

Regular and Business Session of the Mayor and Borough Council held on Tuesday, October 11, 2011, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 6:35 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
Municipal Clerk Farbaniec
Engineer Cornell
Attorney DuPont

Absent: C.F.O. Kronowski (vacation)

APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

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

- February 22, 2011 - Budget Workshop
- March 7, 2011 - Budget Workshop
- April 14, 2011 - Budget Workshop
- April 14, 2011 - Executive Session
- April 19, 2011 - Budget Workshop
- June 2, 2011 - Receipt of Bids
(Kennedy park Tennis Court Improvements)
- June 16, 2011 - Combined Meeting
- June 16, 2011 - Executive Session

Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

PRESENTATIONS – None

OLD BUSINESS

- a. Public hearing on the following Ordinance(s): None

NEW BUSINESS:

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

CONSENT AGENDA RESOLUTIONS

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

No appearances.

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.

RESOLUTION #2011-231

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 October 11, 2011, in the amount of \$7,766,103.51
(Bill List – See Appendix 2011-A for this date, in a separate Bill List File for 2011)**

RESOLUTION #2011-232

**RESOLUTION MEMORIALIZING ACTION TAKEN ON
CERTAIN COMMUNICATION ITEMS AT THE
SEPTEMBER 26, 2011 COUNCIL MEETING**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the September 26, 2011 Council Meeting approving the following:

- a) Approving Raffle applications received from Wilson School PTO for an On-Premise 50/50 to be conducted from October 21, 2011 (RA:1716)
- b) Approving a request received from Our lady of Victories to display one promotional banner promoting their Annual Christmas Bazaar.
 - 1. Poles JC519SE/BT279SE – Washington Rd. & Bissett St.
- c) Approving Coin Toss request received from Sayreville Wrestling Association Parents Group on November 19, 2011, pending County Approval.

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-233

BE IT AND IT IS HEREBY RESOLVED that Jeffrey Bertrand, Business Administrator of the Borough of Sayreville is hereby authorized and directed to execute a Lease/Vehicle Retirement Agreement in order for the Borough of Sayreville to accept full ownership of the Senior Bus that was purchased through the FTA Section 5310 Program at no cost to the Borough of Sayreville.

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

ATTEST:

/s/ Theresa A. Farbaniec
Municipal Clerk

BOROUGH OF SAYREVILLE:

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-234

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO APPOINT
AN INTERIM BOARD OF DIRECTORS
OF THE TOWNE LAKE EAST HOMEOWNERS ASSOCIATION**

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, removed 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 as Interim Board Directors the following residents:

- a. Suresh Patel – 7 Kania Court
- b. Yogendra Patel – 43 Fritz Drive
- c. Himanshu Shah – 1 Fritz Drive
- d. Marcia Clark – 2 Wyrwal Court
- e. Deborah Wisniewski – 27 Fritz Drive.

These Interim Directors 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:

/s/ Theresa A. Farbaniec
Municipal Clerk

BOROUGH OF SAYREVILLE:

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-235

BE IT AND IT IS HEREBY RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute New Jersey Transportation Local Aid Infrastructure Grant Applications for the following projects:

- 1. Improvements to William Street (Old Bridge Area)**
- 2. Improvements to Liberty Street**

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-236

BE IT AND IT IS HEREBY RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Melrose Firehouse Parking Lot Improvements and that he be paid for said services at a fee not to exceed \$19,500.00.

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/ Dan Buchanan, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-237

BE IT AND IT IS HEREBY RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Mechanics Garage Truck Bay Addition and that he be paid for said services at a fee not to exceed \$35,000.00.

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/ Dan Buchanan, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-238

BE IT AND IT IS HEREBY RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Fort Grumpy Storage Facility Improvements and that he be paid for said services at a fee not to exceed \$25,000.00.

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/ Dan Buchanan, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTIONS READ IN FULL:

RESOLUTION #2011-239

WHEREAS, all applications for the renewal of Liquor Licenses must be filed on or before July 30, 2011; and

WHEREAS, the renewal application for P.R.C.L. #1219-33-011-008, Ethan H, LLC was filed on August 19, 2011 the licensee must file with the Division of Alcoholic Beverage Control for a Special Ruling pursuant to N.J.S.A. 33:1-12.18 before approval is granted by the issuing authority.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED that the Mayor and Council of the Borough of Sayreville do hereby rescind Resolution #2011-220 adopted on September 26, 2011 renewing P.R.C.L. #1219-33-011-008 until such time as approval has been granted to the Special Ruling by the Director of the Alcoholic Beverage Control.

/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 made a motion to adopt Resolution #2011-239. Seconded by Councilman Perrette.

Roll Call: Councilpersons 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 - September 20, 2011.
Seconded by Councilman Henry.
 - b) Received the following **applications for Bingo/Raffle Licenses**:
 - Raffle applications from Raritan Bay Cougars of Old Bridge, Inc., to conduct an On Premise Draw-Tricky Tray (#RA1717) and an On Premise 50/50 (RA1718) on November 5, 2011.
 - Raffle applications from St. Stanislaus Kostka H.S.A. to conduct the following games on December 4, 2011:
 - -Off Premise 50/50 (RA1719);
 - -On Premise Draw (#1720);
 - -On Premise Non Draw (RA1721);
 - -On Premise Draw/pull tabs (#RA1722).
 - Special Bingo License application received from Sayreville Senior Center to conduct Bingo Games on various dates for a period of two years, effective October 11, 2011 through October 11, 2013. \
- **Approved /Resolution memorializing action-10-24-11**
- c) Received Special Ruling from the State of New Jersey, Division of Alcoholic Beverage Control to permit the renewal of the PRCL #1219-33-040-005, Sayreville Bar Enterprise LLC, Karen E. Benzer Chapter 7 Trust (Pocket License) for the 2011/2012 License Term.
- **Resolution 10/24/11**

REPORTS OF CHAIRMAN

Councilman Perrette reported on an article in the newspaper regarding the State appropriating funds for flood victims and asked our Senators and Assemblymen to work on getting some of these fund allocated to Sayreville. He said the article also spoke about the Blue Acre Fund where they're looking at purchasing homes in chronic flood areas.

Councilman Perrette gave a brief water analysis report.

He then reported having received a notice of resignation from a Cable TV Advisory Board member. (no name given).

- **PLANNING & ZONING** – Councilman Henry

- a) **Minutes-**

- Councilman Henry moved the following minutes be received and filed:
Board of Adjustment – August 24, 2011
Seconded by Councilman Buchanan.

- Progress.

- **PUBLIC SAFETY** – Councilman Bella

- a) **Minutes** (none)

- Progress.

- **PUBLIC WORKS** – Councilman Buchanan

- a) **Minutes** (none)

- Councilman Buchanan asked the engineer about an application from the Temple that was before the Zoning Board this month.

- Mr. Cornell said that they are appealing a decision of the Zoning Officer concerning the use. He said that the Zoning Officer indicated that the use they are proposing is not permitted and they will require a Use Variance and they feel that it is a permitted use. So, they are appealing his decision to the Zoning Board. He said that they are looking to demolish the existing building and construct a new building but inside that building they are looking to have units for their “priests” from that religion to live. He said that they are proposing fourteen (14) units inside the building.

- Progress.

- **RECREATION** – Councilwoman Eicher

- a) **Minutes** (none)

REPORT OF CHAIRWOMAN –

Councilwoman Eicher reported on the success of the Hit the Bricks Run and thanked everyone involved. She said that all proceeds from the race will go to benefit the BIC of Sayreville.

Councilwoman then reported on various upcoming recreation sponsored events.

- **WATER & SEWER** – Councilman Kelly

- a) **Minutes** (none)

Councilman Kelly thanked the men and women of the Water and Sewer Dept. for their work in serving the borough.

Councilman Kelly said that back some months ago approval was given to erect a sign at the entrance to the Borough Hall for Silver Star and Purple Heart recipients and wanted to clarify that the sign will not have names it will just honor those as a group.

Councilman Kelly then asked for the councils support for a motion to have a Resolution prepared for James C. Schindle Jr., a Veteran of the Marine Corp., WW II, who is turning 91 years old.

Councilman Buchanan seconded Councilman's motion.

Roll Call: voice Vote, all Ayes.

Councilman Kelly also spoke about the article in the newspaper regarding Congressman Pallone's finding \$12-\$15 million dollars for the beaches in Monmouth County and questioned why they can't come up with any money for Sayreville.

- **MAYOR** – Kennedy O'Brien

- ❖ Mayor stated that there is a bill going before the Assembly and Senate in Trenton this Thursday for the flood victims and asked if anyone from the Council would be able to attend and speak on behalf of the borough and the residents of Sayreville. He said that he would not be able to attend due to work conflict but spoke with the Engineer and the Business Admin. to see if they could attend on his behalf.

BUSINESS SESSION AGENDA – October 11, 2011

1. **NEW BUSINESS**
2. **BUSINESS ADMINISTRATOR - Jeffrey Bertrand**

Administration & Finance:

- a. Authorization to contract with Ceridian Benefit Services, Inc for the provision of COBRA and HIPAA services for the Borough. The flat fee cost is \$ 0.47 per employee or \$146.64 per month. This service shall replace a similar service that was being provided by COBRA Elect which is ceasing operations at the end of October.
– Resolution.

Public Works:

- a. Authorization to retain USA Architects as construction manager for the Morgan First Aid and Sedlak Center Elevator Projects. The cost of this work was included in the capital plan and shall not exceed \$3,000.
– Resolution.
- b. Authorization to contract with USA Architects to prepare bid specifications and plans as well as providing construction management services for the Borough Hall HVAC Project through the completion of the project for a fixed amount of \$38,000. The cost of this work was included on the capital plan and the previously received federal energy efficiency grant. (Selected Option 1A).
– Resolution.

Recreation: none

Water & Sewer:

- a. Authorization for the Borough Clerk to advertise for the public bids for the purchase of Miscellaneous Water Department Supplies (i.e. clamps, bolts, etc.).
- Resolution.

Public Safety:

- a. Authorization to purchase a new Chevy Tahoe (Fire Chief's vehicle) from Municipal Equipment Enterprises (state contract #A79010) in the amount of \$30,780.31.
- Resolution.

Planning & Zoning: none

Personnel: none

3. C.F.O.- Wayne Kronowski (reported by the Business Admin.)

- I - Authorization for a Resolution Rejecting Proposals to Provide Online Tax and Fee Payment Processing Services.
- Resolution.

- II -Resolution Providing Details of Sale of Bonds.
- Resolution.

- III - Emergency Appropriation for Hurricane Irene Expenses
- Resolution.

- IV - Bill List Resolution.

4. ENGINEER -Jay Cornell

- I - Liberty Street Erosion Problem – Review of Roadway Damage (verbal report)

6.

• 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 consent agenda item #2011-237 and 2011-238 and why figures were not included on the Agenda.

Business Admin. Mr. Bertrand stated that the these Resolutions are authorizing the Borough Engineer to prepare plans and specifications they are not awarding the contracts but Resolution #237 project estimate is \$350,000. and # 238 estimate is \$150,000.

Mayor stated that this is a process there is nothing here that is hidden.

- Questioned why the Borough stops picking up grass clippings so early. She suggested that they pick-up grass clippings until November 1st.

The business administrator explained that in the past we had summer help picking up the grass clippings and that ended at the end of August when they went back to school and that this year they managed to continue the service but also ended at the end of August. He said that moving forward they would look into having this service extended.

- Jedwiga Shahat, 64 Whitehead Avenue
Upset about her high taxes, code enforcement official issuing summonses, Water shut off fees, fines, etc.

Mayor asked that she leave her contact information with the Clerk and he would schedule an appointment.

The Construction Official explained his departments' involvement in the process of issuing summonses. He said that they do not target any resident they are usually acting on a complaint. He said that violations (warnings) are issued with an abatement date. A second request will follow shortly after the abatement. They even try to call before summonses are issued and if that is unsuccessful that a summons is issued. The whole process takes about six (6) to eight (8) weeks and three to four attempts to contact the person.

Mayor asked the Construction Official what the process was for the Property Maintenance Code.

Mr. Miick responded that is the same process. He said that 95% are generated by complaints.

Councilman Bella commented that when a violation letter goes out the residents tend to interpret violation as summons. But this is actually a notice that there is a problem. He said that he had suggested to Mr. Miick that that terminology should be changed.

- Theresa Strek, 140 McCutcheon Avenue
Comments made about code enforcement.
-Response by Construction Official Mr. Miick that they do not canvas nor have the man power to canvas. He said that when the Code Enforcement goes out to a location, 95% of the time it is due to a complaint.
- Larry Gates, 66 Weber Avenue
Questioned the status of the alarm for the pump stations.
-Response made by Mr. Bertrand that AC Schultes is doing some final work with regard to hooking up the existing alarm as opposed to a new system and we are now waiting for an rreport from them this week but we tend to believe that we will use the existing inasmuch as it is \$6,000-\$7,000 cheaper. He also mentioned that they are performing maintenance work on the pumps.

Mr. Gates then questioned the status of cameras in the pipelines in the street checking for collapse, etc.

-Mr. Bertrand said that he will have the report on that issue tomorrow.

-Borough Engineer Cornell stated that borough attempted to utilize their camera and TV inspect the lines but there were some problems with the ability of the camera to do what was necessary. So he believed the borough was waiting for some price quotes from some outside companies to be able to go ahead and do the work.

- Barbara Kilcomons, 22 Schmitt Street
She said that she agrees with the wording change in the notice for maintenance violations.

She then asked what the outcome was with the Ordinance Review Committee.
 -Mayor responded that the suggestions are being reviewed by the Planning Board and the Zoning Board.

-Councilman Bella responded that the Planning Board is in the process of re-doing the Master Plan.

- Engineer Cornell said that at the last Planning Board meeting they received a copy of the report and Mr. Macagnone gave a presentation to the board and the board authorized their planner to review the recommendations in conjunction with the Master Plan updates.

- Councilman Bella also advised Mrs. Kilcomons that at the last meeting he asked the Borough Attorney to go over the property maintenance code and see if there was anything that could be done especially as it applied to vehicles.

- Jadwiga Shahat, Whitehead Avenue

She commented that she felt that there was selective enforcement.

-Mayor O'Brien further asked that she meet with Mr. Miick and work out what the issues are.

Councilman Bella said that he does not know why the perception in town is so negative about the property maintenance code and about the office.

Discussion followed regarding the number of complaints received in the construction office and what type of complaints they act on.

In closing the Mayor stated that Mr. Miick does a very professional job in his department.

Mayor asked if there were any other questions or comments.

There being none he asked for a motion to close the public portion.

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: 7:25 P.M.

SIGNED:

 Theresa A. Farbaniec, Municipal Clerk

12/12/11
 Date Approved

OCTOBER 11, 2011



REGULAR MEETING

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