

Combined Meeting of the Mayor and Borough Council held on Monday, October 28, 2013, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 7:00 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

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

- **ROLL CALL:**

Present: Councilpersons Buchanan, Eicher, Henry, McGill,
Melendez, Novak.

Absent: None

Others Present: Kennedy O'Brien, Mayor
Daniel E. Frankel, Business Administrator
Theresa A. Farbaniec, Municipal Clerk
Jay Cornell, P.E., Borough Engineer
Michael DuPont, Esq., Borough Attorney

Others Absent: Wayne A. Kronowski, C.F.O./Treasurer

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES - None**

- **PRESENTATION**

Mayor O'Brien called forward Fran O'Connor, Ellen Bednarz and Larry Gates, representative from the Weber Avenue Storm victims.

Fran O'Connor gave an overview of the past three years and the storms of March 2010, Aug 2011 -Hurricane Irene and one year ago tomorrow Oct. 29, 2012 - Hurricane Sandy which caused the most devastation, taking with it their homes and neighborhoods leaving a town that will never be the same. She explained how the support of Sayreville got them through each storm and how they became Sayreville Strong. She said that on behalf of all the flood impacted residents they would like to thank and recognize the borough employees, Officials, Professionals, all First Responders, volunteers, all current and past elected officials, who have helped them during the past three storms and floods. She mentioned each person by name and how they have offered their help, support and protection without loss of life.

Applause by all in attendance.

Mayor called upon Fire Chief George Gawron to explain the Governor's visit to Sayreville Engine Co. No. from 1 at 2PM tomorrow, is to thank all of the First Responders during and after the storm.

Mayor O'Brien then called upon Arthur Rittenhouse. He explained that there would be an event tomorrow at the Water Front Park entitled Light Up New Jersey at 6:30 PM and that the event is sponsored by radio station 101.5.

Mayor then called upon Jason Slesinski, Borough Historian and Vice President of the Historical Society who presented the borough with eight historical images of Sayreville which are to be hung in Borough Hall. The Mayor then asked for the support of the governing body to have the Historical Society be in charge of changing out the photos now located along the hallways of the borough hall periodically with other photos of the life and times of Sayreville's past. He also requested the governing body to put a budget line item in next year to have the

Historical Society cronical Super Storm Sandy and the impact it had on the borough while this history is still forming. No objections made.

Mr. Rittenhouse announced that on November 14, 2013 the Historical Society will be adding a Historical Marker for the United Methodist Church at 6PM in front of the church. He said that the United Methodist church was the first church in Sayreville. He asked if the borough could aid the Historical Society in the installation of the marker sign.

- No objections.

Mayor called for the next order of business.

Clerk responded with the following public hearings:

- **OLD BUSINESS**

- a. Public Hearing on the following Ordinance(s):

ORDINANCE #234-13
THE FLOOD DAMAGE PREVENTION ORDINANCE
(Co. McGill, Planning & Zoning Committee – Public Hearing October 28, 2013)

Ordinance explained by the Borough Attorney.

Mayor O'Brien opened the meeting to the public for questions or comments on Ordinance #234-13.

Being no questions or comments Mayor called for a motion.

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

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

ORDINANCE #234-13
THE FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0
STATUTORY AUTHORIZATION,
FINDINGS OF FACT, PURPOSE
AND OBJECTIVES

23-1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Borough Council of the Borough of Sayreville, of Middlesex County, New Jersey does ordain as follows:

23-1.2 FINDINGS OF FACT

- [1] The flood hazard areas of the Borough of Sayreville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- [2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

23-1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- [1] Protect human life and health;
- [2] Minimize expenditure of public money for costly flood control projects;
- [3] Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] Minimize prolonged business interruptions;
- [5] Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

23-1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 23-2 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Advisory Base Flood Elevation (ABFE) — The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) — The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Appeal — A request for a review of the Director of Code Enforcement's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood — The flood having a one percent chance of being equaled or exceeded in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Best Available Flood Hazard Data — The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

Best Available Flood Hazard Data Elevation— The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Coastal High Hazard Area — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Erosion — The process of the gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:
[1] The overflow of inland or tidal waters and/or
[2] The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure — Any structure that is:

- [a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- [b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- [c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- [d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of CFR Section 60.3

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Preliminary Flood Insurance Rate Map (FIRM) — The draft version of the FIRM released for public comment before finalization and adoption.

Primary Frontal Dune — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand Dunes — Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- [1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- [2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**SECTION 23-3
GENERAL PROVISIONS**

23-3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Sayreville, Middlesex County, New Jersey.

23-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Sayreville, Community No. 340276, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Middlesex County, New Jersey (All Jurisdictions)" dated December 7, 2012.
- b) Flood Insurance Rate Map for Middlesex County, New Jersey (All Jurisdictions) as shown on Index and panel(s) 34023C0064F, 34023C0068F, 34023C0132F, 34023C0134F, 34023C0151F, 34023C0152F, 34023C0153F, 34023C0154F, 34023C0156F, 34023C0157F, 34023C0158F, 34023C0159F, 34023C0159F, 34023C0161F, 34023C0162F, whose effective date is July 6, 2010.
- c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 49 Dolan Street, Sayreville, New Jersey.

23-3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1250.00 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Sayreville, from taking such other lawful action as is necessary to prevent or remedy any violation.

23-3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

23-3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

23-3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Sayreville, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**SECTION 23-4
ADMINISTRATION**

23-4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in SECTION 23-3.2. Application for a Development Permit shall be made on forms furnished by the Director of Code Enforcement and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 23-5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

23-4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Director of Code Enforcement is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

23-4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Director of Code Enforcement shall include, but not be limited to:

23-4.3-1 PERMIT REVIEW

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 23-5.3 [1] are met.
- [4] Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- [5] Review plans for walls to be used to enclose space below the base flood level in accordance with SECTION 23-5.4-2 [4].

23-4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with SECTION 23-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Director of Code Enforcement shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer SECTIONS 23-5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 23-5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

23-4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- [1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- [2] For all new or substantially improved floodproofed structures:
 - [i] verify and record the actual elevation (in relation to mean sea level); and
 - [ii] maintain the floodproofing certifications required in SECTION 23-4.1 [3].
- [3] In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 23-5.4-2[1] and 23-5.4-2[2](i) and (ii) are met.
- [4] Maintain for public inspection all records pertaining to the provisions of this ordinance.

23-4.3-4 ALTERATION OF WATERCOURSES

- [1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- [2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

23-4.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

23-4.4 VARIANCE PROCEDURE

23-4.4-1 APPEAL BOARD

- [1] The Zoning Board of Appeals as established by Borough Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- [2] The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Code Enforcement in the enforcement or administration of this ordinance.
- [3] Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision to the Superior Court, as provided in to the extent provided by law.
- [4] In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- [5] Upon consideration of the factors of SECTION 23-4.4-1 [4] and the purposes of this ordinance, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- [6] The Director of Code Enforcement shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

23-4.4-2 CONDITIONS FOR VARIANCES

- [1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 23-4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- [2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's

- continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- [3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - [4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - [5] Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 23-4.4- 1[4], or conflict with existing local laws or ordinances.
 - [6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**SECTION 23-5
PROVISIONS FOR FLOOD HAZARD REDUCTION**

23-5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

23-5.1-1 ANCHORING

- [1] All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- [2] All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

23-5.1-2 CONSTRUCTION MATERIALS AND METHODS

- [1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- [2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

23-5.1-3 UTILITIES

- [1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- [2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- [3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- [4] For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

23-5.1-4 SUBDIVISION PROPOSALS

- [1] All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- [2] All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- [3] All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

- [4] Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

23-5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

23-5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 23-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 23-4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

23-5.2-1 RESIDENTIAL CONSTRUCTION

- [1] New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, whichever is more restrictive, plus one foot;
- [2] Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

23-5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities: either

- [1] Elevated to or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation whichever is more restrictive, plus one foot; and
- [2] Require within any A zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
- or
- [3] Be floodproofed so that below the base flood level plus one foot, or the best available flood hazard data elevation plus one foot, (whichever is more restrictive), the structure is watertight with walls substantially impermeable to the passage of water;
- [4] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- [5] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 23-4.3-3 [2] [ii].

23-5.2-3 MANUFACTURED HOMES

- [1] Manufactured homes shall be anchored in accordance with SECTION 23-5.1-1 [2].

- [2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the best available flood hazard data elevation plus one foot, (whichever is more restrictive),

23-5.3 FLOODWAYS

Located within areas of special flood hazard established in section 23-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- [1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- [2] If section 23-5.3[1] is satisfied, all new construction and substantial improvements must comply with section 23-5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- [3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

23-5.4 COASTAL HIGH HAZARD AREA

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in SECTION 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

23-5.4-1 LOCATION OF STRUCTURES

- [1] All buildings or structures shall be located landward of the reach of the mean high tide.
- [2] The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or home subdivision.

23-5.4-2 CONSTRUCTION METHODS

[1] ELEVATION

All new construction and substantial improvements shall be elevated on piling or columns so that:

- (i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation (published FIS/FIRM), the best available flood hazard data elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive, and,
- (ii) with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in SECTION 5.4-2 [4].

[2] STRUCTURAL SUPPORT

- (i) All new construction and substantial improvements shall be securely anchored on piling or columns.
- (ii) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (iii) There shall be no fill used for structural support.

[3] CERTIFICATION

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of SECTION 23-5.4-2 [1] and 23-5.4-2 [2] (i) and (ii).

[4] SPACE BELOW THE LOWEST FLOOR

- (i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.
- (ii) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
 - (a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
 - (b) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- (iii) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
- (iv) Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

23-5.4-3 SAND DUNES

Prohibit man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage.

SECTION 6.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

/s/ Dave McGill, Chairman
(Planning & Zoning Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Esquire
Borough Attorney

ORDINANCE #235-13
AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES FOR THE
YEARS 2013, 2014, 2015 AND 2016 AS SET FORTH
IN THE A.F.S.C.M. E. BARGAINING AGREEMENT
(Co. Novak, Admin. & Finance Committee)

Ordinance explained by the Business Administrator.

Mayor O'Brien opened the meeting to the public for questions or comments

on Ordinance #235-13.

Being no questions or comments Mayor called for a motion.

Councilwoman Novak moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Henry.

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

- **NEW BUSINESS:**
 - a. Introduction of the following Ordinance(s):

ORDINANCE #236-13
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VIII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE SECTION 8-3.1 AND 8-3.3 (a),
PEDDLERS AND HAWKERS
(Co. Novak, Admin. & Finance Committee – Public Hearing November 12, 2013)

Councilwoman McGill moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on November 12, 2013. Motion Seconded by Councilman Henry.

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

CONSENT AGENDA/RESOLUTIONS

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

There being no appearances, the Mayor called for a motion to close public portion.

Council President Buchanan made a motion to close public portion and approve the consent agenda resolutions on roll call vote. Motion was seconded by Councilman Henry.

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

RESOLUTION #2013-255

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/ Daniel Buchanan
Councilman

_____/s/ David McGill
Councilman

_____/s/ Lisa Eicher
Councilwoman

_____/s/ Ricci Melendez
Councilman

/s/ William J. Henry
Councilman

/S/Mary J. Novak
Councilwoman

**Bill list of October 28, 2013, in the amount of \$681,281.08
(Bill List - See Appendix 2013-A for this date, in a separate Bill List File for 2013).**

RESOLUTION #2013-256

WHEREAS, the Tax Collector reports that there are tax accounts in which overpayments exist and numerous attempts have been made to refund said tax overpayments.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED that the Certified Tax Collector is hereby authorized and directed to cancel the following tax overpayments.

<u>Blk/Lot/Qual</u>	<u>Amount</u>
032.03/0033	\$ 1,727.00
061/9C1803	1,520.03
083.16/0028	4,006.00
179/0001	1,161.00
224/0001	1,245.00
229.02/C2216	1,229.00
304/10	1,359.63
347.03/0061	1,088.00
368.06/2C0270	1,180.44
444.07/0003	1,311.00
444.07/0029	1,361.00
449/0006.19C0139	1,255.00
449/10.14C1579	1,518.00
451/0011.03	300.00
523/003	1,195.00
<u>546/0187</u>	<u>1,207.00</u>
TOTAL	\$ 22,663.10

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

ATTEST: _____

BOROUGH OF SAYREVILLE

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/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-257

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY TO SPEARHEAD PUBLIC SUPPORT
TO COMPEL VERIZON TO FULFILL ITS OBLIGATIONS TO
NEW JERSEY TAX PAYERS AND THE BOARD OF PUBLIC UTILITIES TO
ESTABLISH FULL HIGH SPEED INTERNET CONNECTIVITY FOR ALL
MUNICIPALITIES THROUGHOUT THE STATE**

WHEREAS, the Borough of Sayreville is aware that, according to published sources, as far back as 1992, Verizon executed an agreement with the New Jersey Board of Public Utilities that obligated the utility to provide high speed internet connectivity throughout the entire State of New Jersey so that all New Jersey residents would have the option to purchase high speed internet service, which the Board acknowledged was a worthwhile and necessary goal that was in the interest of the state's taxpayers, and as a matter of public policy; and

WHEREAS, as of July 24, 2013, Verizon has failed to uphold its' obligations under that Agreement; and

WHEREAS, the infrastructure to establish high-speed internet connectivity does not exist in the Borough of Sayreville, for no legitimate reason and only, as the Borough is aware, because utilities wish to avoid the expense of establishing the infrastructure in

the Borough of Sayreville, contrary to the established obligations of Verizon and to the public policy goals of the State, and notwithstanding that nearby municipalities already have that infrastructure in place; and

WHEREAS, the governing body of the Borough of Sayreville is aware that other similar suburban communities are being unfairly denied access to high-speed internet service, which has become an economic and an educational necessity in today's world, and the Borough of Sayreville is leading the effort, with the anticipated support of the state government, to compel public utilities to fulfill their legal and policy obligations to New Jersey taxpayers, and the Borough of Sayreville will forward similar complaints from other municipalities to utilities and to the administration in order to ensure that all voices are heard on this matter; and

WHEREAS, we hereby submit a copy of this Resolution to the Governor's Office and request Governor Christie's intervention and support of this matter; and

BE IT AND IT IS HEREBY RESOLVED by the Governing Body of the Borough of Sayreville that:

1. Verizon should immediately fulfill its obligation to provide the infrastructure for high-speed internet connectivity to the Borough of Sayreville and to all other similar suburban communities throughout the State of New Jersey, as a matter of Verizon's stated agreement to do so with the New Jersey Board of Public Utilities, which dates back a matter of decades, and as a matter of sound public policy;
2. A copy of this Resolution shall be fully available to the public and to other suburban municipalities who can benefit from the Borough's assistance in compelling Verizon to fulfill its obligations and to help New Jersey achieve its long-standing goal of full internet connectivity for all New Jersey municipalities. Any municipalities who request the Borough's assistance in this effort should so contact the Municipal Clerk of the Borough of Sayreville; and
3. A copy of this Resolution shall be delivered to the Office of The Governor, along with the Borough's request for the Christie administration's assistance in achieving the Borough's goals in this matter.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-258

BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for all annual Professional Services Proposals for the year 2014.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013 - 259
A RESOLUTION OF THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING
THE EXECUTION OF AN INSURANCE SERVICES AGREEMENT
WITH RELIANCE INSURANCE GROUP, LLC

WHEREAS, the Borough of Sayreville provides a complete benefits package to its employees, which includes provisions of health benefit services; and

WHEREAS, the Borough has investigated various options for providing comprehensive health benefits to its employees in a more cost effective manner; and

WHEREAS, the Borough has determined that the health insurance needs of the Borough can be provided by Reliance Insurance Group, LLC in both a cost effective and comprehensive manner; and

WHEREAS, N.J.S.A. 40A:11-5(1)(m) provides for the purchase of insurance coverage and consultant services without the need for public bidding in accordance with the requirements for extraordinary un-specifiable services; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500.00, bringing the contract within the purview of P.L. 2004, c.19 as amended by P.L. 2004, c.51 (N.J.S.A. 19:44A-20.5 et seq.) and P.L. 2005, c.271 (N.J.S.A. 19:44A-20.26); and

WHEREAS, the term of this Contract shall be made from November 1, 2013 until October 31, 2014, unless sooner terminated in accordance with law and the contract; and

WHEREAS, Reliance Insurance Group, LLC has indicated that it will provide the services required at a commission to be paid by the insurance provider; and

WHEREAS, Reliance Insurance Group, LLC will complete and submit a Business Entity Disclosure Certification, which Certification provides that no contributions have been made that would bar the award of these contracts pursuant to P.L. 2004, c.19 and, further, that no reportable contributions to municipal political or candidate committees of the elected officials of the Borough will be made through the term of these contracts; and

WHEREAS, Reliance Insurance Group, LLC will complete and submit the Political Contribution Disclosure Form required pursuant to P.L. 2005, c.271, which form will be on file with the Municipal Clerk ten (10) days following to the adoption of this Resolution.

BE IT AND IT IS HEREBY RESOLVED by the Governing Body of the Borough of Sayreville that:

1. The above recitals are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. The Borough Council hereby authorizes the Mayor, or the Business Administrator of the Borough of Sayreville, to execute an agreement with the Reliance Insurance Group, LLC for the provision of health insurance broker services for a term commencing November 1, 2013 and ending October 31, 2014, unless sooner terminated in accordance with law and the contract.
3. The authority conferred hereunder shall include authority to all designated individuals to perform any and all tasks, and execute any and all documents, in connection with the provision of health insurance

brokerage services in order to affect the purposes of this Resolution as set forth hereunder.

4. The award of the herein contract shall be published in the official newspaper of the Borough of Sayreville setting forth the "nature, durations, service, and amount of the contract" and a copy of the contract and this Resolution shall be on file in the office of the Clerk of the Borough for public inspection during regular business hours pursuant to N.J.S.A. 40A:11-5(1)(a)(ii); and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and;

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification, Political Contribution Disclosure Form, and the Determination of Value be placed on file with this Resolution.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013 - 260

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A RISK MANAGEMENT CONSULTANT'S AGREEMENT WITH NORTH AMERICAN INSURANCE MANAGEMENT CORPORATION (NAIMC)

WHEREAS, the Borough of Sayreville (the "Borough") is a member of the Middlesex County Joint Insurance Fund (JIF); and

WHEREAS, the Borough desires the services of a consultant to provide professional risk management services to be compensated by the JIF; and

WHEREAS, the Borough has determined that the Borough's needs may be met by North American Insurance Management Corporation in both a cost effective and comprehensive manner; and

WHEREAS, N.J.S.A. 40A:11-5(1)(m) provides for the purchase of insurance coverage and consultant services without the need for public bidding in accordance with the requirements for extraordinary un-specifiable services; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500.00, bringing the contract within the purview of P.L. 2004, c.19 as amended by P.L. 2004, c.51 (N.J.S.A. 19:44A-20.5 et seq.) and P.L. 2005, c.271 (N.J.S.A. 19:44A-20.26); and

WHEREAS, the term of this Contract shall be from November 1, 2013 until October 31, 2014, unless sooner terminated in accordance with law and the contract; and

WHEREAS, North American Insurance Management Corporation will complete and submit a Business Entity Disclosure Certification, which Certification will provides that no contributions have been made that would bar the award of these contracts pursuant to P.L. 2004, c.19 and, further, that no reportable contributions to municipal political or candidate committees of the elected officials of the Township will be made through the term of these contracts; and

WHEREAS, North American Insurance Management Corporation will complete and submit the Political Contribution Disclosure Form required pursuant to P.L. 2005, c.271, which form will be on file with the Municipal Clerk ten (10) days following to the adoption of this Resolution.

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

1. The recitals set forth above are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Mayor or the Business Administrator of the Borough of Sayreville is hereby authorized to execute an agreement with North American Insurance Management commencing November 15, 2013 and terminating on April 14, 2014, which shall provide that all payment for the performance of the services contemplated thereunder shall be the responsibility of the Middlesex County Joint Insurance Fund; and

BE IT FURTHER RESOLVED that the award of the herein contract shall be published in the official newspaper of the Borough setting forth the "nature, duration, service, and amount of the contract" and a copy of the contract and this Resolution shall be on file in the office of the Borough Clerk for public inspection during regular business hours pursuant to N.J.S.A. 40A:11-5(1)(a)(ii); and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification, Political Contribution Disclosure Form, and the Determination of Value be placed on file with this Resolution.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013-261

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for One (1) Wildland Urban Interface Fire Truck and that he be paid for said services at a fee not to exceed \$1,500.00.

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
Daniel Buchanan, Council President
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-262

BE IT AND IT IS HEREBY RESOLVED that the proper borough official are hereby authorized and directed to execute the renewal an Interlocal Services Agreement between the Borough of Sayreville and the Board of Fire Commissioners of Fire District #1 in the Township of East Brunswick for Fire Protection Services in the "Old Bridge" section of Sayreville and along Bordentown Avenue up to Jernee Mill Road for the period covering 2012-2015.

/s/ Daniel Buchanan
Council President
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013 - 263

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE MAYOR AND BOROUGH CLERK TO
PARTICIPATE IN THE MIDDLESEX COUNTY
COOPERATIVE PURCHASING SYSTEM (218MCCCPS)**

WHEREAS, the Borough of Sayreville desires to become a member of the Middlesex County Cooperative Purchasing System (218MCCCPS) effective November 1, 2013 and, that such membership shall be for the period ending December 31, 2014, and each renewal, thereafter of the system, unless the Borough of Sayreville elects to formally withdraw from the system; and

BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute any Agreement which allows the Borough of Sayreville to purchase goods and/or services from the Middlesex County Cooperative Pricing System (218MCCCPS).

/s/ William Henry, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-264

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for HVAC Replacement, Repair & Maintenance Services and that he be paid for said services at a fee not to exceed \$1,500.00.

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/ William Henry, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-265

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear in Closeout Contract Change Order No. 1:

- Project: Melrose Firehouse parking Lot Improvement Project
- Contractor: Thor Construction Group, LLC
39 Girard Avenue
West Long Branch, NJ 07764
- Net Decrease: \$12,442.88
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

1. That the recommendation and approval of said Borough Engineer referred to above and in said Closeout Change Order be and the same is hereby accepted and approved:
2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**
/s/ Theresa A. Farbaniec, RMC /s/ Kennedy O'Brien
Municipal Clerk Mayor

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RESOLUTION #2013-266
ACCEPTING FINAL WORK AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD

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

- Project: Melrose Firehouse parking Lot Improvement Project
- Contractor: Thor Construction Group, LLC
39 Girard Avenue
West Long Branch, NJ 07764
- Balance Due: \$ 13,918.34

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

WHEREAS, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined

that it has been completed in apparent conformity with the plans and specifications; and

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

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.

2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.

3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.

4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$27,917.12 and the approval of same as to form and sufficiency by the Borough Attorney.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

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RESOLUTION #2013-267

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, 2012 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/ Mary J. Novak, Councilwoman
(Admin. & Finance Committee)

ATTEST: _____ BOROUGH OF SAYREVILLE

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

NO PHOTO COPIES OF SIGNATURES
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 (L.S.)

/s/ Dan Buchanan, Council President (L.S.)

/s/ David McGill, Councilman (L.S.)

/s/ Lisa Eicher, Councilwoman (L.S.)

/s/Ricci Melendez, Councilman (L.S.)

/s/ William J. Henry, Councilman (L.S.)

/s/ Mary J. Novak, Councilwoman (L.S.)

RESOLUTION #2013 - 268

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF
UTILITY AGREEMENT UECA-3-35 SB CLIFF-133280 (SEWER)**

WHEREAS, the State of New Jersey is to undertake the design and construction of Route 35 SB Cliff Avenue to U.S. Route 9 located in the City of South Amboy and the Borough of Sayreville; and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing sanitary sewer system which is owned and operated by the Borough of Sayreville; and

WHEREAS, the Borough has a legal right to occupy public right-of-way and the project will have no impact on that right; and

WHEREAS, the State of New Jersey will bear all costs and expenses in order for the project to be completed, and will reimburse the Borough for its actual costs for design, review, approval and inspection, for the protection, relocation or adjustment of its existing facilities to accomplish this Project; and

WHEREAS, the Governing Body of the Borough of Sayreville has determined that entering into a Utility Agreement UECA-3-35 SB CLIFF-133280 (Sewer) is in the best interests of the Borough of Sayreville's residents.

BE IT AND IT IS HEREBY RESOLVED by the Governing Body of the Borough of Sayreville that the Borough Administrator is hereby authorized to execute Utility Agreement UECA-3-35 SB CLIFF-133280 (Sewer).

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and;

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013 - 269

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF
UTILITY AGREEMENT UECA-3-35 SB CLIFF-133280 (WATER)**

WHEREAS, the State of New Jersey is to undertake the design and construction of Route 35 SB Cliff Avenue to U.S. Route 9 located in the City of South Amboy and the Borough of Sayreville; and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing water distribution system which is owned and operated by the Borough of Sayreville; and

WHEREAS, the Borough has a legal right to occupy public right-of-way and the project will have no impact on that right; and

WHEREAS, the State of New Jersey will bear all costs and expenses in order for the project to be completed, and will reimburse the Borough for its actual costs for design, review, approval and inspection, for the protection, relocation or adjustment of its existing facilities to accomplish this Project; and

WHEREAS, the Governing Body of the Borough of Sayreville has determined that entering into a Utility Agreement UECA-3-35 SB CLIFF-133280 (Water) is in the best interests of the Borough of Sayreville's residents.

BE IT AND IT IS HEREBY RESOLVED by the Governing Body of the Borough of Sayreville that the Borough Administrator is hereby authorized to execute Utility Agreement UECA-3-35 SB CLIFF-133280 (Water).

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and;

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Municipal Clerk Farbaniec read the following Resolution into record:

RESOLUTION #2013 - 270

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING CURFEW FOR OCTOBER 30 AND 31, 2013**

WHEREAS, the Borough of Sayreville, Middlesex County, New Jersey (hereinafter "Borough") is concerned with the safety and welfare of its citizens; and

WHEREAS, in the past certain incidences have occurred to property in the Borough on the nights of October 30th and October 31st.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Sayreville, County of Middlesex and State of New Jersey, that a curfew be imposed on all persons under the age of eighteen (18) years on October 30th and October 31st, 2013 between the hours of 8:00 p.m. and 6:00 a.m. on all public streets, playgrounds, public buildings or places of business where the public is invited. This curfew will not apply to persons under the age of eighteen (18) years who are accompanied by their parent, guardian or other adult person having custody or control of them, and traveling from place of employment to their home, are traveling from a function sponsored by a religious, school, civic or other properly supervised event or

program to their home, are traveling from a place at which a bona fide, supervised, social meeting, gathering or assemblage has taken place to their home.

/s/ Lisa Eicher, Councilwoman

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

Mayor opened the meeting up to the public for questions or comments on Resolution #2013-270.

No one appeared.

Councilwoman Eicher moved the Public Hearing be closed and the resolution be approved on roll call vote. Seconded by Councilwoman Novak.

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

Mayor asked the clerk to forward the resolution to all the schools for distribution and that it be announced. Councilwoman Eicher also said the police chief would be sending out a NIXEL regarding the curfew.

Business Session Agenda - October 28, 2013
COMMUNICATIONS & COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE - Councilwoman Novak**

a) **Minutes & Departmental Reports:**

- Councilwoman Novak mad a motion to have the following Minutes and or Reports be Received & Filed:

- 1) Municipal Clerk's Report for the months of August & Sept., 2013
- 2) Investment Activities Report for the months of August & Sept., 2013
- 3) Office on Aging Report for the month of Sept., 2013

-Motion seconded by Councilman Buchanan.

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

- 1) New Beginnings Animal Rescue to conduct a Tricky Tray and an On-Premise 50/50 on January 17, 2014 #RL:1830 & RL:1831.
- 2) St. Stanislaus Kostka HSA to conduct an On-Premise Draw Raffle, an Off-Premise 50/50 and an On-Premise Non Draw Raffle on December 8, 2013 #RL:1832, RL:1833 & RL:1834. -Approved.

c) Committee Report - Progress.

• **PLANNING & ZONING - Councilman McGill**

a) **Minutes & Departmental Reports:**

Councilman McGill made a motion to have the following Minutes/Reports be Received & Filed:

- 1) Planning Board Minutes of Oct. 2, 2013
- 2) Board of Adjustment Minutes of Sept. 25, 2013

- Motion seconded by Councilman Henry.

b) Received the following **Planning Board Resolution** which was **Memorialized on October 16, 2013.**

- Crossman Industrial Development Major Subdivision, Block 251, Lot 1

Main St. & Kennedy Dr. for Preliminary and Final Major Site Plan & Bulk Variance.
- Motion to receive and file seconded by Councilman Henry.

c) Correspondence received from the Planning Board that on Oct. 16, 2013 they voted to recommend the adoption of the amendments to the Sayreville Landfill and Melrose Redevelopment Plan.

- Action held over until the next meeting.

d) Notice received from the Perth Amboy Planning Board on the Public Hearing on the Adoption of the Recreation Element of the Master Plan of the City of Perth Amboy.

- Receive & File.

e) Committee Report:

1) Co. McGill commented on Fran O'Conner being here tonight explaining their experiences through the storms and on Historian Jason Slesinski presenting pictures of Sayreville's past and how someday today will be tomorrows past.

• **PUBLIC WORKS – Councilman Henry**

a) **Minutes & Departmental Reports:**

Councilman Henry moved the following Minutes/Reports be Received & Filed:

- 1) Buildings & Grounds Report for the months of May – Aug., 2013
- 2) Parks Division Report for the months of Aug. & Sept., 2013
- 3) Recycling Coordinator's Reports for the months of June – Aug., 2013
- 4) Road Division Report for the months of Aug. & Sept., 2013
- 5) Garage Services Report for the months of June – Sept., 2013
- 6) Sanitation Division Report for the months of Aug. & Sept., 2013

- Motion seconded by Councilman Buchanan.

b) Request for authorization to purchase one (1) 2013 Ford F250, 4WD Pickup Truck with Utility Body from DFFLM, LLC, t/a Ditschman Flemington Ford, 215 Routes 202 & 31, Flemington, NJ, through State Contract #A83577 T2100 at an amount not to exceed \$27,000.00. - Approved / Resolution for Nov. 12, 2013.

c) Committee Reports:

- 1) Commented on the remarks made by Frank O'Connor.

• **RECREATION – Councilwoman Eicher**

a) Committee Reports – Councilwoman Eicher:

1) Thanked everyone who participated, helped or volunteered for the Halloween Trick or Truck Event.

2) Reported that the Winter Festival which replaced the Holiday Parade will take place on Dec. 8th from 4 till 7 PM.

3) Congratulated the Sayreville War Memorial High School Marching Band on their First Place win in Group 3a at the Tournament of Bands Greater New York/New Jersey win in the Metro Region Championship held at West Essex Regional High School. She requested that they attend an up-coming meeting and be recognized by the Council.

4) Asked if the Engineer or Business Admin. if they knew why the trees in the park on Bordentown Avenue Park were taken down as well as the trees along Raritan St. by the motel heading towards the Rt. 35 overpass along the ramp on Rt. 9.

-Mayor said that he had received numerous complaints about the same issue and spoke with the Shade Tree Commission who informed him that they were diseased. He said that the Shade Tree were also asked to come up with a replacement plan.

Councilman Henry responded that So. Amboy Mayor Henry informed him that the request came from PSEG and JCPL to remove the trees because of an issue they had during Hurricane Sandy.

Councilwoman Eicher commented on what the people of Weber Ave. and the Old Bridge section went through during the past storms. She told to keep on fighting.

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

a) **Minutes & Departmental Reports:**

Councilman Melendez a motion to receive and file the following reports:

- 1) Water & Sewer Directors Report for the months of Aug. & Sept., 2013

Motion was seconded by Councilman Henry.

b) Environmental - Received notification from the DEP seeking public comment on their intent to approve an Air Pollution Control Operating Permit Renewal for EFS Parlin Holdings, LLC, 790 Washington Rd. Comments must be received by Nov. 24, 2013. - Receive & File.

c) Committee Reports-

- 1) Councilman Melendez gave a report on the IT Status throughout the Borough and its operations and what IT deficiencies there are and the need for improvement.

- **PUBLIC SAFETY – Council President Buchanan**

a) **Minutes & Departmental Reports:**

Councilman Buchanan made a motion to have the following Minutes/Reports be Received & Filed:

- 1) Board of Health Minutes of September 5, 2013
- 2) Court Administrator's Report for the months of Aug. & Sept., 2013
- 3) Fire Prevention Report for the months of Aug. & Sept., 2013
- 4) Board of Health – Registrar's and County Report for the Months of June – Sept., 2013. - Receive & File.

Motion was seconded by Councilman Henry.

b) Request received from Fire Chief George Gawron to utilize three vehicles scheduled to be scrapped for extrication drills, department training and certifications.

- Approved.

c) Firemen's Applications received from Alfred E. Gawron, III and Christopher Mierzwiak as a regular members of the Melrose Hose Co. No. 1. He was accepted at their Oct. 2013 meeting.

- Approved.

d) Committee Reports-Co. President Buchanan:

- 1) Councilman Buchanan thanked all who volunteered their time during the Halloween Parade and Trick or Trunk event.
- 2) Commented to Fran O'Connor and her committees on their conviction on the long road they endured through all the floods and for her kind words to the borough employees, volunteers, first responders and officials.
- 3) Thanked the fire department for their continued hard work and to the Veterans for all they do.

- **MAYOR – Kennedy O'Brien**

- 1) Mayor reported that Fr. Ryan and the parishioners of Our Lady of Victories Church were honored by the Bishop at the Flame of Charity Event for their work for the community and residents during Hurricane Sandy

2) Mayor announced that the Army Corp. will be holding another meeting here on November 7, 2013 at 7PM in Council Chambers to discuss Munitions disposal. The matter was further explained by the Engineer.

3) He wished all candidates good luck in the upcoming election.

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

- **Admin. & Finance**

1) Authorization to Introduce an Ordinance to renew the five year residential property tax abatement as outlined in the request received from the Tax Assessor.

- Ordinance to be introduced on Nov. 12, 2013.

- **Public Safety**

1) Request received from Middlesex County Alliance Coordinator as well as Elyse Barone, Municipal Alliance Coordinator for a Resolution authorizing the extension of the Governor's Council on Alcoholism and Drug Abuse Fiscal Grant for six months from January 1, 2014 to June 30, 2014. This agreement is contingent upon meeting the 25% Cash match and 75% In-Kind match grant requirement.

- Resolution.

- **Public Works**

1) Authorization to execute an Interlocal Services Agreement between the Borough of Sayreville and the County of Middlesex for Road Line Striping of five Municipal roads.

- Resolution.

Water & Sewer

1) Authorization to appoint an employee in the Water & Sewer Dept. as Interim Supervisor-Water & Sewer due to the absence of that Supervisor.

- Resolution.

- **Personnel**

Closed Session Item – Tax Appeal

• **C.F.O.- Wayne Kronowski**

1. Bill List Resolution

2. 2013 Budget Transfer Resolution

3. Resolution cancelling Improvement Authorization balances.

4. Resolution cancelling Grant balances.

5. Resolution amending 2013 Budget for Grants awarded after the adoption of the budget:

Clean Communities	\$68,175.15
Safe Corridors, Highway Safety	\$47,927.20
Bureau of Justice Assistance, Bullet Proof Vest Partnership	\$22,552.38
Safe and Secure Communities	\$60,000.00

• **BOROUGH ENGINEER - Jay Cornell**

• **BOROUGH ATTORNEY - Michael DuPont**

- 1) VFW Memorial Post #4699 Deed of Easement – Authorization for the VFW to execute a Deed of Easement Agreement for the construction of a natural gas pipeline and natural gas metering station on VFW property. This in turn would provide the VFW needed revenue.

Mayor called for a motion on this item.

So moved by Councilman Buchanan and seconded Councilman Melendez.

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

- Resolution.

- 2) Mr. DuPont asked the council to review the next two items he prepared and distributed.
 - Handbill Ordinance.
 - Do Not Knock Information.

PUBLIC PORTION

Mayor opened the meeting to the public for any and all issues.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt St.
 - Thanked Fran O'Connor and her committee for their dedication and commitment o Weber Avenue and area.
 - Complained that there was no road line striping on Chevalier Avenue from the Main St. Extension to the Bridges and that the light is out again at the end of Main St. Extension. Engineer said that he would talk to the Dept. of Public Works.
 - Caution light is out at Pulaski Ave.
 - Batista Court was never paved properly.
 - Questioned who EPS Parlin Holdings, LLC was and why they needed a EPA permit.
- Response was that was the Co-Generation Plant.

No further questions or comments. Councilwoman Novak made a motion to close the public Portion. Motion seconded by Councilman Henry.

Roll Call: Voice Vote, all ayes.

Mayor O'Brien addressed Fran O'Connor, Ellen Bednarz and Larry Gates on the long journey and that they should stand tall and proud. He said that there was no loss of life and that you could replace property, although the borough will now be loosing a neighborhood and that is irreplaceable.

- **EXECUTIVE SESSION ITEMS** - Contract Negotiations, Personnel & Tax Appeals.

10 minutes- 8:15 PM.

Mayor O'Brien announced that the Council will be going into Closed Session and they do not expect any action to be taken when we reconvene.

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

Attorney DuPont read the following Resolution into record:

RESOLUTION FOR CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 10 minutes to discuss the following matters:

- Contract Negotiations, Personnel & Tax Appeals.

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

NOW, THEREFORE BE IT RESOLVED that the public be excluded and this resolution shall take effect immediately.

/s/ Daniel Buchanan, Council President

APPROVED:

/s/ Kennedy O'Brien
Mayor

Council President Buchanan moved the Executive Session Resolution be adopted on Roll Call Vote. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes. Carried.
Time: 8:15 PM

• **RECONVENE**

Councilwoman Novak moved to reconvene the meeting. Motion was seconded by Council President Buchanan.

Roll Call: Voice Vote, all Ayes.

Time: 8:27 P.M.

• **ADJOURNMENT**

No further business.

October 28, 2013
Combined Meeting

493

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

Roll Call: Voice Vote, all Ayes.

Time: 8:27P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

11/25/13
Date Approved