

Combined Meeting of the Mayor and Borough Council held on Monday, September 24, 2012, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 6:34 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this, has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and filing with her office.

- **ROLL CALL:**

Present: Councilpersons Bella, Buchanan, Eicher, Henry, Novak, Perrette

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

Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

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

- ☒ May 29, 2012 - Closed Session
- ☒ June 11, 2012 - Combined Meeting
- ☒ June 25, 2012 - Combined Meeting
- ☒ July 9, 2012 - Combined Meeting
- ☒ July 12, 2012 - Receipt of Bids (Water Dept. Chemicals)
- ☒ July 19, 2012 - Receipt of Bids (Gondek Drive Improvements & Arm & body for Truck)
- ☒ July 23, 2012 - Combined Meeting
- ☒ July 23, 2012 - Closed Session
- ☒ Aug. 13, 2012 - Combined Meeting

Motion was seconded by Councilwoman Novak.

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

- **SWEARING IN OF POLICE OFFICERS**

- **MATTHEW ATLAK**
- **WALTER ARWAY**

Mayor called upon Police Chief John Zebrowski who said that it was with honor to present to the two new police officers and that they were new only to Sayreville as they have been police officers for the past six years in another municipality but due to economic times were laid off. So they come with experience and hard work already in place. He first introduced Matthew Atlak then Walter Arway who were both sworn in as Police officers of the Borough of Sayreville by Theresa A. Farbaniec, Municipal Clerk.

- **PRESENTATIONS**

- **Bowling for Hunger Proceeds**

Assemblyman Craig Coughlin was called forward by Mayor O'Brien. Assemblyman Coughlin presented the two Sayreville Food Bank representatives with a check for the third year representing the proceeds from Sayreville's involvement in the Bowl for Hunger Event. Faith Fellowship World Outreach Ministries and Sayreville Care and Share each received \$627.00.

**- Certificates of Recognition were presented to:**

- Tarheel Enterprises, Red Oak Power, North Jersey Energy Assoc., Dwarkadhish Temple, Sabert Corp., Gerdau, Briarwood, National Amusements, Garden State Bus Collision, B & C Corporation, Shamrock Bus Co., Shambu, Inc, Sign-a-lize, Parlin New Club & Parlin Guest House.

for their contribution to the Fire Chief’s fund raising campaign in order to replace two aged pieces of equipment.

**- Gerry Ricciardi, Area Manager for Jersey Central Power & Light**

presentation on their communication improvements and upgraded web site.

**• OLD BUSINESS**

1. Public Hearing on the following Ordinance(s):

Mayor O’Brien opened the meeting to the Public for questions or comments on

**Ordinance #190-12.**

Ordinance explained by Business Administrator Dan Frankel.

There were no appearances:

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

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

**ORDINANCE #190-12**

**AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #150-10, FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES FOR THE YEARS 2009, 2010, 2011, 2012**

(Amendment to Telephone Technician Title & Stipend)

**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 here established for the following Borough Officials, officers and employees and made part of Appendix 1 of Ordinance 150-10 and made part hereof.

- Telephone System Coordinator – Police Department Stipend \$750.00
- Telephone System Coordinator – All other Buildings Stipend \$1,500.00, effective September 10, 2012.

Section 2. All ordinances 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/ Nicholas J. Perrette, Councilman  
(Admin. & Finance Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O’Brien  
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.  
Borough Attorney

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #191-12.**

Ordinance explained by Business Administrator Dan Frankel.

There were no appearances:

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

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

### **ORDINANCE #191-12**

#### **AN ORDINANCE SUPPLEMENTING AND AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE, AMENDING CHAPTER VIII, SECTION 8-1 GENERAL PROVISIONS (GENERAL LICENSING) AND 8-2 ADDITIONAL MERCANTILE LICENSING REQUIREMENTS OF THE BOROUGH OF SAYREVILLE.**

### **8-1 GENERAL PROVISIONS**

**8-1.1 Purpose.** The purpose of this section is to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses issued by the Borough, except alcoholic beverage licenses, dog licenses, and taxicab licenses. *Specific details regarding Mercantile licenses refer to 8-2 Additional Mercantile Licensing Requirements.*

**8-1.3 Investigation of Applicant.** An investigation of the applicant shall result in approvals from the Police Department, ***Middlesex County Health Department***, if applicable, and the Borough Clerk's Office. The applicant must receive all applicable approvals in order to obtain a license hereunder. Applicants operating from a fixed location in the Borough for more than five (5) consecutive years shall be exempt from the investigatory requirements of this section.

f. Any canvass or solicitation involving the sale of food and/or beverages shall require an investigation by the ***Middlesex County Health Department*** with reference to the compliance or noncompliance of the proposed applicant with all municipal and state rules, regulations, statutes and ordinances relating to the sale and/or handling of food and/or beverages. Upon completion of investigation, the ***Middlesex County Health Department*** shall issue to the applicant a copy of Borough Board of Health approval.

h. Upon receipt of a satisfactory approval from the Chief of Police, the ***Middlesex County Health Department***, if applicable, and the Tax Collector, the Clerk shall immediately issue the license provided that the required license fees have been paid, except in cases where approval of Mayor and Council is required. In the case of applications for a solicitor's, peddler's or canvasser's license, the license may be issued immediately subject to investigation.

### **8-1.8 Expiration Date, Renewal, Proration of Fees.**

b. Whenever a license or permit expires on December 31 of a calendar year, the license shall be required to be renewed in the following calendar year. ***Except as otherwise provided, a license or permit which expires on December 31 of a calendar year, must be renewed prior to July 1<sup>st</sup> of the following calendar year. If the licensee or permittee does not renew the license or permit prior to July 1<sup>st</sup> of the calendar year, there will be a surcharge of not less than twenty-five (\$25.00) dollars.***

c. *When an application for a license is made during the course of any calendar year, the fee shall be prorated to the nearest month. Any period of time greater than one-half (1/2) a month shall be considered a full month for this purpose.*

## 8-2 ADDITIONAL MERCANTILE LICENSING REQUIREMENTS.

**8-2.3 Content of Application.** Applications for all licenses required by this section shall be made in writing to the *Department of Code Enforcement*. The applications to be filed by the applicant shall contain the following information in the format provided below.

g. Name and address of registered agent *or attorney*, if applicant is a corporation.

**8-2.5 Preparation and Filing of Application Forms.** Application forms for all licenses shall be obtained from and kept on file by the *Department of Code Enforcement*.

**8-2.6 Required Signature.** The application form is to be submitted to the *Department of Code Enforcement* for processing. The application must be signed by such person, partner, officer, director trustee and/or agent as is authorized by the applicant to bind the applicant to the representations contained therein. *Notwithstanding, anything set forth in this section, all individuals seeking to apply for a license hereunder must present a photo driver license, valid U.S. passport or expired passport not more than two (2) years old, or other form of photo ID acceptable to the Chief of Police.* Each license issued by the Borough shall bear the signature of the *Director of Code Enforcement*, or in the absence of the *Director*, the *Director's* designee, unless otherwise provided for by this section or any amendment thereto.

### **8-2.7 Expiration Date, Renewal Deadline.**

a. *Except where expressly provided otherwise, all licenses shall expire on December 31 of the year of issue at 12:00 Midnight. Applications for renewal of licenses shall be made not later than December 1 of the year of issue.*

b. *Whenever a license or permit expires on December 31 of a calendar year, the license shall be required to be renewed in the following calendar year. Except as otherwise provided, a license or permit which expires on December 31 of a calendar year, must be renewed prior to January 31<sup>st</sup> of the following calendar year. If the licensee or permittee does not renew the license or permit prior to January 31<sup>st</sup> of the calendar year, there will be a surcharge of not less than twenty-five (\$25.00) dollars.*

**8-2.8 Investigations and Inspections.** Upon receipt of an application for a license, the *Department of Code Enforcement* shall refer such application to the proper officers for making an investigation or inspection, and the officer shall make a report within ten (10) days after receiving the application or a copy of same. Without limitation to any other officers or investigations that the application may be referred to, the following officers shall make the following investigations and reports:

e. *Middlesex County Health Department* shall make such investigation and inspection as may be required under the Revised General Ordinances of the Borough and State Law.

f. *The Borough Tax Collector or her designee shall investigate the applicant if he is the owner of the property wherein the business of activity is to be conducted, to determine whether the applicant is delinquent in property taxes, or assessments on the property.*

**8-2.9 Approval Standards.** The *Department of Code Enforcement* shall approve all applications which have complied with the following standards:

- b. The *New Jersey Uniform Construction and Fire Codes*;

**8-2.10 Licensing Fees.**

a. In the absence of any provisions to the contrary, all fees and charges for licenses shall be paid in advance at the time the application is made to the *Department of Code Enforcement*. Except as otherwise provided, all license fees shall become a part of the General Borough Treasury.

**8-2.13 Change of Location.** The location of any licensed business or occupation or of any other permitted act may be changed upon application to the *Department of Code Enforcement* pursuant to subsections 8-2.3 and 8-2.8. The application shall be considered to be a new application for the purpose of complying with the requirements of this section except that the licensee shall be charged a license relocation fee as set forth in subsection 8-2.17 herein.

**8-2.14 Nuisances.**

c. Any business deemed to be operating as a nuisance shall be subject to the penalty provisions contained in Section 8-2.21 hereof, which provides for one or more of the following, upon conviction: a fine not exceeding **One Thousand Two Hundred Fifty (\$1,250.00)** dollars, or imprisonment in the County Jail for a period not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days. In addition, any licensed business that is deemed to be operating as a nuisance shall be subject to the license revocation provisions contained in Section 2.15 hereof.

**8-2.16 Revocation of License.** The Mayor and Council shall have the right to revoke any license whenever the holder of the license or any of the licensee's officers, directors, partners, principals, supervisors, or managers, shall have been found to have violated any provision of this section or to have committed any criminal act or misdemeanor (disorderly persons offense pertinent to the nature of the business) or to have otherwise violated any law or regulation of the Borough of Sayreville, County of Middlesex, the State of New Jersey or the United States of America pertaining to matter of moral turpitude. Prior to the revocation of the license, the Chief of Police or his designee or the *Director of Code Enforcement* or his designee as provided herein, shall serve notice of the proposed revocation upon the licensee and/or the licensee's right to request a hearing on the matter before the Mayor and Council. The notice shall advise the licensee that a request for hearing before the Mayor and Council must be submitted in writing to the *Department of Code Enforcement* within thirty (30) days of the date of receipt of said notice. Failure to request a hearing within the stated time specified in the notice shall be deemed to be a waiver of the right to hearing and shall result in an automatic revocation of the license. If the licensee requests a hearing, the licensee may be represented by legal counsel; however, if the licensee is a corporation, the licensee shall be represented by an Attorney-at-Law of the State of New Jersey.

**8-2.18 License Fees.** The following fees shall be established for a Mercantile ("Business") License issued in the Borough:

- |    |                                     |                 |
|----|-------------------------------------|-----------------|
| a. | Annual business license fee (new)   | <b>\$150.00</b> |
| b. | Annual business license fee (renew) | <b>\$ 50.00</b> |
| c. | Relocation business license         | <b>\$ 75.00</b> |

**8-2.21 Enforcement.** The proper enforcement of the provisions of this section dealing with mercantile licenses shall be within the concurrent jurisdiction of the Police Department and/or the *Department of Code Enforcement* of this Borough; however, nothing herein shall be deemed to limit the jurisdiction of any other

department or officer charged with the responsibility of enforcing any other law and/or regulation of the Borough of Sayreville, County of Middlesex, State of New Jersey or United States of America. Except as otherwise provided herein, the Police Department and/or **Department of Code Enforcement** may issue violations and recommend penalties for said violations in Chapter 1, Section **1-5** of the Revised General Ordinances of the Borough of Sayreville. All actions for enforcement of alleged violations wherein revocation of the license is not sought as penalty for the violation shall be prosecuted before the Municipal Court of the Borough of Sayreville. All actions for enforcement of alleged violations wherein recommended penalties include both revocation of the license, as well as additional penalties pursuant to Chapter 1, Section **1-5** of the Revised General Ordinances of the Borough of Sayreville, shall be initially prosecuted before the Municipal Court of the Borough of Sayreville, and upon conclusion of the Municipal Court matter and any appeals therefrom, the sole issue of revocation of the license will be referred to the Mayor and Council. The Mayor and Council may adopt findings of fact or conclusions of law made by the Municipal Court and the Appellate Court, if any, without need for further evidentiary proceedings as to said findings or conclusions.

**8-2.22 Penalties for Violations.**

a. Pursuant to N.J.S.A. 40:49-5, any person violating any subsection of this section shall, upon conviction in the Municipal Court having jurisdiction, be subject to a penalty as established in Chapter I, Section **1-5**.

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter VIII, Section 8-1 General Provisions (General Licensing) and Section 8-2 Additional Mercantile Licensing Requirements of the Borough of Sayreville**, 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/ Nicholas J. Perrette, Councilman  
(Admin. & Finance Committee)

**ATTEST:**

**APPROVED:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.  
Borough Attorney

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #192-12**.

Ordinance explained by Business Administrator Dan Frankel.

There were no appearances:

Councilwoman Eicher moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised according to law. Seconded by Councilman Buchanan.

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

**ORDINANCE #192-12****AN ORDINANCE SUPPLEMENTING AND AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE, AMENDING SECTION XXVII, SPECIAL EVENTS OF THE BOROUGH OF SAYREVILLE**

Amendment to Special Event Ord.

**§ 27-1 PERMIT REQUIRED FOR SPECIAL EVENTS**

A. Any person or organization desiring to hold any event, i.e. concert, race, walkathon, fair, carnival, festival, celebration, show, or other similar event in or upon any public grounds or private property, park or road of the Borough must first apply for, and obtain a permit from the Borough Clerk in accordance with the requirements of §27-2 of this chapter. Any such concert, race, walkathon, fair, carnival, festival, celebration, show, or other similar event, which is likely to require the expenditure of Borough resources in the form of the Police Department, Fire Department, Department of Public Works, **Recreation Department** and/or Emergency Medical Services salaries, wages, or other expense, shall constitute a special event. To obtain a permit for a special event, the applicant shall also satisfy the requirements of §27-3 of this chapter.

**§27-2 APPLICATION FOR PERMIT.**

B. Upon verification that the application is complete, the Borough Clerk shall refer the application to **various** Department Heads for preliminary review in accordance with §27-3 of this Chapter.

**§27-3 REVIEW OF APPLICATION; DECISION BY BOROUGH COUNCIL.**

*The department heads shall review the applications and shall present their recommendations including estimated costs to the Borough Clerk for final review within five (5) business days upon their receipt. The Clerk shall present a recommendation to the governing body during the next regularly scheduled meeting. In the event that any Council members' voices concern that the event to be held requires additional investigation, he or she may direct that the application be referred back for additional information. The Council shall make the final determination by majority vote whether to issue a permit for a special event, and if it is determined that there is a need for certain conditions and restrictions as may be reasonably necessary to insure that the standards set forth in §27-4 are satisfied. These conditions and restrictions shall be approved by resolution of the Mayor and Council. The Mayor and Council shall charge a permit fee in an amount to recover the costs that the borough incurred due to the event.*

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter XXVII, SPECIAL EVENTS** 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/ Councilwoman Lisa Eicher  
(Recreation Committee Chairperson)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.  
Borough Attorney

**NEW BUSINESS:**

a. Municipal Clerk Farbaniec reported having received the Supplemental Debt Statement from C.F.O. Kronowski, covering Ordinance #194-12, Ord. 195-12, Ord. 196-12 and Ord. 198-12, effective September 24, 2012.

Councilman Perrette made a motion to receive & file the Supplemental Debt Statement. Motion seconded by Councilwoman Novak.

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

b. Introduction of the following Ordinance(s):

**ORDINANCE #193-12****AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #150-10, FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES FOR THE YEARS 2009, 2010, 2011, 2012**

(Confidential Assistant, 2012)

Business Admin. explained that this ordinance is created for the purpose of creating a minimum and maximum salary range for this title as a result of a determination made by Civil Service Commission for a title change.

Councilman Perrette moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on October 9, 2012, 2012. Motion seconded by Councilwoman Novak.

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

**ORDINANCE #194-12****BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION.**

(Various Improvements)

Business Admin. explained that this ordinance covers improvements to the EMS roof, Major Drive dock improvements, Recreation building improvements, Kennedy Park building improvements and drainage improvements.

Councilman Perrette moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on October 9, 2012, 2012. Motion seconded by Councilwoman Novak.

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

**ORDINANCE #195-12****BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND SIDEWALK IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$2,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

(Various Road Improvements)

Borough Engineer Cornell explained this ordinance covers the following improvements: Ernston Road sidewalk improvements, Greenhill Avenue, Horseshoe Road, Glenwood Avenue, Modzelewski Terrace, William Street, Ernston Road and Hart Street improvement.



Councilman Perrette moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on October 9, 2012, 2012. Motion seconded by Councilwoman Novak.

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

Mayor asked that the list be posted on the web.

**ORDINANCE #196-12**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$428,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

(Various Park Improvements)

The Business Administrator explained the this ordinance covers improvements to War Memorial Track, playground improvements to Kennedy Park, Walking Path upgrade and various field upgrades.

Mayor said that there was a walkway from Lakeview to Kennedy Park that was becoming impassible and asked that it get looked into.

Councilman Perrette moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on October 9, 2012, 2012. Motion seconded by Councilwoman Novak.

Comments:

Councilman Bella felt that these improvements could be put off for the future.

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

Nays: Councilman Bella.

**ORDINANCE #197-12**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO ADD SECTION 8-24 "LICENSING AND REGULATION OF PURCHASES OF PRECIOUS METALS AND GEMS"**

Councilman Perrette moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on October 9, 2012, 2012. Motion seconded by Councilwoman Novak.

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

**ORDINANCE #198-12**

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,720,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,638,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

{Co. Perrette, Admin. & Finance- Public Hearing October 9, 2012}

Business Admin. explained what this ordinance would cover.

Councilman Perrette moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on October 9, 2012, 2012. Motion seconded by Councilwoman Novak.

Comments:

Councilman Bella felt although there was some legitimate spending here, he felt that items such as dump trucks and front end loader could be put off and because of these reasons he would be voting no.

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

**CONSENT AGENDA/RESOLUTIONS**

- *PUBLIC PORTION ON CONSENT AGENDA ITEMS ONLY*

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

There were no appearances.

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

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

**RESOLUTION #2012-239**

**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/ Mary J. Novak  
Councilwoman

/s/ Lisa Eicher,  
Councilwoman

/s/ Nicholas J. Perrette  
Councilman

**Bill list of September 24, 2012, in the amount of \$2,948,385.73  
(Bill List – See Appendix 2012-A for this date, in a separate Bill List File for 2012).**

**RESOLUTION #2012 – 240**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, MEMORIALIZING THE AUTHORIZATION TO AWARD A CONTRACT TO B&W CONSTRUCTION FOR EMERGENCY REPAIRS TO THE MACARTHUR AVENUE STORM SEWER PIPE**

**WHEREAS**, the Governing Body of the Borough of Sayreville was informed of a collapsing storm sewer pipe crossing MacArthur Avenue near Dolan Street in the Borough of Sayreville; and

**WHEREAS**, the Governing Body of the Borough of Sayreville deemed this occurrence to be an emergency situation and at the September 10, 2012 meeting of the

Borough Council of the Borough of Sayreville awarded a contract to B&W Construction to remove the collapsing pipe according to the proposal received from B&W Construction; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that on September 10, 2012 the Borough Council authorized B&W Construction to be awarded a contract for removal and replacement of the MacArthur Avenue storm sewer pipe near Dolan Street at a cost not to exceed Fifty Four Thousand Three Hundred (\$54,300.00) Dollars.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2012 - 241**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE  
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,  
APPROVING AND AUTHORIZING THE ISSUANCE OF A  
SPECIAL EVENT PERMIT TO FAITH FELLOWSHIP MINISTRIES  
WORLD OUTREACH CENTER.**

**WHEREAS**, Faith Fellowship Ministries World Outreach Center has made application for permission from the Mayor and Council of the Borough of Sayreville to conduct a Youth/Young Adult Conference on the property of Faith Fellowship Ministries, 2707 Main Street, from 7:00 P.M. to Midnight on October 5, 2012 and 9:00 A.M. – 12 Noon on October 6, 2012.

**WHEREAS**, it is the belief of Faith Fellowship that such an event provides activities which are family and community oriented;

**WHEREAS**, the Mayor and Borough Council agree that the event proposed will enhance community spirit; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that Faith Fellowship Ministries World Outreach Center is granted permission to conduct their Youth/Young Adult Conference on the property of Faith Fellowship Ministries on October 5, 2012 and October 6, 2012 subject to Faith Fellowship Ministries filing the necessary requests for inspection through the Sayreville Fire Prevention Bureau at which fees will be billed after the event.

/s/ Lisa Eicher, Councilwoman  
(Recreation Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2012-242**

**BE IT AND IT IS HEREBY RESOLVED**, that the proper borough officials are hereby authorized and directed to prepare a Request for Proposals for the advertising program on recycling/trash container located at various bus shelters throughout the Borough of Sayreville.

**BE IT FURTHER RESOLVED** that upon approval of said RFP for the program the Borough Clerk is also herein authorized to advertise for the receipt of said RFP's.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**BUSINESS SESSION**  
**COMMUNICATIONS/COMMITTEE REPORTS**

• **ADMINISTRATIVE & FINANCE** – Councilman Perrette

**a) Minutes:**

Councilman Perrette made a motion to receive and file the following minutes:  
- Board of Education - July 17, 2012 & August 21, 2012  
Motion seconded by Councilman Buchanan.

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

Councilman Perrette requester the following Raffle Applications be approved.  
- **Knights of Columbus Council #2061** – Off premise 50/50 on December 15, 2012; 1:00 PM (RA:1769).  
- **Southwood School PTA** – On Premise 50/50 on April 19, 2012 (#RA 1770).  
- **Southwood School PTA** - On premise Draw, Tricky Tray on April 19, 2012 (#RA:1771).  
- **Sayreville War memorial H.S. Choral Parents Assoc.** on Premise 50/50 on Oct. 20, 2012 (RA:1772).  
- **All applications were approved.**

**c) Application for social affair received** from St. Stanislaus Kostka HSA to hold an Oldies Dinner Dance on October 20, 2012 from 6PM-12 Midnight.  
- **Approved.**

**d) Application for Beauty Salon** received from Amit Kumar Tripathim to operate a Beauty Salon located at 520 Ernston Road, t/a Diva Salon.  
- **Resolution.**

**e) Borough of South Plainfield** requesting municipalities adopt a resolution to Support the proposed legislation to require Fire Districts, School Districts and County Governments to pay their fair share of Tax Appeal Refunds and Settlements (S-1896 & A-1503).  
- **Resolution.**

**f) Received appraisal report** from Stern & Dragoset covering Block 356, Lots 51-52, Harding Avenue. If council is still willing to sell, it requires the appropriate ordinance.  
- **Refer to Borough Attorney to prepare the necessary paperwork and ordinance.**

**g) Received a 2012 Tax Appeal** from Robert & Karen Macknowski covering Block 524, Lot 11, 67 Morris Court.  
- **Referred to Tax Counsel.**

**h) Committee Reports:**

- Councilman Perrette moved the following reports be received and filed:
  1. Municipal Clerk's report for the month of August, 2012.  
Seconded by Councilman Buchanan.
- Progress.

- **PLANNING & ZONING** – Councilman Henry

**a) Minutes-**

- Councilman Henry made a motion to receive and file the following minutes:
  1. Housing Authority - June 12, 2012
  2. Middlesex County Planning Board – June 12, 2012
 Seconded by Councilman Buchanan.

**b)** Request from Stadium Holdings, LLC for borough to vacate a portion of a “paper street” Eulner Street which runs thru their property. This portion of property has been used by their salvage yard for the past 70+ years.

**- Referred to the Planning Board.**

**PLANNING & ZONING (CONTINUED)**

**c)** Received application from Quad Construction Co. for the placement of one temporary construction office trailer be located on MCUA property, Block 257, Lot 1.01, 2571 Main St.

**- Resolution.**

**d)** Received the following **Planning Board Resolutions** which were **Memorialized on**

**September 19, 2012:**

- BMT Bordentown, LLC, 3105 Bordentown Avenue, Block 30, Lots 3 for, approval of amended site plan.

**- Receive & File.**

**e) Committee Reports:**

- Councilman Henry moved the following reports be received and filed:
  1. Construction Official's report for the month of August, 2012  
Seconded by Councilman Perrette.

- Councilman Henry reported that O'Neil Properties will be at the next Planning Board meeting to give an update on the remediation process at the Point redevelopment project.

- **PUBLIC SAFETY** – Councilman Bella

**a) Minutes: (none)**

**b)** Request to hold **Coin Toss**, received from 11U Travel Basketball Team (coaches & residents of Sayreville) on November 10, 2012 from 10-2 at the intersection of Ernston & Washington Roads. **-Approved, pending county approval.**

**c) Committee Reports:**

- Councilman Bella moved the following departmental reports be received and filed:
  1. County Board of Health & Registrar's report for the months of June, July & August, 2012
  2. Municipal Court Administrator's report for the month of August, 2012
  3. Fire Prevention report for the month of August, 2012
 Seconded by Councilwoman Novak.

- Progress.

- **PUBLIC WORKS** – Councilwoman Novak

**a) Minutes:**

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

1. Rent Leveling Board minutes of September 11, 2012
2. Parks Department for the month of August, 2012
3. Recycling Coordinator for the months of July & August, 2012
4. Road Division for the month of July, 2012
5. Garage Services for the month of August, 2012
6. Sanitation Department for the month of August, 2012

Seconded by Councilman Perrette.

**b)** Request for approval of Change Order No.1 for Thassian Contracting for the HVAC Upgrades at Borough Hall which decreases the original contract from \$355,000. to \$354,130. which represents a \$870.00 decrease in the original contract amount.

**-Resolution**

**c) Committee Reports:**

- Councilwoman Novak asked for permission to request the Borough Attorney to provide the NAACP with 45 Days Notice that we will be returning to residency requirement and prepare the necessary Ordinance.

Mayor asked if there were any objections.

No objections were made.

- Councilwoman Novak reported that on September 30, 2012 at 1 PM the Sayreville Emergency Squad will be conducting a “wet down” to celebrate their purchase of two new ambulances at the squad building and that everyone was invited.

- Councilwoman Novak also reported that the Dept. of Public Works director, Mr. Bailey along with the Business Admin. and Borough Attorney have been working to save the borough money through the participation in a cooperative purchasing agreement with the NJPAC for savings on the purchasing of some of the equipment.

- **WATER & SEWER** – Councilman Buchanan

**a) Minutes: None**

**b)** Notice received from the State EPA approving the planning information for the Middlesex County Utilities Authority, Main Trunk Sewer Rehabilitation – Phase I, Financial Assistance Application process.

**- Receive & File.**

**c) Committee Reports:**

**Councilman Buchanan made a motion re receive and file the following departmental reports:**

1. Water & Sewer report for the month of August, 2012.
- Motion seconded by Councilman Perrette.

- **Progress.**

- **RECREATION** – Councilwoman Eicher

**a) Minutes: None**

**b)** Received Special Events application from Rachel Cedeno to hold a Youth/Young Adult Conference at Faith Fellowship Ministries on their property located at 2707 Main Street, Sayreville. The date of the event is scheduled for October 5, 2012, from 7 pm–12 am, and October 6, 2012 from 9am–12 am.

**- Issue Permit.**

**c) Committee Reports:****- Councilwoman Eicher made a motion to receive and file the following departmental reports:**

1. Recreation Director's report for the month of August, 2012.

Motion seconded by Councilman Henry.

- Councilwoman Eicher thanked all participants for making the Blast from the Past Car Show a success. She also thanked Patti Burch and her committee as well as the Recreation Committee for their huge commitment in making Sayreville Day an overwhelming success. She thanked the members of the Public Works Department for their work at both of these events. She then reported on various upcoming Recreation Events.

**• MAYOR – Kennedy O'Brien**

- Mayor commented on the success of Sayreville Day.

- He also urged the participation of our residents in a "batting" fund raiser this Saturday at 3PM at the Little League Field for one of our residents who is ill.

**• BUSINESS ADMINISTRATOR – Dan Frankel**

a. Request for authorization to change employee scheduled work hours from 8:00AM 4:00PM, Monday through Friday with one late night per month being held the first council meeting of the month, from 10:00AM to 6:00PM staffed with various employees working staggered shifts. Such as the Clerk's Office, the Construction office and the Tax/Water Dept.

- Mayor stated that this was tried in the past and no one came during the evening hours. So let's have this as a trial basis and see what happens.

- Councilman Perrette expressed some security concerns with the late night hours.

- There were no objections. The Mayor said that it would begin on Oct. 1<sup>st</sup> and review at the end of the year.

b. Library – Request for a 6-month unpaid leave of absence due to illness.  
(to be discusses in Closed Session, if necessary)

c. Request for authorization for membership with the National Joint Powers Alliance Corporation (NJPA).

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

a. Bill List Resolution

b. Best Practices Inventory as promulgated by the Division of Local Government Services was included in meeting packet. Review by Governing Body required. Clerk must certify that responses were discussed at a meeting of the Governing Body. Filing deadline is September 28, 2012.

- Mr. Kronowski stated that the Best Practices Inventory is complete and was delivered to the council in their Friday packet for their review and discussion this evening. Mr. Kronowski explained the questions that were asked and the responses and what it meant to the borough. He explained that it needs to be certified the governing body has received and reviewed the survey.

- Mayor asked if there were any questions or comments.

- None made.

c. 2011 Audit Report. Governing Body to review and acknowledge that report was received. Resolution will be prepared for next meeting.

- **Resolution.**

• **ENGINEER -Jay Cornell**

a. Department of Public Works Building Repairs and alterations – Change Order (Report attached).

- **Resolution.**

b. NJ Transportation Trust Fund – 2013 Municipal Aid Program (Verbal Report).

- **Resolution.**

c. Ernston Road / Bordentown Avenue Intersection Improvements – Status of Project (Verbal Report).

• **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:

- Barbara Kilcomons, 22 Schmitt Street
  - Questioned Ordinance #193-12, if this was a new position. Business Admin. Frankel responded that it was a reclassification in an employee's title due to a desk audit.
  - Commented on the bond ordinances and that there is equipment contained in the ordinances that we do not need.

Mayor stated that he would have Bernard Bailey the DPW director at the next meeting to address your questions.

- She questioned the figure was before quotes are needed to be obtained and what our bonding capacity was.  
Response by CFO Kronowski.

- Frank Weber, 170 Wesco St, Morgan
  - Mr. Weber said that he was appearing again to find out about the fine his son received for bringing in dirt from another town. The Borough Attorney responded saying that he had given Mr. Weber his business card and asked him to call so that he could get additional information and Mr. Weber had not called him.
- Dr. John Misiewicz, 97 Winkler Road
  - He said that at their next Planning Board meeting on October 3, 2012 they would be making their recommendation to the council to change the SERA Redevelopment Plan. He said that O'Neill came before them at their last meeting for an Informal Review. The next meeting will have to be advertised twice regarding their presentation to the planning board and residents of Sayreville. So he advised everyone interested or having questions come to their next meeting and present their questions or comments. These recommendations will be made to the Mayor and Council for their review and vote. He said that these meeting will also be advertised.



- He commented that the Boat Ramp Ordinance says that it is open from January 1- Dec. 31, 2012. The problem is that there is no Ramp Attendant and people are now parking and launching their boats without paying. He said that someone should be patrolling and issuing summonses.

Mayor felt that the Boat Ramp Committee was important and would like to bring them back.

He asked that Mr. Misiewicz pull out the old paperwork.

-Councilman Henry asked the Mayor if he asked the Governor about the bill he signed for monies on the Weber Avenue project and if he asked him about it when they were together.

Mayor responded that he did not.

- John Rucki, 17 Hendricks Court
  - Mr. Rucki questioned Sayreville's contribution to the Business Administrators' pension fund.
  - Mr. Kronowski said that it is made in accordance with the PERS rate.
  - He then questioned the Business Administrators appointment with the County and his salary. He also indicated that there were two separate contributions being made to the pension fund one from the borough and one from the county.
  - Mr. Kronowski said that Sayreville contributes to the same pension fund as the County does.
  - He further commented on the pension funds going bankruptcy and pension padding and if there was any grandfathering on the new business administrators part.
  - Mr. Kronowski said that Trenton knew that he had another job where a contribution was being made through and they approved this enrollment application.
- Barbara Kilcomons, 22 Schmitt Street
  - Asked the Business Admin. when he works the second job.
  - Mr. Frankel responded that he does not work the Board of Elections job when he is at work for the Borough of Sayreville. He is on call 24/7 for the Borough of Sayreville and if there is anything she would like to meet with he would be more than happy to meet and discuss with her.
- John Misiewicz,
  - He said that the Planning Board is working on the Master Plan which is supposed to be done every six years and has not been done since 1998. He said there is a recycling plan, a development plan, a residential Plan, a growth plan, tree plan, traffic plan, economic development plan, COAH plan. He said that if the residents have any questions the next meeting is the time as this is the blue print for the future.

Before closing councilman Perrette asked Mr. Frankel if the Mosquito Commission could make sure they include William Street area to the spraying project.

Mr. Frankel said that he did not know if they would be doing any more spraying but would be sure they would be on the list.

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

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION ITEMS** - none

- **ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:06 P.M.

SIGNED:

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

11/26/12  
Date Approved