

Regular and Agenda meeting of the Mayor and Borough Council held on Monday, June 27, 2011, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 6:32 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Deputy Municipal Clerk Garbowski announced that this regular 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:**

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

Absent: Councilman Perrette (excused absence), Business Administrator Bertrand

Others Present: Deputy Municipal Clerk Garbowski
Engineer Cornell
Attorney DuPont
CFO Kronowski

Mayor announced that Business Administrator Bertrand was absent tonight as he is coaching his All-Star little league team onto victory. We are all very proud of them.

Mayor called forward scout Joseph Cuzo.

Mr. Cuzo stated he was here tonight for is Assistanceship in the Community Merit Badge.

Mayor asked for a motion to approve the following Regular Council Meeting minutes:

March 28, 2011

April 11, 2011

Motion made by Council President Kelly. Seconded by Councilman Buchanan.

Roll Call: Councilpersons Bella, Buchanan, Eicher ,Henry, Kelly - All Ayes

Mayor called on the Borough Attorney to address old business.

Attorney DuPont made the recommendation that Resolution #2011-138, a resolution denying the renewal of PRCL #1219-33-001-012 Sting Rays t/a Deko Lounge pending hearing on charges, be tabled and that the license be continued in operation. There is a hearing schedule for July 25th at which time the reasons for the denial would be stated. His recommendation is to allow that to occur. This will avoid any unnecessary litigation costs and court appearances prior to that date.

Mayor asked for a motion to table Reso #2011-138.

Motion made by Council President Kelly. Seconded by Councilman Henry.

Roll Call: Councilpersons Bella, Buchanan, Eicher ,Henry, Kelly - All Ayes

Mr. Pape, attorney for Stingrays, stated he appreciated the action and asked if it is correct that the license stay in full force and effect until that time.

Attorney DuPont replied it did.

Mayor then asked for New Business.

Deputy Clerk Garbowski read the following ordinance introduction into record:

ORDINANCE #161-11
AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES
FOR THE YEARS 2009, 2010, 2011 AND 2012

(Co. Perrette – Public Hearing July 11, 2011)

Motion made by Council President Kelly that the ordinance be approved on first reading, advertised by law and a public hearing to be held on July 11, 2011. Seconded by Councilman Henry.

Roll Call: Councilpersons Bella, Buchanan, Eicher, Henry, Kelly – All Ayes

Mayor opened the Public Portion on the Consent Agenda Items.

- Gladson Samuel, Contract Administrator of Tomar Construction Services

Reiterated some points of a letter that was given to the Council prior to the meeting regarding their objection of the award of Bordentown Avenue Water Treatment Plant Expansion bid to Allied Construction Group.

Borough Attorney DuPont interjected that Mayor and Council had in fact read the letter and it is on record.

Mayor stated the boss of Tomar Construction contacted him about the situation. The professionals advised him that within the communications the boss stated was the statement that he will sue the borough. With that statement being made the discussion is then in pending litigation which the governing body is not allowed to discuss at this time. They may listen to his comments but they cannot reply.

Mr. Samuel then stated for the record Tomar Construction Services is the low bidder of record for the Bordentown Avenue Water Treatment Plant Expansion project. Tomar complied with all N.J.S.A. statutes in preparing the bid. They object to the award of the bid to Allied Construction, they did not receive any correspondence from the borough with regard to deficiencies in their bid. Tomar contests the passing of both resolutions (awarding bid to Allied and rejecting Tomar's bid).

Mayor asked for a motion to close the public portion and approve all consent agenda resolutions.

Motion made by Council President Kelly. Seconded by Councilman Henry.

Roll Call: Councilpersons Bella, Buchanan, Eicher, Henry, Kelly – All Ayes

RESOLUTION #2011-137

WHEREAS, all bills submitted to the Borough of Sayreville covering services, work, labor and material furnished the Borough of Sayreville have been duly audited by the appropriate committee;

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

That all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

/s/ Kennedy O'Brien
Mayor

/s/ Frank J. Bella
Councilman Frank J. Bella

/s/ William J. Henry
Councilman William J. Henry

/s/ Daniel Buchanan
Councilman Daniel Buchanan

/s/ Kenneth P. Kelly, Sr.
Councilman Kenneth P. Kelly, Sr.

/s/ Lisa Eicher
Councilwoman Lisa Eicher

Absent
Councilman Nicholas J. Perrette

**Bill list of June 27, 2011, in the amount of \$445,607.76
(Bill List – See Appendix 2011-A for this date, in a separate Bill List
File for 2011)**

RESOLUTION NO. 2011-138

**RESOLUTION AUTHORIZING THE COUNCIL OF THE BOROUGH
OF SAYREVILLE TO DENY THE RENEWAL OF LIQUOR
LICENSE #1219-33-01-012, STING RAY, INC., t/a DEKO LOUNGE**

WHEREAS, N.J.S.A. 33:1-1 et seq. contains guidelines governing the rules and regulations regarding the application and issuance of retail licenses for the sale of alcoholic beverages; and

WHEREAS, N.J.S.A. 33:1-24 authorizes the Borough of Sayreville as the issuing authority to investigate applicants, conduct public hearings on applications and revocations, to renew and issue plenary retail consumption licenses, and to enforce the rules and regulations as well as the provisions of the New Jersey Alcohol Beverage Control Law; and to do, perform, take and adopt all other acts, procedures and methods designed to insure the fair, impartial, stringent and comprehensive administration of the New Jersey Alcohol Beverage Control Law; and

WHEREAS, an application has been filed for the renewal of Plenary Retail Consumption License Number 1219-33-001-012, heretofore issued to Sting Rays, Inc., for premises located at 1979 Route #35 So., P.O. South Amboy, New Jersey for the year 2011/2012 license term; and

WHEREAS, the Police Department has recommended that the liquor license held by Sting Rays, Inc. not be renewed pending the outcome of Charges filed on June 22, 2011 relative to incidents which occurred on or about May 3, 2011 and May 25, 2011 which was in violation of N.J.A.C. 13:2-236a2; N.J.A.C. 13:2-23.6a3.

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

1. The Borough Council hereby deny the renewal of Plenary Retail Consumption License No. 1219-33-001-012, Sting Rays, Inc., t/a Deko Lounge, 1979 Route 35 South, P.O. South Amboy, New Jersey pending the outcome of said charges.

2. All officers, employees, agents and professionals of the Borough are hereby authorized and directed to perform the tasks and execute the documents that will affect the purpose and intent of this Resolution.

3. A certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P.O. Box 087
Trenton, NJ 08625-0087
- b. Chief, Sayreville Police Department
- c. Stingray's Inc.

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

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

BOROUGH OF SAYREVILLE
RESOLUTION #2011-139
APPROVING LIQUOR LICENSES
FOR THE CALENDAR YEAR 2011-2012

WHEREAS, applications have been duly filed for renewal of certain liquor licenses in the Borough of Sayreville for the license year July 1, 2011 to June 30, 2012; and

WHEREAS, all of said applicants have complied with the necessary requirements, including filing of applications, payment of fees, etc.

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

1. That Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses be and they are hereby approved and authorized to be issued by the Borough Clerk to all parties listed in schedule "A" annexed hereto and made a part hereof, with the following ***exceptions***:

- 1219-33-001-012 Sting Ray's, Inc., t/a Deko Lounge
(Conditions)
- 1219-33-002-007 439 Corporation, t/a Bourbon Street
(Conditions)
- 1219-33-007-005 Pat's Pub, Inc. **(Conditions)**
- 1219-33-010-005 219 Washington Road, LLC, t/a Big Shots
(Conditions)
- 1219-33-011-008 `Ethan H. LLC, t/a Prime Time Sports Bar **(Conditions)**
Application and fees not filed.

11219-33-012-007	Pub 35, LLC, t/a the Ale House (Conditions)
1219-33-018-009	Marullo 2, LLC, - Pocket License (Conditions)
1219-33-020-003	Deerfield Inn, LLC – Pocket License Special Ruling Required 2011/2012
1219-33-021-009	Gianna's, Inc., t/a Cagney's Pub & Restaurant (Application, Fees, Special Ruling Required, Conditions, not renewed in 2010/2011)
1219-33-022-003	Stock Enterprise, Inc.- Pocket (Conditions)
1219-33-028-008	Victory Entertainment, Inc. – Pocket License (Conditions, Special Ruling Required)
1219-33-031-005	Shiv Akshar, LLC, Rajesh T. Patel – Pocket License (Special Ruling Required)
1219-33-033-007	AC & VC, Inc. (Anna Covello) (Conditions)
1219-33-040-005	Karen E. Benzer, Esq. Chapter 7 Trustee for the Debtor Sayreville Bar, LLC (Special Ruling Required)
1219-33-043-005	Shri Hans, LLC – Pocket License (Special Ruling Required 2010-2011 & 2011/2012 Not Renewed 2010/2011)
1219-33-044-006	F & B Associates of NJ, LLC t/a Starland Ballroom (Conditions)
1219-33-045-006	PSP Pride Corp., t/a Last Call (Conditions)
1219-33-046-005	Three P's, Inc., t/a O'Garrafao Restaurant & Cervejaria (Conditions)
1219-33-052-005	Flamingo Liquor, LLC, t/a Cabanas Bar & Restaurante – Pocket License (Conditions- Corrected Application must be filed, Tax Clearance 2010/2011 & 2011/2012 , Special Ruling Required)
1219-33-056-007	Chingari Fine Dining – Pocket License (Special Ruling Required 2011/2012)
1219-33-058-007	Shooters, Inc., t/a Club Abyss (Conditions)
1219-33-067-006	Marcantino Palmieri, t/a Paramount Diner (Need Tax Clearance 2008-2009 through 2011/2012 terms, Not renewed for 2008-2009, Special Ruling Required)

2. That the proper Municipal Officials be and they are hereby authorized to execute any and all other instruments necessary to carry out the intent and purpose of this resolution.

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

2011/2012 LIQUOR LICENSES RENEWAL LIST**Resolution #2011-139 - Attachment "A"**

LICENSE #	LICENSEE	LOCATION
1219-44-003-007	Fancy Corner Caterers	508-510 Raritan St. Sayreville
1219-33-004-002	Bailey's Tavern, Inc. Buddies Tavern	277 Johnsons Ln Parlin 08859
1219-33-006-008	Ayush & Chandni Corp. Main St. Liquors	881 Main St. Sayreville
1219-33-013-007	Highway Corp., t/a Road House Bar & Grill	1 Melrose Ave South Amboy 08879 Mail: 24 Daisy Ct. Sayreville, 08872
1219-33-019-009	Costa Verde Corp. Costa Verde Restaurant	U.S. Rt. 9 & 35 South Amboy
1219-33-023-004	Teddy's Bar Inc., t/a Teddy's Bar	378-381 So. Pine Ave. So. Amboy 08879
1219-33-024-006	Tapan Liquors, LLC, t/a Express Liquors	Former address 404 Washington Rd.
1219-33-025-008	Masaniello, LLC t/a Pulcinella Rest & Pizza	3067 Bordentown Ave Parlin 08859
1219-33-027-002	Peterpank Diner	967 Rt. #9 No. South Amboy 08879
1219-33-030-005	Mayerboys, Inc. Mail: PO Box 945 Matawan, 07747	Old Spye Road, Blk 547, Lot 2, So. Amboy 08879
1219-33-032-006	Black Betty's Saloon, Inc.	6290 Route #35, No South Amboy 08879
1219-33-034-009	Camillo's Restaurant & Pizza, Inc.	31 MacArthur Avenue Sayreville, NJ 08872
1219-44-035-003	Mitthu, Inc.	467 South Pine Ave South Amboy 08879
1219-33-038-002	Rondesko Properties Inc., t/a Brick House Bar & Grill	267 Washington Road Sayreville 08872
1219-33-039-003	Norman's Tavern, LLC	363 Main St., Say Mail: 148 Standiford Ave.
1219-44-041-004	MA Management LLC, t/a Sayreville Bridge Liquors	32 Washington Rd. Sayreville 08872
1219-44-042-005	Kushal Corporation, t/a Express Liquors	499 Ernston Rd. Parlin 08859
1219-44-047-007	P.T. Waterfront, Inc. t/a Sayreville Plaza Wines & Liquors	960 Rt. 9 So. Sayreville Plaza, Unit 111B & 113 South Amboy 08879
1219-33-048-005	Columbian Club Inc	775 Washington Road Parlin, 08859
1219-33-051-004	K & K Beverage, Inc.	17 Thomas St. Sayreville 08872
1219-33-054-005	Bello's Sports Pub Inc Bello's Sports Pub	1 Roosevelt Blvd. Parlin, NJ 08859
1219-33-055-003	Fidelity Funding Corp, t/a Brass Monkey Pub	4500 Bordentown Ave. Sayreville, NJ 08872
1219-33-057-009	986 Restaurant Corp Arirang Hibachi Steakhouse & Sushi Bar	986 Route 9 South Parlin, NJ 08859
1219-33-059-004	Sayreville Memorial Post 4699 VFW of the United States, Inc.	Jernee Mill Road PO Box 1059 Sayreville, NJ 08872

1219-33-060-008	LaMarina, LLC	1776 Highway #35, So. Amboy, 08879
1219-44-061-005	Devta LLC, t/a House of Liquors	2909 Washington Road Parlin, NJ 08859
1219-31-063-001	American Legion Lenape Post 211	240 MacArthur Avenue Sayreville, NJ 08872
1219-31-064-001	Columbus Club Inc	775 Washington Road Parlin, NJ 08859
1219-31-065-001	VFW Old Bridge Memorial Post 7508	17 Bordentown Avenue PO Old Bridge, NJ 08857
1219-31-066-001	Sayreville Memorial Post 4699 VFW Inc.	Jernee Mill Road PO Box 1059 Sayreville, NJ 08872

RESOLUTION #2011-140

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SAYREVILLE
TO RENEW P.R.C.L. # 1219-33-002-007,
439 CORPORATION, t/a BOURBON STREET WITH CONDITIONS
FOR THE 2011-2012 LICENSE YEAR**

WHEREAS, 439 Corporation t/a Bourbon Street (“Bourbon Street” or “Licensee”) is the holder of plenary retail consumption license number 1219-33-002-007 (the “License”), issued by the Council of the Borough of Sayreville as the Issuing Authority (the “Issuing Authority”), for premises located at 1979 Highway #35 South, Sayreville, New Jersey (the “Licensed Premises”) for license year 2011-2012; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.

BE IT FURTHER RESOLVED THAT Plenary Retail Consumption License #1219-33-002-007, 439 Corporation, t/a Bourbon Street, is hereby renewed for the 2011-2012 license year, subject to the following conditions remaining on the license:

1. Licensee shall require all security staff, except for undercover security staff employed by Licensee, to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block letters stating “SECURITY”. This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot to further assist police in identifying security personnel when patrolling or responding to complaints or calls.
2. “Security surveillance videos shall be made available to the Sayreville Police Department within three (3) business days of the Police Department’s request for same.”

WHEREAS, the Mayor and Council of the Borough of Sayreville deem the above conditions necessary and proper to accomplish the objectives of Title 33 of New Jersey’s Revised Statutes;

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P. O. Box 087
Trenton, New Jersey 08625-0087
- b. Chief, Sayreville Police Department

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

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

RESOLUTION #2011-141

**RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF SAYREVILLE TO RENEW
P.R.C.L. #1219-33-007-005, PAT'S PUB,
WITH CONDITIONS FOR THE 2011-2012 LICENSE YEAR**

WHEREAS, Pat's Pub, LLC is the holder of plenary retail consumption license number 1219-33-007-005 (the "License"), issued by the Council of the Borough of Sayreville as the Issuing Authority (the "Issuing Authority"), for premises located at 367 Washington Road, Sayreville, New Jersey (the "Licensed Premises") for license year 2011-2012; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.

BE IT FURTHER RESOLVED THAT plenary retail consumption license number 1219-33-007-005, Pat's Pub, LLC is hereby renewed for the 2011-2012 license year, subject to the following conditions as contained in the Stipulation of Settlement Agreement approved by Resolution #2008-132, adopted on May 27, 2008 and remaining on the license:

1. At least at ½ hourly intervals between the hours of 6:00 PM and closing time (currently 2:00 AM under municipal ordinance), Licensee shall monitor and supervise its patrons as they exit the licensed premises to insure against littering and disorderly conduct, including but not limited to littering on and disorderly conduct affecting neighboring properties. After the licensed Premises closes each night under its regulated hours of operation, Licensee shall have at least one employee or agent inspect the surrounding premises and nearby parcels of property for any refuse, litter, or debris left behind by Licensee's patrons and shall remove all such refuse, litter or debris. Licensee, prior to opening for business on a daily basis, shall inspect the immediate vicinity of the Licensed Premises and remove all litter found in the immediate vicinity.
2. In order to avoid excessive noise emanating from the building, and with the goal of avoiding nuisance to the surrounding neighbors, the Licensee shall take appropriate care to:
 - Keep its windows and doors closed at all times when open for business, especially when music is being played inside the licensed premises.
 - Set and maintain any jukeboxes, sound systems, or any other audio enhancement devices (audio devices) on a low to moderate level.
 - Use available consumer electronic decibel meters, electronic noise limiters or any other sound volume filters in order to measure and limit the audio device sound volume emanating from the Licensed Premises.
3. The Licensee shall make periodic observations of the location of vehicles parked in the immediate vicinity of the licensed premises and announce to and advise its patrons of any

vehicles which are improperly parked, giving patrons notice and opportunity to move such vehicles.

4. Licensee will use its reasonable efforts to avoid patrons from loitering on or about the Licensed Premises and/or on nearby residential properties immediately surrounding the Licensed premises. Licensee will not allow patrons to congregate or loiter in front of its establishment and, if necessary to accomplish that goal, shall post signs indicating "No Loitering" "Loitering" shall not include patrons standing outside the bar for the purposes of smoking, but will include any patrons standing outside the bar, for any purpose, after closing time.

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P. O. Box 087
Trenton, New Jersey 08625-0087

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

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

RESOLUTION #2011-142

**RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF SAYREVILLE TO RENEW
P.R.C.L. #1219-33-010-005, 219 WASHINGTON ROAD, LLC,
WITH CONDITIONS FOR THE 2011-2012 LICENSE YEAR**

WHEREAS, 219 Washington Road, LLC, t/a Big Shots, is the holder of plenary retail consumption license number 1219-33-010-005 (the "License"), issued by the Council of the Borough of Sayreville as the Issuing Authority (the "Issuing Authority"), for premises located at 2047 Route 35 in the Borough of Sayreville, New Jersey (the "Licensed Premises") for license year 2011-2012; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.

BE IT FURTHER RESOLVED THAT plenary retail consumption license number 1219-33-010-005, 219 Washington Road, LLC is hereby renewed for the 2011-2012 license year, subject to the following conditions as contained in the Settlement Agreement approved by Resolution #2010-138, adopted on June 28, 2010 (conditions c&d) and Resolution #2009-162 adopted on July 6, 2009 (conditions a&b) and remaining on the license:

- "(a) The licensee shall be required to employ at least one individual who is solely responsible for security of the licensed premises on Fridays and Saturdays between the hours of 7:00 p.m. and 2:00 a.m. or until closing. The licensee shall require all security staff (except for undercover security staff employed by the licensee) to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block lettering stating "SECURITY." This measure is designed to ensure that security staffers constitute a visible, identifiable, and

adequate security presence to discourage unlawful, disorderly, or hazardous activities within the licensed premises and in the parking lot, to further assist police in identifying security personnel when patrolling or responding to complaints or calls.

- (b) The licensee shall be responsible for ensuring that there will be no parking of motorcycles on the sidewalks adjacent to the licensed premises.”
- (c) Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee’s parking lots and outside premises, as well as all residential areas within a five hundred (500’) feet radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o’clock in the morning (10 AM) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all litter, trash and other discarded items as may be generated by and/or associated with the Licensee’s operation. To the extent that residents within such five hundred (500’) feet radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee’s sole cost. This measure is designed to alleviate any problems associated with the accumulation of empty beverage containers, cans, bottles and other debris that result from the operation of the Licensed Premises.
- (d) Licensee shall cease all sales of alcohol at 1:30AM and shall cease the playing of all music at 1:45AM. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed premises at the same time, resulting in loitering in and around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area;

; and

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P. O. Box 087
Trenton, New Jersey 08625-0087

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

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O’Brien
Kennedy O’Brien
Mayor

RESOLUTION #2011-143

**RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF SAYREVILLE TO RENEW
P.R.C.L. #1219-33-012-007, Pub 35, LLC,
WITH CONDITIONS FOR THE 2011-2012 LICENSE YEAR**

WHEREAS, Pub 35, LLC, t/a The Ale House, is the holder of Plenary Retail Consumption License No. 1219-33-012-007 (the “Licensee”), issued by the Council of the

Borough of Sayreville as the Issuing authority (the "Issuing Authority") for premises located at 1899 Highway No. 35 in the Borough of Sayreville, New Jersey (the "Licensed Premises") for the 2011-2012 license year; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.

BE IT FURTHER RESOLVED THAT plenary retail consumption license number 1219-33-012-007, Pub 35, LLC is hereby renewed for the 2011-2012 license year, subject to the following conditions as contained in the Settlement Agreement approved by Resolution #2010-140, adopted on June 28, 2010 and remaining on the license:

- Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee's parking lots and outside premises, as well as all residential areas within a five hundred (500') feet radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o'clock in the morning (10 AM) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all litter, trash and other discarded items as may be generated by and/or associated with the Licensee's operation. To the extent that residents within such five hundred (500') feet radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee's sole cost. This measure is designed to alleviate any problems associated with the accumulation of empty beverage containers, cans, bottles and other debris that result from the operation of the Licensed Premises.
- Licensee shall install soundproofing equipment and/or take any other necessary steps to limit the escape of sound and vibration from the Licensed Premises, sufficient to ensure that no audible sound is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaints received by members of the council pertaining to the Licensed Premises.
- Licensee shall cease all sales of alcohol at 1:30AM and shall cease the playing of all music at 1:30AM. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed premises at the same time, resulting in loitering in and around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area;

; and

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P. O. Box 087
Trenton, New Jersey 08625-0087

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

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski

/s/ Kennedy O'Brien
Kennedy O'Brien

Deputy Municipal Clerk
(Pocket License)

Mayor

RESOLUTION #2011-144

**RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF SAYREVILLE TO RENEW
P.R.C.L. #1219-33-018-009, MARULLO 2, LLC,
WITH CONDITIONS FOR THE 2011-2012 LICENSE YEAR**

WHEREAS, Marullo 2, LLC, is the holder of Plenary Retail Consumption License No. 1219-33-018-009 (the "Licensee"), issued by the Council of the Borough of Sayreville as the Issuing authority (the "Issuing Authority") for a "pocket license" in the Borough of Sayreville, New Jersey for the 2011-2012 license year; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc;
and

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

WHEREAS, on July 19, 2010, Jerry Fischer, Director of the State Division of Alcoholic Beverage Control, did make a special Ruling to permit the filing of a renewal application of a pocket license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 06-10-6443 for a two-year period, covering the 2010/2011 and 2011/2012 license terms; and

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

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT Plenary Retail Consumption License Number 1219-33-018-009, Marullo 2, LLC (pocket license) is hereby renewed for the 2011-2012 license year, subject to the following conditions as contained in the Special Ruling of the Alcoholic Beverage Control as well as the following Conditions that remain part of the said license:

- That this license has the restriction limiting the purpose of said license for consumption only, and not for the sale of any packaged alcoholic beverages.

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P. O. Box 087
Trenton, New Jersey 08625-0087

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

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

(Pocket License)

RESOLUTION #2011-145
RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF SAYREVILLE TO RENEW
P.R.C.L. #1219-33-022-003, STOCK ENTERPRISE, INC.
T/A COLOSSEUM WITH CONDITIONS
FOR THE 2011-2012 LICENSE YEAR

WHEREAS, Stock Enterprise, Inc. t/a Colosseum ("Stock Enterprise" or "Licensee") is the holder of Plenary Retail Consumption License # 1219-33-022-003 (the "License"), issued by the Council of the Borough of Sayreville as the Issuing Authority (the "Issuing Authority"), for license year 2011-2012; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.

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

WHEREAS, on August 27, 2010, Jerry Fischer, Director of the State Division of Alcoholic Beverage Control, did make a special Ruling to permit the filing of a renewal application of a pocket license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 07-10-6528 for a two-year period, covering the 2010/2011 and 2011/2012 license terms; and

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

BE IT FURTHER RESOLVED THAT Plenary Retail Consumption License Number 1219-33-022-003, Stock Enterprise, Inc. t/a Colosseum, is hereby renewed for the 2011-2012 license year, subject to the following conditions remaining on the license:

1. Licensee or any other transferee, person or entity who may retain a present or future possessory interest in the License must close the Licensed Premises for sixty (60) days of continuous operation after the License has been reactivated. Such sixty (60) day suspension will commence on the thirtieth (30th) day after the Licensed Premises has been in operation and open for business.
2. Licensee or any other transferee, person or entity who may retain a present or future possessory interest in the License will not submit a request to the Director of the New Jersey Division of Alcoholic Beverage Control requesting a monetary payment in lieu of the sixty (60) day suspension or any other offer in compromise of suspension at any time in the future.
3. Licensee will not appeal this sixty (60) day suspension or the terms thereof to the Director of the New Jersey Division of Alcoholic Beverage Control at any time in the future.
4. All current existing conditions already on the License shall remain with the License and will not be affected by Licensee's sixty (60) day suspension. These conditions on the License shall remain with the License for each and every renewal period until further resolution by the Mayor and Council.
5. The License is revocable at any time for failure to comply with these conditions. Any violation of Alcohol Beverage Control Law or the previously mentioned conditions may result in immediate revocation of the License.
6. Licensee shall establish a litter-free zone surrounding the Licensed Premises as well as any littering in the neighborhood which can be directly attributed to the conduct of the business and must assign specific personnel on a daily basis to accomplish the fore-mentioned litter-free zone.

7. Licensee shall implement and shall strictly enforce a policy that patrons who have been admitted to enter the Licensed Premises and who subsequently exit the Licensed Premises will not be permitted to re-enter the Licensed Premises on the same day/evening. This is in recognition of the fact that this activity of re-entering the Licensed Premises by patrons provides the patrons the opportunity to facilitate the use of drug activities inside the Licensed Premises.

8. The employees and staff of Licensee shall be required to obtain photo identification cards prepared by and from the Sayreville Police Department. Said identification card must be kept on their persons at all times while employed at and located on the property of Licensee. The purpose of this requirement is to alleviate difficulties encountered by police investigating complaints on the premises in which members of the security staff are identified as either potential witnesses or suspects and designed to respond to the findings of a previous ABC investigation in which it was determined that some of the employees found on-site during the investigations were not properly entered in the employee records of the Licensee.

9. Licensee shall provide proper trash receptacles in the parking lots and outside the Licensed Premises as well as all residential areas within a five hundred (500) foot radius of the Licensed Premises. This includes all parking lots, Chevalier Avenue from Oak Street to Route 35 and Oak Street from Old Route 4 to Fouratt Avenue, Route 9 & 35 from Chevalier Avenue South to and including the business Beau Monde Furniture, which shall be cleaned of all litter, trash and other discarded items. This cleaning shall be accomplished by 10:00 a.m. each day following the hours of operation of the Licensed Premises. The described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with the operation of the Licensee, to the extent that the residents within the five hundred (500) foot radius consent to permit access to their private property to be cleaned of all litter, trash and other discarded items at the sole cost and expense of Licensee. This measure is designed to alleviate any problems associated with the accumulation of empty beverage containers, can, bottles, and other debris that is the result from the operation of the Licensed Premises.

10. Licensee shall install "zero tolerance" signs inside the Licensed Premises at or adjacent to the entry to the premises containing language indicating that the patrons will be prosecuted to the fullest extent of the law for any possession, sale or distribution of any drug, controlled substance or drug paraphernalia. This measure is designed to discourage drug activity occurring at or on the Licensed Premises.

11. Licensee shall install soundproofing equipment and take any other necessary steps to eliminate the emission of sound and vibration from the Licensed Premises sufficient to ensure that no audible sound is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaints received. The bass beat is not to be transmitted to the exterior of the building. The doors to the Licensed Premises will remain closed at all times.

12. Licensee shall cease all sales of alcohol at 1:30 a.m. and shall cease the playing of music at 1:45 a.m. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed Premises at the same time resulting in loitering around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area. The Licensed Premises is to be vacated by all patrons by 2:00 a.m.

13. Licensee shall institute a policy that on nights where patrons aged eighteen (18) through twenty (20) may be admitted to the Licensed Premises along with patrons aged twenty-one (21) and over, such patrons over the age of twenty-one (21) shall be required to wear secure wristbands of a color differentiated from any wristbands required to be worn by patrons under the age of twenty-one (21), and that patrons age twenty (20) and under shall be stamped with an indelible mark on their hands in order to prevent violations of laws prohibiting sales of alcohol to persons under age twenty-one (21). All such wristbands shall be incapable of being reattached once removed in order to prevent violations of laws prohibiting sales of alcohol to persons under age twenty-one (21). This measure is designed to prevent violations of the drinking age laws.

14. Licensee shall securely stow all alcoholic beverages and shall not serve any alcohol whatsoever on those occasions that Licensee provides access to teenagers under the legal drinking age at events commonly referred to as "Teen Nights". During such events, all alcoholic beverages shall be removed from the bar areas and secured. This measure is designed to prevent violations of drinking age laws as noted by the Council in previous findings related to a prior disciplinary action. This condition is included in anticipation of Licensee having a "Teen Night" in the future.

15. Licensee shall require all security staff, except for undercover security staff employed by Licensee to wear clothing or uniforms which are highly visible and well marked on the front and rear. This will include orange shirts with black block letters stating "SECURITY". This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot and further to assist police in identifying security personnel when patrolling or responding to complaints or calls.

16. Licensee shall institute a policy of providing minimum security staff in a ratio of one (1) security employee for each fifty (50) patrons, and that such security personnel be stationed in the parking lot area of the premises at all times during the hours of operation to control and supervise the parking lot area, not only with regard to parking, but with regard to the conduct and behavior of the patrons while on the Licensed Premises.

17. Parking attendants, valet parking staff, waitresses, bartenders, and the owner shall not count as "security staff" in calculating the proper ratio of security staff to patrons. Any undercover security will be in addition to the readily identifiable security and not included in the security of one (1) per fifty (50) patrons. This measure is designed to ensure that the security staff employed by Licensee is sufficient to handle the number of patrons in attendance on a given night so as to constitute a visible, identifiable and adequate security presence, to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot. All security staff are to expedite the removal of all customers from the premises by 2:00 a.m. and then exit and assist in the dispersal of the customers from the parking lots.

18. On promotional evenings, when a large crowd is expected, Licensee will coordinate with the police and notify the Police Department a minimum of two (2) weeks (fourteen days) in advance.

19. On a weekly basis, Licensee will deliver in person, mail, or fax a copy of the E-141-A list, commonly known as the employee list, to the Police Department. DJs, dancers, and other entertainers are to be included as employees, as per ABC rules.

20. Licensee shall institute a policy and instruct its parking lot attendants and employees to abide by a policy that requires that, when the parking facilities used by the Licensed Premises are at full capacity, any additional cars seeking to enter the parking lots shall be "waved off" by parking lot attendants in order to ensure that traffic jams do not occur, but that such traffic continues to move through and out of the area of the Licensed Premises when there are no legal spaces available in the Licensed Premises' parking lots to accommodate additional cars. "Wave off" will also be put in place when traffic backs up onto Route 9 & 35 North.

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

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

BOROUGH OF SAYREVILLE

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

RESOLUTION #2011-146

**RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF SAYREVILLE TO RENEW
P.R.C.L. #1219-33-033-007, AC & VC, INC.
T/A COVELLOS ITALIAN AND SEAFOOD RESTAURANT WITH
CONDITIONS FOR THE 2011-2012 LICENSE YEAR**

WHEREAS, application has been made for the renewal of Plenary Retail Consumption License No. 1219-33-033-007, AC & VC, Inc.; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.:

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

1. That Plenary Retail Consumption License No 1219-33-033-007, AC & VC, Inc., is hereby renewed for the 2011-2012 license term, subject to the following terms and conditions as hereinbefore imposed and re-stated as follows:

- Licensee shall not engage in the operation of having live dancers or "go-go" dancers.

/s/ Kenneth P. Kelly, Sr.

Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski

Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien

Kennedy O'Brien
Mayor

RESOLUTION #2011-147

**RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF SAYREVILLE TO RENEW
P.R.C.L. #1219-33-044-006, F&B ASSOCIATES OF NJ, LLC,
T/A STARLAND BALLROOM WITH CONDITIONS
FOR THE 2011-2012 LICENSE YEAR**

WHEREAS, F&B Associates of New Jersey, LLC, t/a Starland Ballroom is the holder of Plenary Retail Consumption License Number 1219-33-044-006 (the "Licensee"), issued by the Council of the Borough of Sayreville as the Issuing Authority (the "Issuing Authority"), for premises located at 570 Jernee Mill Road, Sayreville, New Jersey (the "Licensed Premises") for license term 2011-2012; and

WHEREAS, the Licensee has made application for the renewal of Plenary Retail Consumption License No. 1219-33-044-006 for the 2011-2012 license term; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.;

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

1. That Plenary Retail Consumption License No. 1219-33-044-006, F & B Associates of New Jersey, LLC is hereby renewed for the 2011-2012 license term, subject to the following terms and conditions as contained in the Settlement Agreement approved by Resolution #2010-145, adopted on June 28, 2010 and remaining on the license:

a. The licensee shall continue to implement and provide valet parking and or managed or supervised parking for its patrons on all nights of operation. The Chief of Police may grant a waiver, on occasion, of the requirement that valet parking and/or managed or supervised parking be provided, if the licensee demonstrates to the reasonable satisfaction of the Chief of Police, that the licensee's level of occupancy on such special occasion is anticipated to be significantly less than the legal occupancy so as to satisfy the Chief that valet parking will not be necessary on such specific occasion. The granting of any such waiver on one occasion shall not entitle the licensee to such a waiver on any other occasion.

b. The licensee shall institute a policy and instruct its attendants and employees to abide by a policy that requires that, when the parking facilities used by the licensed premises are at full capacity, any additional cars seeking to enter the parking lots shall be "waved off" by parking lot attendants in order to diminish the likelihood that traffic jams occur, and to insure that such traffic continues to move through and out of the area of the licensed premises when there are no legal spaces available in the licensed premises' parking lots to accommodate additional cars.

c. The licensee shall strictly enforce a policy that patrons who have been admitted to enter the licensed premises and who subsequently exit the licensed premises will not be permitted to re-enter the licenses premises on the same day/evening. This measure is intended to alleviate the problem of patrons loitering in and around the parking lot during licensee's operating hours and engaging in illegal, disorderly or nuisance causing behaviors.

d. The licensee's security staff shall be required to obtain photo identification cards, prepared by the Sayreville Police Department that must be kept on their persons at all times while employed at or located on the licensee's property.

This measure is intended to alleviate difficulties encountered by police investigating complaints on the premises, in which members of the security staff are identified as either potential witnesses or suspects.

e. The licensee shall cause its parking lots and outside premises, as well as all areas within a 200 ft. radius of the licensed premises to be clean of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o'clock in the morning (10:00 am) each day following the hours of operation of the licensed premises, such that the above-described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with licensee's operations.

f. The licensee shall install "zero tolerance" signs inside its premises and at or adjacent to the entry to the premises, containing language indicating that patrons will be prosecuted to the fullest extent of the law for any possession, sale or distributions of any drugs, controlled substance or drug paraphernalia.

This is designed to discourage drug activity occurring at or on the licensed premises.

g. The licensee shall cease all sales of alcohol at 1:30 am and shall cease the playing of all music at 1:45 am.

This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the licenses premises at the same time, resulting in loitering around the licensed premises and in the street blocking traffic and inhibiting the dispersal of other patrons from the licensed premises and from the area.

h. The licensee shall install a policy that on nights when patrons ages eighteen years of age (18) through twenty years of age (20) may be admitted to the premises along with patrons aged twenty-one years (21) and over, such patrons over the age of twenty-one years (21) shall be required to wear secure wrist bands of a color differentiated from wrist bands required to be worn by patrons under the age of twenty-one years (21). All such wristbands shall be incapable of being reattached once removed in order to prevent violations of law prohibiting sales of alcohol to persons under twenty-one years of age (21).

i. The licensee shall securely stow all alcoholic beverages and shall not serve any alcohol whatsoever on those occasions that the licensee provides access to teenagers under the legal drinking age at events commonly referred to as "teen nights." During such events, all alcohol shall be removed from the bar areas and secured.

j. The licensee shall require all security staff, except for undercover security staff employed by licensee, to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall included orange shirts with black block letters stating "SECURITY." This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the licensed premises and in the parking lot to further assist police in identifying personnel when patrolling or responding to complaints or calls.

k. The licensee shall institute a policy of providing security staff in a ratio of one (1) security employee for each fifty (50) patrons, and that such security personnel be stationed in the parking lot area of the premises at all times during the hours of operation to control and supervise the parking lot area, not only with regard to parking, but with regard to the conduct and behavior of the patrons while on the licenses premises. Parking attendants and valet parking staff shall not counts as "security staff" in calculating the proper ratio of security staff to patrons. The ratio of one (1) security employee for every fifty (50) patrons is only for those security personnel who are being identified and/or are in uniform. Any undercover personnel the licensee wishes to employ are in addition to the one per fifty patron security ratio. This measure is designed to ensure that the security staff employed by the licensee is sufficient to handle the number of patrons in attendance on a given night so as to constitute a visible, identifiable, and adequate security presence, to discourage unlawful, disorderly, or hazardous activities within the premises and in the parking lot.

l. On promotional nights, licensee will coordinate with the Sayreville Police.

m. On a weekly basis, licensee will deliver in person, mail, or fax a copy of the E-141-A list, commonly known as the employee list, to the Sayreville Police Department. DJ's, dancers, and other entertainers are to be included as employees, as per ABC rules.

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

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

RESOLUTION #2011-148
RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SAYREVILLE
TO RENEW P.R.C.L. #1219-33-045-006,
PSP PRIDE CORP., T/A LAST CALL WITH CONDITIONS
FOR THE 2011-2012 LICENSE YEAR

WHEREAS, PSP Pride Corporation, t/a Last Call, is the holder of Plenary Retail Consumption License #1219-33-045-006 (the "Licensee") issued by the Council of the Borough of Sayreville as the Issuing Authority (the "Issuing Authority"), for premises located at 219 Washington Rd., Sayreville, New Jersey (the "Licensed Premises") for license term 2011-2012; and

WHEREAS, the Licensee has made application for the renewal of Plenary Retail Consumption License No. 1219-33-045-006 for the 2011-2012 license term; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.;

BE IT AND IT IS HEREBY RESOLVED that Plenary Retail Consumption License Number 1219-33-045-006, PSP Pride Corp is hereby renewed for the 2011-2012 license year, subject to the following conditions as contained in the Settlement Agreement approved by Resolution #2010-141, adopted on June 28, 2010 and remaining on the license:

- Licensee shall be required to employ at least one individual who is solely responsible for security of the Licensed Premises on Fridays and Saturdays between the hours of 7PM and 2AM or until closing. The Licensee shall require all security staff (except for undercover security staff employed by the Licensee) to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block lettering stating "SECURITY." This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot, to further assist police in identifying security personnel when patrolling or responding to complaints or calls.
- During the period of June 15 through September 15, the Licensee shall be required to employ at least one individual who is solely responsible for security of the Licensed Premises on Fridays and Saturdays between the hours of 9PM and 2AM or until closing. The Licensee shall require all security staff (except for undercover security staff employed by the Licensee) to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block lettering stating "SECURITY." This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot, to further assist police in identifying security personnel when patrolling or responding to complaints or calls.
- Licensee shall be responsible for ensuring that there will be no parking of motorcycles on the sidewalks adjacent to the Licensed Premises.
- A sign shall be prominently displayed to prohibit parking of any vehicles on the sidewalk near the Licensed Premises.
- Licensee shall maintain in good condition security cameras, lighting and there must be more than one (1) employee present at the Licensed premises while in operation.

/s/ Kenneth P. Kelly, Sr.

Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski

Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien

Kennedy O'Brien
Mayor

RESOLUTION #2011-149

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SAYREVILLE
TO RENEW P.R.C.L. #1219-33-046-005,
THREE P's, INC., T.A O'GARRAFAO RESTAURANT & CERVEJARIA WITH
CONDITIONS FOR THE 2011-2012 LICENSE YEAR**

WHEREAS, an application has been made for the 2011-2012 renewal of Plenary Retail Consumption License No. 1219-33-046-005, Three P's, Inc., t/a O'Garrafao Rest. & Cervejaria; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.;

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

1. That Plenary Retail Consumption License No. 1219-33-046-005, Three P's, Inc., t/a O'Garrafao Rest. & Cervejaria, is hereby renewed for the 2011-2012 license term, subject to the following terms and conditions as hereinbefore imposed and re-stated as follows:

(a) During hours of operation, the windows and doors of the premises are to be kept closed, provided that music, whether it be from a juke box or radio is in use inside the license premises and that the doors to the establishment may be opened and closed to allow ingress and egress;

(b) At or about the time at which the licensed premises is opened for business in the morning and at or about the time of closing, the licensee shall cause for the property and both sides of Main Street from Boehmhurst Avenue to Marsh Avenue to be cleaned of all discarded liquor bottles, packages, recyclables and such other litter as may have been generated by patrons of the licensed premises; and

(c) A sign shall be prominently displayed to prohibit parking of any vehicles on the sidewalk near the premises.

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

(Pocket License)

RESOLUTION #2011-150

**RESOLUTION OF THE COUNCIL OF THE
BOROUGH OF SAYREVILLE TO RENEW LIQUOR LICENSE NO. 1219-
33-058-007, SHOOTERS, INC. T/A CLUB ABYSS WITH CONDITIONS
FOR THE 2011-2012 LICENSE YEAR**

WHEREAS, Shooters, Inc. t/a Club Abyss ("Shooters" or "Licensee") is the holder of plenary retail consumption license number 1219-33-058-007 (the "License"), issued by the Council of the Borough of Sayreville as the Issuing Authority (the "Issuing Authority"), for premises located at 1970 Route 35 North, Sayreville, New Jersey (the "Licensed Premises") for license year 2011-2012; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.

BE IT FURTHER RESOLVED THAT plenary retail consumption license number 1219-33-058-007, Shooters, Inc., t/a Club Abyss is hereby renewed for the 2011-2012 license year, subject to the following conditions remaining on the license:

1. Licensee shall continue to implement and provide valet parking for its patrons on all nights of operation. The Chief of Police may grant a waiver, on occasion, of the requirement that valet parking be provided if the Licensee demonstrates, to the reasonable satisfaction of the Chief of Police, that Licensee's level of occupancy on such specific occasion is anticipated to be significantly less than the legal occupancy so as to satisfy the Chief that valet parking will not be necessary on such specific occasion. The granting of any such waiver on one occasion shall not entitle Licensee to such a waiver on any other occasion.
2. The above-described valet parking requirement shall remain in effect unless and until a recommendation for other appropriate traffic control procedures, developed by a licensed traffic or civil engineer or consultant at Licensee's

expense, is received and approved by the Mayor and Council as a substitute measure.

3. Licensee shall institute a policy and instruct its parking lot attendants and employees to abide by a policy that requires that, when the parking facilities used by the Licensed Premises are at full capacity, any additional cars seeking to enter the parking lots shall be "waved off" by parking lot attendants in order to insure that traffic jams do not occur but that such traffic continues to move through and out of the area of the Licensed Premises when there are no legal spaces available in the Licensed Premises parking lots to accommodate additional cars.
4. Licensee shall strictly enforce a policy that patrons who have been admitted to enter the Licensed Premises who subsequently exit the Licensed Premises will not be permitted to re-enter the Licensed Premises on the same day/evening. This measure is intended to address the Mayor and Council's previous finding that drug activity was noted on the Licensed Premises and in recognition of the fact that a practice of allowing patrons to exit and then re-enter the Licensed Premises facilitates drug activities by providing an opportunity for such persons to retrieve contraband from their vehicles for use and/or distribution inside and adjacent to the Licensed Premises. Additionally, this measure is intended to alleviate the problem of patrons loitering in and around the parking lot during Licensee's operating hours and engaging in illegal, disorderly or nuisance causing behaviors.
5. Licensee's security staff shall be required to obtain photo identification cards, prepared by the Sayreville Police Department, that must be kept on their persons at all times while employed at or located on Licensee's property. This measure is intended to alleviate difficulties encountered by police investigating complaints on the premises, in which members of the security staff are identified as either potential witnesses or suspects and is also designed in response to the findings of a previous ABC investigation in which it was discovered that some of the employees found on-site during the investigation were not properly entered in Licensee's employee records.
6. Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee's parking lots and outside premises, as well as all residential areas within a five hundred (500) foot radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o'clock in the morning (10:00 a.m.) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with Licensee's operation. To the extent that residents within such five hundred (500) foot radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee's sole cost. This measure is designed to alleviate any problem associated with the accumulation of empty beverage containers, cans, bottles and other debris that results from the operation of the Licensed Premises.
7. Licensee shall install "zero tolerance" signs inside the Licensed Premises, at or adjacent to the entry to the premises, containing language indicating that patrons will be prosecuted to the fullest extent of the law for any possession, sale or distribution of any drug, controlled substance or drug paraphernalia. This measure is designed to discourage drug activity occurring at or on the Licensed Premises.
8. Licensee shall install soundproofing equipment and/or take any other necessary steps to limit the escape of sound and vibration from the Licensed Premises, sufficient to ensure that no audible sound is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaints received by members of the Council pertaining to the Licensed Premises.
9. Licensee shall cease all sales of alcohol at 1:30 a.m. and shall cease the playing of all music at 1:45 a.m. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed Premises at the same time, resulting in loitering around the Licensed Premises and in the street, blocking traffic and

- inhibiting the dispersal of other patrons from the Licensed Premises and from the area.
10. Licensee shall institute a policy that on nights where patrons aged eighteen (18) through twenty (20) may be admitted to the premises along with patrons aged twenty-one (21) and over, such patrons over the age of twenty-one (21) shall be required to wear secure wristbands of a color differentiated from any wristbands required to be worn by patrons under the age of twenty-one (21). All such wristbands shall be incapable of being re-attached once removed, in order to prevent violations of laws prohibiting sales of alcohol to persons under twenty-one (21). This measure is designed to prevent violations of drinking age laws, as noted by the Council in previous findings of fact related to a prior disciplinary action.
 11. Licensee shall securely stow all alcoholic beverages and shall not serve any alcohol whatsoever on those occasions that Licensee provides access to teenagers under the legal drinking age at events commonly referred to as "Teen Nights". During such events, all alcoholic beverages shall be removed from the bar areas and secured. This measure is designed to prevent violations of drinking age laws as noted by the Council in previous findings related to a prior disciplinary action.
 12. Licensee shall require all security staff, except for undercover security staff employed by Licensee, to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block letters stating "SECURITY". This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot to further assist police in identifying security personnel when patrolling or responding to complaints or calls.
 13. Licensee shall institute a policy of providing security staff in a ratio of one (1) security employee for each fifty (50) patrons, and that such security personnel be stationed in the parking lot area of the premises at all times during the hours of operation to control and supervise the parking lot area, not only with regard to parking, but with regard to the conduct and behavior of the patrons while on the Licensed Premises. Parking attendants and valet parking staff shall not count as "security staff" in calculating the proper ratio of security staff to patrons. The ratio of one (1) security employee for every fifty (50) patrons is only for those security personnel who are being identified and/or are in uniform. Any undercover personnel that Licensee wishes to employ are in addition to the one per fifty patron security ratio. This measure is designed to ensure that the security staff employed by Licensee is sufficient to handle the numbers of patrons in attendance on a given night so as to constitute a visible, identifiable and adequate security presence, to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot.
 14. On promotional evenings, when a large crowd is expected, Licensee will coordinate with the police.
 15. Licensee shall strictly enforce a policy to bar admittance to any patron who is not wearing a non removable wristband, that has been provided to such patron by Licensee's valet parking attendant or parking supervisor, as evidence that the vehicle in which such patron arrived at the Licensed Premises has been parked in Licensee's parking lot. The only exception to this policy shall be for those patrons who demonstrate to Licensee before admittance that they hold a valid New Jersey motor vehicle license indicating that they reside within five hundred (500) feet of the Licensed Premises and have not arrived at the Licensed Premises in a motor vehicle. This condition is intended to restrict admittance to the Licensed Premises to only those patrons whose vehicles, as a driver or occupant thereof, are lawfully parked in Licensee's parking lot, in order to address issues raised by an Objector and her witnesses regarding illegal parking, property trespass, loitering and related nuisances.
 16. Licensee shall institute a policy requiring its security staff to immediately report to the Sayreville Police Department any violations of Title 39 observed by such staff in and around the Licensed Premises, and to provide the Borough Clerk, on a monthly basis, with a list of all such reports made by Licensee's security staff to police within the prior month.

17. On a weekly basis, Licensee will deliver in person, mail, or fax a copy of the E-141-A list, commonly known as the employee list, to the Police Department. DJs, dancers, and other entertainers are to be included as employees, as per ABC rules.
18. Licensee shall provide a list of entertainers who are booked prior to the scheduled date. The information shall be delivered to the Sayreville Police Department at the time a contract is executed and signed and the information shall be delivered to the Sayreville Police Department as to the name of the outside entertainer employees.

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

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

RESOLUTION #2011-151

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, NEW JERSEY, DECLARING THE LAPSE OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1219-33-067-006, HERETOFORE HELD BY PARAMOUNT DINER

WHEREAS, the Paramount Diner (the "Licensee"), has heretofore been the holder of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License No. 1219-33-067-006 (the "License"); and

WHEREAS, pursuant to N.J.S.A. 33:1-12.18 as amended by P.L. 2010, c. 14, a plenary retail consumption license may not be renewed later than June 30 of the year ending the license; and

WHEREAS, P.L. 2010, c.14, enacted on May 6, 2010, included a one-time amnesty provision permitting renewal of a plenary retail consumption license that has not been renewed within the five years immediately preceding the enactment of P.L. 2010, c.14, but who pays the municipal and State renewal fees for issuance of a new license in accordance with subsection a. of N.J.S.A. 33:1-12.18, provided such application is filed no later than November 8, 2010; and

WHEREAS, the "Alcoholic Beverage Control Handbook for Municipal Issuing Authorities" ("Handbook") published by the State of New Jersey Office of the Attorney General, Division of Alcoholic Beverage Control, provides that If a licensee fails to file a renewal application on or before the statutory deadline, the licensee has abandoned its license, and the municipality should pass a Resolution stating that the license has lapsed for failure to renew. The Handbook further provides that a copy of the Resolution must be forwarded to the Licensing Bureau; and

WHEREAS, an application and fees for the 2008-2009 license year were received in a timely manner; however, a Tax Clearance Certificate was not issued and the Licensing Authority could not renew the license; and

WHEREAS, application for renewal was filed on August 2, 2010 for the 2009-2010 license year; however, a Tax Clearance Certificate was not issued and the Licensing Authority could not renew the license; and

WHEREAS, application for renewal was filed on August 2, 2010 for the 2010-2011 license year; however, a Tax Clearance Certificate was not issued and the Licensing Authority could not renew the license; and

WHEREAS, the Division of Alcoholic Beverage Control required a 12:18 and 12:39 Special Ruling be issued; and

WHEREAS, the Licensee failed to file for issuance of a new license as aforesaid by November 8, 2010; and

WHEREAS, the License has not been renewed; and

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. Paramount Diner ("Licensee") is hereby deemed to have abandoned Plenary Retail Consumption License No. 1219-33-067-006 ("License").
3. Plenary Retail Consumption License No. 1219-33-067-006 is hereby declared to have lapsed for failure to renew, and same is declared to have ceased to exist upon the Licensee's failure to renew the License by the statutory deadline.
4. The Borough Clerk is hereby authorized and directed to make the necessary notations for endorsements to the License certificate.
5. A certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:
 - a. Licensing Bureau
Division of Alcoholic Beverage Control
140 East Front Street
P.O. Box 087
Trenton, NJ 08625-0087
 - b. Chief, Sayreville Police Department
 - c. Paramount Diner

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

RESOLUTION # 2011-152

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING FAITH FELLOWSHIP MINISTRIES WORLD OUTREACH CENTER THE USE OF THE FACILITIES CONTAINED IN KENNEDY PARK FOR SAYREVILLE SUMMER JAM

WHEREAS, the Faith Fellowship Ministries World Outreach Center has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a Summer Jam on August 13, 2011 from 8:00 a.m. to 8:00 p.m. in Kennedy Park; and

WHEREAS, it is the belief of the Faith Fellowship Ministries World Outreach Center that the event will be a way to reach out to the community through a sports oriented event; and

WHEREAS, the schedule of the events of the day includes activities which are family and community oriented; and

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

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Faith Fellowship Ministries World Outreach Center is granted permission to use the facilities contained in Kennedy Park for its Sayreville Summer Jam on August 13, 2011 with a rain date of August 20, 2011.

/s/ Lisa Eicher
 Lisa Eicher, Councilwoman
 (Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
 Rebecca Garbowski
 Deputy Municipal Clerk

/s/ Kennedy O'Brien
 Kennedy O'Brien
 Mayor

RESOLUTION #2011-153

WHEREAS, on May 24, 2011 the Mayor and Council of the Borough of Sayreville, have received bids for "Gasoline & Diesel Fuel" and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 27th day of June, 2011, that:

1. Contract for "Gasoline & Diesel Fuel" covering the following items be awarded to, John Duffy Fuel Co., 465 Mulberry St., Newark, NJ 07114, as appears on copy of bid document attached hereto and made a part hereof:

- **Item A)** #2 Diesel - Not to exceed \$3.093/gal delivered
- **Item B)** Winter Blend – Not to exceed \$3.103/gal delivered
- **Item C)** Regular Gasoline-Not to exceed \$3.1595/gal delivered

2. That the term of the contract shall be for a period of two (2) years with Borough options to extend.

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

ATTEST:**BOROUGH OF SAYREVILLE**/s/ Rebecca GarbowskiRebecca Garbowski
Deputy Municipal Clerk/s/ Kennedy O'BrienKennedy O'Brien
Mayor**RESOLUTION #2011-154**

WHEREAS, N.J.S.A. 39:10A-1, et seq, permits a municipality to sell abandoned, unclaimed and junk motor vehicles by public sale to the highest bidder after advertisement in a newspaper, circulating in the municipality with one publication at least five (5) days before the date of sale; and

WHEREAS, the Borough of Sayreville proposes to sell the vehicles listed below as abandoned motor vehicles to the bidder(s) submitting the highest bid;

YEAR	MAKE	SERIAL #	MIN. BID
1995	Nissan	1N4AB42D2SC515806	\$500.00
1994	Volkswagen	3VWRB81H8RM040628	\$500.00
1993	Plymouth	2P4Gh2538PR142680	\$500.00
1991	Volvo	YV1AA8840M1439071	\$500.00
1990	Chevrolet	1GCDC14H32Z196028	\$500.00
1990	Honda	1HGCB7555LA169421	\$500.00
1994	Volkswagen	3VWRA81H9RM033397	\$750.00
1993	Chevrolet	1GCDC14Z4PE157079	\$1,000.00
1999	Hyundai	KMHJF25F9XU770188	\$1,000.00
1992	Nissan	JN1EJ01F4NT108488	\$1,000.00
2000	Mercury	2MEFM74W1YX691945	\$1,000.00
1996	BMW	WBACD328TAV43940	\$1,000.00
1994	Mercedes	WDBHA22E9RF022320	\$1,000.00
1999	Plymouth	1P3ES47Y6XD146327	\$1,000.00
1997	Saturn	1G8ZK5271VZ370685	\$1,000.00
1999	Dodge	1B4HS28Z3XF613522	\$1,000.00
2000	Hyundai	KMHWF35V4YA306392	\$1,500.00
2000	Honda	2HKRL1869YH522010	\$1,500.00
1999	Acura	JH4KA965XXC010894	\$1,500.00
1994	Honda	1HGCD5653RA098175	\$1,500.00
1998	Ford	1FMYU24E5WUC30543	\$1,500.00
1999	Ford	1FAFP10P3XW135642	\$2,000.00
2001	Chevrolet	1GCHG35R111101521	\$3,500.00
2001	Chevrolet	2G1WF52E919141955	\$3,500.00
2001	Ford	1FMRU15W41LA70773	\$4,000.00
2002	Dodge	1B7HA18N02J112431	\$5,000.00
2005	Nissan	1N4BA41E45C806149	\$5,500.00
2002	International	1HSHBAAN82H503736	\$8,500.00

WHEREAS, these vehicles may be inspected on any business day prior to the sale by contacting the Traffic Safety Bureau of the Sayreville Police Department between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday at the Sayreville Public Safety Complex, 1000 Main Street, Sayreville, New Jersey, tel. No. (732) 525-5429, said vehicles are at various locations within the Borough of Sayreville and that information is to be obtained from the Traffic Safety Bureau; and

WHEREAS, the Borough of Sayreville reserves the right to reject any and all bids or to award in part or in whole, if deemed in the best interests of the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Sayreville that the vehicles listed herein are to be sold as follows:

- All items will be sold on an "as is, where is" basis.
- A **separate 25% deposit** is required to be submitted by posting cash or certified check **individually** for each vehicle being bid on.
- Each **individual** bid along with the deposit shall be **enclosed separately** in a sealed envelope, addressed and submitted to the Borough Clerk's Office of the Borough of Sayreville at 167 Main Street, Sayreville, NJ 08872, no later than 11:00 A.M. on **Thursday, July 14, 2011**, bearing the name of the bidder and item being bid on.
- All vehicles must be paid in full and **removed within four (4) working days from date of sale.**
- In those cases where any of the aforementioned motor vehicles have been towed and stored by a private garage, the minimum bid price shall be adjusted to reflect the amount due and owing for towing and storage.

/s/ Frank J. Bella

Frank J. Bella, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski

Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien

Kennedy O'Brien
Mayor

RESOLUTION #2011-155

WHEREAS, it is the desire of the Governing Body to continue to provide its employees the ability to enhance their financial security at retirement through the accrual of tax benefits provided by Section 457 of the Federal Internal Revenue Code; and

WHEREAS, there is no cost to the Borough of Sayreville to continue with the Deferred Compensation Plans previously adopted and implemented as amended; and

WHEREAS, the Borough of Sayreville previously adopted a 457 Deferred Compensation Plan serviced by Aetna Life Insurance and Annuity Company by resolution dated October 17, 1990 and assigned identifier 13-PD-AETNA-071196 that was subsequently assumed and administrated by IONG. There was no collusion, or evidence of appearance of collusion, between any local official and the representative of AETNA at the time of their selection for the administration of a Service Agreement pursuant to N.J.A.C. 5:37-5.7.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sayreville do hereby adopt the amended 457(B) Deferred Compensation Prototypical Plan provided that ING and assigned identifier 78-SA-ING-022211. The Borough of Sayreville is adopting a Deferred Compensation Plan substantially similar to the one which a favorable private Letter Ruling has been previously obtained from the Federal Internal Revenue Service's except for provisions added by reason of the Small Business Job Protection Act of 1996 (United States public Law No. 104-188) and the Economic Growth and Tax Relief Reconciliation Act of 2001(United States Public Law No. 107-16) and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code

Section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

BE IT FUIRTHHER RESOLVED, that the Chief Financial Officer is hereby designated as the local plan administrator and that the Business Administrator and Deputy Municipal Clerk are authorized to execute a Service Agreement with ING, identifier 78-SA-ING-022211 and submit all necessary documents to the Division of Local Government Services within the State Department of Community Affairs.

/s/ Kenneth P. Kelly, Sr.
Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

RESOLUTION #2011-156

WHEREAS, on June 2,2011 the Mayor and Council of the Borough of Sayreville, have received bids for the “Kennedy Park Tennis Court Improvements”; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 27th day of June, 2011 that:

- 1. Contract for the “Kennedy Park Tennis Court Improvements” be awarded to Sita Construction Co., Inc. of Goshen, New York on their bid price with Alternate Items 2 and 3 of \$505,475.00 appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

RESOLUTION #2011-157

BE IT AND IT IS HEREBY RESOLVED that the Borough of Sayreville hereby grants a waiver of all municipal fees associated with Special Event Permits and Food Handlers permits for the July 2, 2011 Independence Day Celebration and that these fees are hereby incorporated into one general "Special Permit/Fee" which will be issued by the Recreation Department for this event and that said fee will be in the amount of \$300.00.

BE IT FURTHER RESOLVED this action does not eliminate the requirement for each vendor to obtain the necessary permits from the Board of Health and the Municipal Clerk.

BE IT FURTHER RESOLVED that the Recreation Department must supply the Board of Health, Municipal Clerk and the Police Chief with a list of all vendors in order to insure that the proper permits are obtained from their respective departments, if necessary.

/s/ Lisa Eicher
Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
Rebecca Garbowski
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien
Mayor

RESOLUTION # 2011-158

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
REJECTING THE BID PACKAGE FOR THE BORDENTOWN AVENUE
WATER TREATMENT PLANT EXPANSION
SUBMITTED BY TOMAR CONSTRUCTION SERVICES, INC.**

WHEREAS, the Borough of Sayreville accepted Bid Proposals for the Bordentown Avenue Water Treatment Plant Expansion on May 5, 2011; and

WHEREAS, of all the Bids received by the Borough of Sayreville, Tomar Construction Services, Inc. was low bidder; and

WHEREAS, after all Bid packages were reviewed it was found that the bid received from Tomar Construction Services, Inc. was deficient in the following areas:

1. Bidder failed to list any experience with potable water treatment facilities, nor did it list any current projects; and
2. Bidder failed to list any experience in the fabrication or field erection of welded steel clarifier tanks of the type or magnitude specified for this project; and
3. Bidder indicated that it intended to perform the structural steel work "in-house"; however, Bidder's project list failed to indicate any projects that include the fabrication or field erection of Pre-Engineered metal buildings; and
4. Bidder failed to submit any documentation to prove that it is a certified field erector for the specified "Butler" Pre-Engineered metal building; and

- 5. Bidder failed to list relevant sub-contractors; namely, tank construction or painting sub-contractors that it would employ for this project.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Bid of Tomar Constructions Services, Inc. is rejected.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
 Rebecca Garbowski
 Deputy Municipal Clerk

/s/ Kennedy O'Brien
 Kennedy O'Brien
 Mayor

RESOLUTION #2011-159

WHEREAS, on May 5, 2011 the Mayor and Council of the Borough of Sayreville, have received bids for the "Bordentown Avenue Water Treatment Plant Expansion"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 27th day of June, 2011 that:

- 1. Contract for the "Bordentown Avenue Water Treatment Plant Expansion" be awarded Allied Construction Group, Inc., 330 Milltown Avenue, East Brunswick, NJ on their bid price of 13,555,550.00, subject to the approval of the NJDEP.

/s/ Kenneth P. Kelly, Sr
 Kenneth P. Kelly, Sr.,
 (Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Rebecca Garbowski
 Rebecca Garbowski
 Deputy Municipal Clerk

/s/ Kennedy O'Brien
 Kennedy O'Brien
 Mayor

RESOLUTION #2011-160
RESOLUTION MEMORIALIZING ACTION TAKEN ON
CERTAIN COMMUNICATION ITEMS AT THE
JUNE 16, 2011 COUNCIL MEETING

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the June 16, 2011 Council Meeting approving the following requests:

- a) Approving the requests from the following organizations to hold **canister drives** on Washington Road and Ernston Road:
 - ◆ Our Lady of Victories Athletic Association – Oct. 8 & 9, 2011
 10am-2pm. (County Approval Received)

b) Approving the following requests for **block parties**:

- ◆ Kelly Enriquez - August 6, 2011, Buchanan Ave., between Garfield & Taft Place.

/s/ Kenneth P. Kelly, Sr.

Kenneth P. Kelly, Sr., Councilman
Admin. & Finance Committee

ATTEST:

/s/ Rebecca Garbowski

Rebecca Garbowski
Deputy Municipal Clerk

BOROUGH OF SAYREVILLE

/s/ Kennedy O'Brien

Kennedy O'Brien
Mayor

COMMITTEE REPORTS❖ **PLANNING & ZONING** – Councilman Henrya. **Minutes Boards & Commissions**

- ❖ Board of Adjustment - May 25, 2011
- ❖ Middlesex County Planning Board - May 10, 2011

b. Request received from Frank Zonkowski owner of Block 136, Lots 30.02, 30.03 and 30.04 to rezone the property from B-1 to a B3 or B3 in order to be able to lease these properties more easily, as they are currently classified as B1 Zone.

c. Received Notice from the City of South Amboy on an amendment to the City Code Chapter 53, Development Regulations, as it applied to Sheds.

d. Received notice from the Township of Old Bridge of their intent on holding a Public Meeting for the purpose of adopting their updated Land Use Element of their Master Plan on July 12, 2011 at their Municipal complex.

e. Notice to Adjacent Property Owner received from the following:
❖ To appear before the Zoning Board of Adjustment on July 27, 2011 for approval to place a fence encroaching upon setbacks and to place a fence in the front yard for property known as 56 Zaleski Drive.

❖ Applicant Shri Saibaba Corp to appear before the Planning Board on July 6, 2011 seeking preliminary and major site plan approval to expand the existing one (1) story bldg. to a two (2) story addition to the rear of the existing structure to be utilized as office space on property known as Blk. 136, Lot 6.

f. **Monthly Report (s)**

- ❖ Construction Office for the months of April and May, 2011

❖ **PUBLIC SAFETY** – Councilman Bella

a. Request to Travel received from the following:

- ❖ Melrose Hose Co. to attend a Firemen's Fair on July 29, 2011 in Keyport, NJ. -Approved

b. Requesting approval on the following block parties:

- ❖ Submitted by Jennifer Sauter and the residents of Haven Terrace, to be held on Haven Terrace from Campbell Drive to the cul de sac, on August 6, 2011 between 12 Noon

and 11 pm (Rain date of August 13th)

- ❖ Charles P. Spano and residents of Oxford Drive, to be held
On Oxford Drive from #1-10 on August 6th between 10am-10pm. -
Approved

c. Monthly Report (s)

- ❖ Municipal Court for the months of April and May, 2011
 - ❖ Fire Prevention-Sayreville and South Amboy - for the months of
April and May 2011
 - ❖ Board of Health - County and Sayreville - for the months of April
and May, 2011
- ❖ **PUBLIC WORKS** - Councilman Buchanan
- a. Request received from Ryder Corp for the release of the refundable portion of
Road Opening Permit #5144, issued on May 28, 2010 for property located at
56 Furman Avenue. Funds were held for one-year and by report from the
Road Supervisor there appears to be no physical opening to the roadway (56
Furman Avenue). - Approved

b. Monthly Report (s)

- ❖ Buildings & Grounds for the months of April and May, 2011
- ❖ Parks Department for the months of April and May, 2011
- ❖ Road Department for the months of April and May, 2011
- ❖ Garage Services for the months of April and May, 2011
- ❖ Sanitation for the months of April and May, 2011

Councilman Buchanan reported that the Woodland Park lights were struck by
lightning and are currently being fixed. The parks department is also preparing
for the Independence Day celebration. He will be meeting With Bernie Bailey,
director of Public Works, and CFO Kronowski regarding personnel.

- ❖ **RECREATION** - Councilwoman Eicher

- ❖ **WATER & SEWER** - Councilman Kelly

a. **Monthly Report (s)**

Monthly report for the Water Department and the Office on
Aging for the months of April and May, 2011.

- ❖ **ADMINISTRATIVE & FINANCE** - Councilman Perrette
- a. **APPLICATION FOR BINGO/RAFFLE LICENSES RECEIVED FROM**
Sayreville War Memorial High School Touchdown Club to conduct:
 - ❖ Off Premise Draw Raffle (50/50) on October 6, 2011 (#1705).
 - ❖ On-Premise Draw Raffle (50/50) On Oct. 6, 14 & 21, 2011 and
 - ❖ Nov. 4, 2011 (#1706). =

Action Required

b. Minutes Boards & Commissions

- ❖ Board of Education -Re-Organization Meeting, May 10, 2011
- ❖ Board of Education -Regular Meeting May 17, 2011 & June 7,
2011
- ❖ Commission for the Disabled-May 3, 2011
- ❖ Housing Authority -April 11 & May 10, 2011

c. Monthly Report (s)

- ❖ Municipal Clerk's Office for the months of April and May, 2011

- ❖ **MAYOR** - Kennedy O'Brien

a) Received the following applications for reappointment to the
Sayreville Economic and Redevelopment Agency. There are

three (3) terms expiring on July 15, 2011.

- 1) Donald Newton
- 2) G. Fred Semoneit
- 3) Darrell P. Hartsfield

Mayor made the re-appointment of Fred Semoneit to SERA. Stated Mr. Tom Tighe has been acting as his liaison for the appointments for SERA.

Mayor made a motion for appointment, seconded by Councilman Ken Kelly.

Councilman Henry asked about the other two names listed for appointment.

Mayor stated he had not heard back from Mr. Tighe on his recommendations.

Roll Call: Councilpersons Bella, Buchanan, Eicher, Henry, Kelly - All Ayes

Mayor opened the Public Portion for comments or questions on any and all questions and comments.

- Barbara Kilcomons
Asked if two appointments were made to SERA.

Mayor responded one appointment was made.

Ms. Kilcomons questioned the resolution made by Mr. Wisniewski which removes the Mayor from SERA.

Mayor stated it the legislation prohibits the Mayor from sitting on SERA.

She presumed it was statewide legislation.

Mayor replied it only applied to Sayreville.

Ms. Kilcomons stated it should have been challenged and that the Mayor should have a seat on that commission.

Ms. Kilcomons commented on the article in the paper regarding dredging.

Mayor stated he will have Paula Siarkiewicz give a report and that it is not coming to Sayreville.

- Paula Siarkiewicz, Chairwoman of Environmental Commission

Read into record the letter regarding the newspaper article on Sayreville receiving "contaminated muck" from Middletown, which was given to the Mayor and Council prior to the meeting. The Environmental Commission met on June 23rd to discuss the article. She stated there are no applications before SERA or O'Neil properties to obtain the "muck", nor were there any agreements. There is no inherent danger of contaminated dirt coming to Sayreville.

Stated she thinks Mr. Ambrosio should attend the next council meeting to address the issue.

Councilman Kelly asked if the article had been corrected or retracted.

Ms. Siarkiewicz stated it had not, O'Neill properties is looking into it.

Councilman Kelly asked if members from SERA were in attendance at the meeting.

Ms. Siarkiewicz responded that certain members, including the council liaisons Bella and Henry, in the middle of the meeting.

Councilman Kelly asked the Engineer if every truck load coming through town could be checked.

Engineer Cornell answered no and explained the sampling process.

Councilman Buchanan asked Ms. Siarkiewicz if the DEP had been contacted.

Ms. Siarkiewicz did believe they were contacted.

Councilman Buchanan directed the Borough Attorney to contact the DEP to verify it is not coming here.

Ms. Siarkiewicz stated there was an article stating that the Sustainable NJ Program has grant monies available to those interested. The Environmental Comm. Has vigorously been working to get a plan in place to get the grant. They have contacted Bernard Bailey, DPW Director, and Pam Lubeski, Recycling Coordinator. Mr. Bailey had stated to her that he is now putting it back into the Mayor and Council's hands.

Mayor asked if the grant application had been completed.

Ms. Siarkiewicz replied it had not.

Councilman Buchanan said he is working on it with Mr. Bailey.

Councilman Bella asked if Mr. Ambrosio would be billing the Borough if he were to attend the Council Meetings.

Mayor responded it would have to be determined by SERA and that it was past practice for the SERA Director to attend the meetings.

Councilman Bella stated he spoke with the Business Administrator about the Sustainable NJ grants over a year ago and was told it was handled by the secretary of Public Works.

Ms. Siarkiewicz stated that was untrue and it would be the recycling Coordinators position.

Councilman Bella agrees we should not lose the grant.

Councilman Henry commented on the SERA Director attending Council meetings and stated he and Councilman Bella are liaisons and could give reports.

Mayor stated the council liaisons should not be reporting.

Councilman Henry stated the previous SERA Director was full time whereas the current one is part time, and we would be taking more of his time from his duties.

- Barbara Kilcomons
Stated Mr. Corman did not bill the Borough for attending the meetings, nor should Mr. Ambrosio. Mr. Ambrosio should attend the meetings being he assumed the position.
- Tom Pollando, 15 Oakwood Dr.
Asked if the new SERA appointment is effective until July 15th.
(expiration date of the term)

Asked the Mayor if Tom Tighe is on SERA or if he looking for recommendations.

Mayor stated he is looking for recommendations. He said he wanted to appoint Tom Tighe to SERA however the new legislation prevents him from doing so.

- Rich ?, Core Consulting

Asked if Resolutions #158 & #159 were approved.

Borough Attorney responded they were.

- Frank Terzino, 32 Canal St.

Commented on a situation on River Rd. regarding a high tension tower that is eroding badly. He contacted JCP&L and wanted the Mayor and Council to be aware.

Mayor asked the Borough Engineer to review the pictures Mr. Terzino presented. Stated he thanked Mr. Terzino for the information.

Mayor asked for any other questions or comments.

No one appeared.

Mayor called for a motion to close the public portion.

Motion made by councilman Kelly, seconded by Councilman Henry.

Voice vote – all ayes.

Councilman Kelly called forward Steve from President Park Fire Company. He stated he, the Park Dept. and Steve went together to obtain a piece of steel from the World Trade center for the 9/11 Memorial.

Steve commented on the 9/11 Memorials and thanked the Parks Department.

- **EXECUTIVE SESSION ITEMS** - (None)
- **ADJOURNMENT**

No further business.

Councilman Kelly made a motion to adjourn. Motion seconded by Councilwoman Eicher.

Roll Call: Voice vote, all Ayes.

Time: 7:16.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved

- **PUBLIC PORTION**

Mayor O'Brien opened the meeting to the public for any and all questions or comments.

No one appeared.

Councilman Kelly moved to close the Public Portion. Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION ITEMS** - None
- **ADJOURNMENT**

No further business.

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

Roll Call: Voice vote, all Ayes.

Time: 7:16.

Rebecca Garbowski
Deputy Municipal Clerk