, or reflect upon America's proud tradition of freedom and bravery and to renew our commitment to serving our communities, State and Nation.

**GIVEN**, under my hand and the Great Seal of the State of New Jersey, this eleventh day of September in the year two thousand eleven, the two hundred thirty-sixth year of the Independence of the United States.

/s/ Kim. Guadagno  
Lieutenant Governor

/s/ Chris Christie  
Governor

Councilman Perrette moved the Governor's Proclamation be received and filed. Seconded by Councilman Henry.

Roll Call: all Ayes.

❖ **MAYOR** – Kennedy O'Brien

**BUSINESS ADMINISTRATOR - Jeffry Bertrand**

Business Admin. Bertrand reported on the events during Hurricane Irene and the inter agency cooperation. He briefed the governing body and residents on the events and hard work performed by and personally thanked the department directors, all workers in the borough, all the volunteers, and the governing body.

Mayor O'Brien interjected and thanked the Borough Business Administrator Jeff Bertrand. He felt that he is taken for granted. He watched him during Hurricane Irene and he performed magnificently and flawlessly and professionally.

**Administration & Finance:**

a. Authorization to prepare to publish a Request for Qualifications (RFQ) for a financial advisor to perform underwriting services for the proposed bond sale and additional bond refinancing.

Business Admin. asked for approval tonight for the above authorization.

Councilman Perrette moved the request for qualifications for a financial adviser to Perform underwriting services for the proposed bond sale and additional bond refinance.

Seconded by Councilman Kelly.

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

b. Notification of renewal with State Department of Treasury Office of Workforce Initiative & Development, Employee Advisory Service for the provision of services associated with the Borough's Employee Assistance Program.

c. Authorization contract as a result of a publicly advertised RFQ for the provision of legal services associated with the development and implementation of a Request for Proposal (RFP) including the negotiation of a Power Purchase Agreement (PPA) for the Borough. The costs for the RFP related work shall be consistent with current Borough paid rates. The cost of implementation and construction is projected to be covered by the selected developer(s) as a result of the RFP as is typical with this type of project.  
- Action for next meeting.

d. Review and discussion of the petition received from the residents of the Town Lake Development regarding the composition of and their representation on the homeowner's association. The residents are requesting the Borough take action as permitted under the original Declaration of Covenant.  
- Adopted earlier.

**Public Works:**

a. Authorization for the Borough Clerk to advertise for public bid for HVAC Replacement, Repair and Maintenance services.  
- Resolution.

- b. Authorization for the Borough Clerk to advertise for public bid for Uniform Rental and Cleaning Services.  
- Resolution.
- c. Authorization to award the contract for repairs to the Morgan First Aid Squad elevator to Standard Elevator Company as a result of a public bid.  
- Resolution.

**Recreation:** none

**Water & Sewer:** none

**Public Safety:**  
**(write in)**

- a) Authorization to contract with Jenn Electric, Inc. for Traffic Signal Repair and Electrical Services.  
- Resolution.

- b) Alarm System for Weber Avenue Pump Station.  
- Resolution.

**Planning & Zoning:**

- a. Review of Mayor O'Brien's memo and re-authorization of the construction permit fee waiver for all properties affected by Hurricane Irene for an initial period through October 31, 2011.  
- Resolution permit fee waiver.

**Personnel:**

- a. Public Works:
  - 1. Parks Division: Appointment of Matt Winston, a current employee, as a permanent Truck Driver as a result of a Civil Service certification.  
- Resolution.

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

- 1) Proposed Bond Sale (See list of improvements to be financed)  
- Resolutions for the 1<sup>st</sup> or 2<sup>nd</sup> mtg. in October.
- 2) Proposed Refinancing of Prior Years Outstanding Bonds – Discussion.
- 3) Emergency Appropriation for Hurricane Irene Expenses  
- Resolution.
- 4) Bill Resolution.

Mayor also asked for the councils supporting requesting C.F.O. Kronowski to look into a tax deferment for the adversely affected flood victims.

Mr. Kronowski said that the Tax Collector is looking to get a ruling from the State on this issue but the indication is that this would have to apply to the entire town, it could not be done just for particular tax payers of the town.

Discussion followed.

No objection for Wayne Kronowski to put together a program for these residents.

**ENGINEER - Jay Cornell**

- 1. Improvements to Kennedy Park Spillway – Receipt of Bids  
- Resolution.
- 2. Borough Hall Roof & Cupola Repair – Receipt of Bids  
- Resolution.

3. NJ Department of Transportation Trust Fund – 2012 Municipal Aid Program  
(Verbal Report)  
- Resolution.

**BOROUGH ATTORNEY - Michael DuPont**

**PUBLIC PORTION**

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

- Mary Novak, 1 Scarlet Drive

Mrs. Novak asked how the underwriter would be paid.

Mr. Kronowski said that they would have to submit a fee schedule and explained how they would be paid back.

Mrs. Novak asked if there was any money slated for Road Improvement Projects for this year.

Mr. Kronowski responded that there is two million dollars appropriated in Capital Improvements for road improvements.

Mrs. Novak than asked if Greenhill Avenue is on the list for repairs and if so where it was on the list.

Borough Engineer responded that the engineering portion is in the process of being done whether construction can begin in the spring has yet to be determined.

- Richard Bednarz 85 Weber Avenue

Asked the council consider extending the waiver of the construction permit fees due to the fact that there are damages that they do not see.

Business Admin. Bertrand explained why there was an expiration for permit fee waiver and that if needed it would be extended.

No further questions or comments, Councilman Kelly moved to close the Public Portion. Seconded by Councilwoman Eicher.

Roll Call: Voice Vote, all Ayes.

**EXECUTIVE SESSION – None**

**ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 10:05 P.M.

SIGNED:

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Theresa A. Farbaniec,  
Municipal Clerk

12/12/11  
Date Approved

SEPTEMBER 12, 2011

REGULAR MEETING

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