

CALL TO ORDER

Regular meeting of the Mayor and Borough Council held on Monday, January 24, 2011, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor O'Brien at 6:34 P.M. followed by a short prayer and salute to the flag.

STATEMENT OF NOTICE OF PUBLICATION

Clerk Farbaniec announced that this Regular Meeting of the Mayor and Council, being held on January 24, 2011, 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 the Municipal Clerk.

ROLL CALL

Roll Call:	Councilpersons Bella, Buchanan, Eicher, Henry, Kelly, Perrette.
Absent:	None.
Others Present:	Mayor O'Brien Business Admin. Bertrand C.F.O. Kronowski Municipal Clerk Farbaniec Borough Attorney Verrone Engineer Cornell
Others Absent:	None

Mayor said that this past week the borough said good-bye to a very special person. A friend, a volunteer, a patriot, a veteran-Mickey Sedlak. He called upon the Council President to say a few words.

Council President Ken Kelly said that just about everyone in town knew Mickey for many years. He dedicated his life to the youth of our community and he was a highly decorated Veteran of WWII. Always a gentlemen, always a friend, who will be sorely missed. His like will never be seen in the borough again. He asked that Our Heavenly Father take him into his care, may he get his just reward and may he rest in peace.

Mayor called for a Moment of Silence.

A moment of silence was observed by all in attendance.

SAYREVILLE PLANNING BOARD-

Discussion regarding the Planning Board's recommendation to the Mayor and Council regarding the Club Bene Property.

- Dr. John Misiewicz, Chairman, Sayreville Planning Board
- Joseph A. Ambrosio, Director, SERA (or his designee)

Mayor said Planning Board Chairman Dr. John Misiewicz would be late for this discussion but called upon the Chairman of the Sayreville Economic and Redevelopment Agency, Raniero Travisano for their opinion.

Mayor explained that the Planning Board, by law, does the Redevelopment studies and makes recommendations to the Council. It was the Planning Board's recommendation for Age Restricted housing and the Redevelopment Agency proposed a Market Rate apartment complex. Mr. Travisano said that it was for both-89 Market Rate Units and 16 Senior Units. He explained that this was the second developer that came in with a proposal and all others failed.

Councilman Bella questioned how we could be assured that a decision they make would not come back to us with a lawsuit, such as stating that these should all be market rate units.

Michael Baker, Attorney for SERA stated the decision that applied to Towne Lake, senior housing to market rate would not apply to a redevelopment setting where a specific contract between the Redevelopment Agency and the Developer existed. He also said the Market Rate home would be age targeted because they would only be two bedroom units, which would discourage families. They would not be three bedroom or larger. He clarified that the senior portion would be restricted by statute as age 55 and over.

Councilman Bella asked if anyone spoke about broadening the plan to include widening the intersection and improvements to the firehouse.

Chairman Travisano said the property on the triangle is too small to do any more with. You may be able to put an office building with stores down stairs and offices up stairs, but the fire house was never part of the discussion.

Discussions followed regarding a gas pipeline.

Councilman Bella gave his opinion that he felt something else other than residential could be done in that area.

Commissioner Travisano said that he believes that there are 12-15 children residing there already and there would be about 10-16 if the housing project was built.

Mr. Baker said that 16 units would be COAH Units.

Mayor asked the Tax Assessor what the taxable income would be. Then stated how much of that income the borough would keep in revenue.

Further discussion followed on what buildings would go where, the size of the property, etc.

Further input by the Tax Assessor.

Councilman Bella said that now as we are coming out of a tough economic time, he thought there would be better use of that property, other than housing. He said he doesn't consider this to be residential property.

Commissioner Travisano said that for the past 10 years they have attempted to bring other things to the area and no one has submitted any other plans other than housing and that of American Properties.

No other questions from the Governing Body.

Mayor reminded everyone that Dr. Misiewicz from the Planning Board would be in a little later to give the Planning Board's perspective.

Mayor moved onto the Discussion on the Zoning Review Committee concept.

Councilman Bella explained that the proposed committee was a temporary committee to come together and review the Zoning Ordinance, make the process of obtaining variances more business friendly, possibly eliminate the need for businesses to go through the process of having to apply for variances, and the need for lower escrow fees. He said it would be staffed by one person from each of the boards along with two business people. He said that he has most of the committee in place; he is just waiting to hear back from a few business people.

Mayor asked when the committee would expire and that the wording be added to the resolution.

Decision was made that this committee would expire September 1st or sooner.

Councilwoman Eicher asked if the Engineer and Construction Official's part in the committee would be under their general duties.

Mayor said that it is part of their duties.

Borough Attorney Verrone stated that there would be an amendment to the last sentence in the Resolution that would read, "the committee would cease to exist upon completion of its recommendations but no later than September 1, 2011".

Mayor asked if everyone was in agreement.

No objections.

Mayor called for Committee Reports.

ACTION ITEMS:

APPROVAL OF MINUTES OF THE MAYOR AND COUNCIL

Council President Kelly moved the following Minutes of the Mayor and Council be approved on Roll Call Vote, subject to correction, if necessary:

- Regular Meeting - December 13, 2010
- Executive Session - December 13, 2010

Seconded by Councilman Perrette.

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

COMMUNICATIONS & REPORTS OF COMMITTEE

Council President Kelly moved the Consent Agenda Communications be received on Roll Call Vote.

Seconded by Councilman Perrette.

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

- **COMMUNICATION** (reviewed on Jan. 10, 2011 Agenda Meeting).

- **ADMINISTRATION & FINANCE** – Co. Perrette

#1 APPLICATION(S) FOR BINGO/RAFFLE LICENSES

Received from:

- a) Sayreville War Memorial High School – Choral Parents Association to conduct an On-Premise 50/50 (RA:1685) and an On-Premise Draw/Tricky Tray (RA:1684) to be held on February 11, 2011.
- a) Approved.

#2 APPLICATIONS FOR WRECKER LICENSE RENEWALS

Received 9 Light Duty Wrecker Applications plus 2 Heavy Duty Wrecker Applications for renewal for 2011(pending approved insurance certificates).

- Resolution.

#3 APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR

Received from Our Lady of Victories, HSA to hold a Wine Tasting Fundraiser at Monsignor Dalton Hall, Main Street, Sayreville on March 5, 2011 from 7PM-10PM. - a) Approved.

#4 DONNA M. BRODZINSKI, TAX COLLECTOR

Requesting authorization to cancel taxes for over payments on various properties in the Borough.

- Resolution.

#5 DONNA M. BRODZINSKI, TAX COLLECTOR

- a) Requesting authorization to refund a portion of 2008, 2009 and 2010 taxes due to approval of a 100% Disabled Veteran Tax Deduction by the Tax Assessor, effective October 29, 2008, covering the owner of Blk. 444.07, Lot 9, 18 Joyce Place.
- b) Requesting authorization to refund a portion of 2009 and 2010 taxes due to approval of a 100% Disabled Veteran Tax Deduction by the Tax Assessor, effective June 2, 2009, covering the owner of Blk. 451, Lot 43, 68 Prusakowski Blvd.

- a & b) - Resolution.

REPORT OF CHAIR.

#6

- PLANNING & ZONING – Co. Henry

REPORT OF CHAIR.

- PUBLIC SAFETY – Co. Bella

#7 REQUEST FOR COIN TOSS

Received from:

- a) Boy Scout Troop #97 to solicit funds at the intersection of Washington Road and Ernston Rd. AND MacArthur Ave./Jernee Mill Road (County Approval Received).

- a) Approved.

REPORT OF CHAIR.

#8

- PUBLIC WORKS – Co. Buchanan

REPORT OF CHAIR.

#9

- RECREATION – Co. Eicher

REPORT OF CHAIR.

#10

- WATER & SEWER – Co. Kelly

REPORT OF CHAIR.

#11

- MAYOR O'BRIEN

Appointments:

#12

- BUSINESS ADMINISTRATOR'S AGENDA/REPORT

Administration & Finance:

- a. Authorization to purchase personal protective equipment (turn-out gear) for the Fire Department from Skylands Area Fire Equipment and Training from Butler, NJ. This purchase would be made through State contract number #76359 and shall not exceed \$75,000 which is the amount of the corresponding bond issue that was completed in November 2010 for this purpose.

- Resolution.

- b. Continued discussion on a proposed ordinance modification to permit the sale of vacant Borough property located on Dolan Avenue in the Morgan Section specifically known as Block 457 Lots 46 & 47. The proposal was initiated last year by a neighboring resident's request for purchase of the subject property.
- Ordinance to be introduced 1.24.11.
- c. Update on the Borough's participation with the Community Work Experience Program and the NJ Work First Program to provide on-site work experience opportunities.
- d. Authorization for Borough Clerk to re-advertise for Proposals for professional services in the area of Borough Attorney, Special Counsel (Tax Matters and Conflict), Municipal Auditor.
- Resolution adopted on Jan. 10, 2011.
- e. Authorization for Borough Clerk to re-advertise for the receipt of bids for Credit Card Services.
- Resolution.

Public Works:

- a. Authorization to renew the agreement with Middlesex County for participation in the CFC (chlorofluorocarbons) recovery program which includes a 50% reimbursement from the County for costs associated with the program. The term of this proposed agreement shall be January 1, 2011 to December 31, 2013.
- Resolution.
- b. Authorization for the Borough Clerk to advertise for bids for landscaping services for municipal property as managed by the Department of Public Works.
- Resolution.

Recreation: none**Water & Sewer:**

- a. Authorization to grant permission for BMT Bordentown, LLC to connect to Old Bridge Municipal Utilities Authority for Sanitary Sewer Service covering Block 30, Lot 3, 3105 Bordentown Avenue.
- Resolution.

Public Safety:

- a. Authorization to enter into contract with Global Connect for the provision of an Emergency Notification System for a three year period commencing with the approval of the contract. The maximum annual cost of the service is \$8,551.10.
- Resolution.
- b. Discussion on proposed modifications to the Wrecker Ordinance (#8-14) of the General Borough Ordinances as proposed by Police Chief Burns.
- Ordinance.
- c. Authorization to execute a Memorandum of Agreement with the Middlesex County Prosecutor's Office for the implementation of the "Securing the Cities Initiative" utilizing equipment and guidance provided through the U.S. Department of Homeland Security's Domestic Nuclear Detection Office.
- Resolution.
- d. Resolution acknowledging the Borough's participation in the Middlesex County Multi-Jurisdictional All Hazards Mitigation Plan.
- Resolution.

Planning & Zoning: none**Personnel:**

- a. Telephone System Coordinator: Appointment of Jessica Morelos (Clerk's Office) to this stipend position as a result of a resignation by Ms. Eileen Towlen (Finance Office) after serving 12 years in this additional capacity.
- Resolution.
- b. Department of Public Works – Office of the Director

Notice of Retirement of Ms. Roseanne Lovell, Clerk Typist effective February 1, 2011 after 24 years of service to the Borough.

#13

➤ C.F.O. WAYNE A. KRONOWSKI

1. Bill Resolution
2. Transfer Resolution

#14

➤ BOROUGH ATTORNEY AGENDA/REPORT

#15

➤ BOROUGH ENGINEER AGENDA/REPORT

1. 2007 Roadway paving and Reconstruction project – Closeout of Contract (Report Attached)
- Resolution.

FOR YOUR INFORMATION

- ADMIN. & FINANCE

#1 WAYNE A. KRONOWSKI, C.F.O

Received copy of the Certificate of Award for sale of Bond Anticipation Notes dated 12/9/10
- Receive & File.

- PLANNING & ZONING

#2 NOTICE TO ADJACENT PROPERTY OWNER

Hearing held before the Planning Board on January 5, 2011

-Heritage At Towne lake, LLC on Settlement of litigation between Heritage at Towne Lake, LLC and the Sayreville Planning Board involving Block 136.15, Lot 76 and Block 136.16, Lot 77, known as Sayreville Boulevard South. Settlement arising out of Sayreville Planning Board's Resolution dated March 17, 2010 involving 184 residential units.

Hearing scheduled before the Zoning Board of Adjustment scheduled for Jan. 26, 2011
Application made by:

- a) Attorney for New York SMSA LP, dba Verizon Wireless.

Application for development approvals to permit the collection of a wireless communication facility at 1094 Bordentown Avenue.

- Receive & File.

#3 SAYREVILLE PLANNING BOARD

Resolution(s) Memorialized on January 5, 2011.

- a) Messina & Bachetti, Washington Road, Block 52, Lots 3, 4, & 106 – Minor Subdivision.

- Receive & File.

- PUBLIC WORKS

#4 STATE OF NEWJERSEY – DEPT. OF TRANSPORTATION

Received Memorandum of Record from the State of New Jersey outlining their recommendation in the matter of Middlesex County & the Borough of Sayreville requesting modification to the Public Highway-Rail At-Grade Crossing of Consolidated Rail Corp's Gillespie Running Track & Bordentown Ave/Jernee Mill Road on a Petition filed by CME Associates.

- Receive & File.

- **ENVIRONMENTAL**
- #5 **STATE OF NEW JERSEY, DEPT. OF ENVIRONMENTAL PROTECTION**
Notification seeking Public Comment of their intent to approve a significant modification to an approved Air Pollution Control Operating permit for Gerdau Amersteel, Sayreville located at N. Crossman Road. Comments for this draft permit must be received by Jan. 27, 2011 and forwarded to address contained in letter.
- **PUBLIC SAFETY**
- **RECREATION**

MINUTES**Rec. & File**

Board of Education	-	November 16, 2010 and December 7, 2010
Middlesex County Planning Board	-	November 9, 2011

- **Reports of Committee**

Admin. & Finance Committee

Councilman Perrette moved the Municipal Clerk's Report for the month of December, 2010 and Annual Year End Report for 2010 be Received and filed.

Seconded by: Councilman Buchanan.

Planning & Zoning Committee

Councilman Henry moved the following Reports be received and filed:

1) Construction Official's Report for the month of December 2010.

Seconded by: Councilman Kelly.

Public Safety Committee

Councilman Bella moved the following reports be received and filed:

1) Municipal Court Administrator's report for the month of December, 2010.

2) Fire Prevention 2010 Year End Report

3) Various Police Department Reports for November and December 2010.

Seconded by: Councilman Buchanan.

Public Works Committee

Councilman Buchanan moved the following reports be received and filed:

1) Parks Department Report for the months of November and December, 2010.

2) Garage Services Report for the months of November and December 2010.

3) Sanitation Department Report for the months of November and December, 2010.

4) Road Department Report for the month of November 2010.

5) Building and Grounds Reports for the months of October and November, 2010.

Seconded by Councilman Kelly.

Recreation Committee

Councilwoman Eicher moved the following reports be received and filed:

1) Recreation Department Report for the month of December, 2010.

2) Office on Aging Department Report for the month of November, 2010.

Seconded by Councilman Buchanan.

Water & Sewer/Environmental

Council President Kelly moved the following reports be received and filed:

- 1) Water & Sewer Director's Report for the month of December 2010 and Year End Report for 2010.

Seconded by: Councilman Perrette.

Consent Agenda Resolutions

At this time Mayor O'Brien opened the meeting to the Public for Consent Agenda Resolution Items only:

No appearances.

Council President Kelly moved to close the public portion and approve the Consent Agenda Resolutions on Roll Call vote.

Seconded by Councilman Perrette.

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

RESOLUTION #2011-14

**RESOLUTION MEMORIALIZING THE APPOINTMENT
OF CME ASSOCIATES AS MUNICIPAL ENGINEER
OF THE BOROUGH OF SAYREVILLE**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 1, 2011 Organization Meeting appointing the firm of CME Associates as the Municipal Engineer for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2011;

WHEREAS, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough requires the services of an Engineer to advise the Mayor and Counsel on any and all engineering matters pertaining to the Borough; and

WHEREAS, the Laws of New Jersey provide for the appointment of a Borough Engineer; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1, et seq.) requires that the resolution authorizing the appointment of the Borough Engineer as required by the Borough for "professional services" without competitive bids be publicly advertised;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE Borough Council of the Borough of Sayreville, as follows;

1. That **David J. Samuel of CME Associates** is hereby appointed as Borough Engineer for the Borough of Sayreville for a one-year term commencing on January 1, 2011 and terminating December 31, 2011.

2. That services to be rendered by **David J. Samuel of CME Associates** shall be in compliance with the Laws of New Jersey.

3. This appointment is made without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized profession and regulated by law.

4. A copy of this resolution, certified to be a true copy by the Borough Clerk, shall be published as required by law within ten days from the date of adoption.

5. **David J. Samuel of CME Associates** will submit a 2011 schedule of hourly rates which shall be incorporated within a written employment agreement with the Borough of Sayreville. Said Agreement shall include a "not to exceed" minimum amount for engineering fees.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to forward a true copy of this resolution to **David J. Samuel of CME Associates, 3141 Bordentown Ave., Parlin, NJ 08859.**

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-15

**RESOLUTION MEMORIALIZING THE APPOINTMENT
OF APRUZZESE, McDERMOTT, MASTRO & MURPHY AS MUNICIPAL
LABOR COUNSEL FOR THE BOROUGH OF SAYREVILLE**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 1, 2011 Organization Meeting appointing the firm of Apruzzese, McDermott, Mastro & Murphy as the Labor Counsel for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2011;

WHEREAS, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough requires the services of an Attorney to represent the Mayor and Council in the field of labor relations; and

WHEREAS, the Laws of New Jersey provide for such services; and

WHEREAS, funds are available for this purpose;

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1, et seq.) requires that the resolution authorizing the appointment of an Attorney to represent the Mayor and Council in the field of labor relations as required by the Borough for "professional services" without competitive bidding must be publicly advertised.

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

1. That **Robert Clarke, Esq. of the firm Apruzzese, McDermott, Mastro & Murphy** be and is hereby retained to furnish legal services in conjunction with labor relations for the Borough of Sayreville for a term of one year, commencing on Jan. 1, 2011 and terminating on Dec. 31, 2011.
2. That the services to be rendered by the said **Robert Clarke, Esq.** shall be in compliance with the Laws of New Jersey.
3. This appointment is made without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized profession licensed and regulated by law.
4. A copy of this resolution, certified to be a true copy by the Borough Clerk shall be published as required by law within ten days from the date of adoption.

BE IT FURTHER RESOLVED that the Labor Counsel is directed to prepare a written employment contract to be executed by the Labor Counsel and the Borough which shall include the following: The hourly rate to be charged for the work assigned; a provision that a "not to exceed amount" be set for each project assigned pursuant to the terms of the contract to be executed by both parties; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized to forward a true copy of this resolution to **Robert Clarke, Esq. of the firm Apruzzese, McDermott, Mastro & Murphy.**

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-16

**RESOLUTION MEMORIALIZING THE APPOINTMENT
OF McCARTER AND ENGLISH, L.P. AS
MUNICIPAL BOND COUNSEL THE BOROUGH OF SAYREVILLE**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 1, 2011 Organization Meeting appointing the firm of **McCarter and English, L.P.** as Municipal Bond Counsel for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2011;

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds or notes of the Borough of Sayreville (the "Borough") in the County of Middlesex, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided only by a recognized Bond Counsel firm and the law firm of **McCarter & English, LLP** is so recognized by the financial community; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A: 11-1, et seq., requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised;

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

1. The law firm of **McCarter & English, LLP** is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds or notes by the Borough in accordance with an Agreement dated January 1, 2011 and submitted to the Borough (the "Contract").

2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A: 11-5 (1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Borough.

4. A notice in accordance with the Local Public Contract Law of New Jersey shall be published as required by law within ten days from the date of adoption of this resolution.

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized to forward a true copy of this resolution to **McCarter & English, LLP**.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-17

**RESOLUTION MEMORIALIZING THE APPOINTMENT
OF ROBERT A. BLANDA, ESQ. AS
MUNICIPAL PROSECUTOR FOR THE BOROUGH OF SAYREVILLE**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 1, 2011 Organization Meeting appointing the Robert A. Blanda, Sr., as Municipal Prosecutor for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2011;

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment shall include all prosecutorial duties including prosecution of building, zoning and ABC violations.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-18

**RESOLUTION MEMORIALIZING THE APPOINTMENT
OF PAUL DeSARNO, ESQ., AS PUBLIC DEFENDER FOR
THE BOROUGH OF SAYREVILLE**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 1, 2011 Organization Meeting appointing the Paul DeSarno, as Public Defender for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2011;

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted there under fixing the compensation to be paid municipal employees for a term expiring on December 31, 2011.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-19**RESOLUTION MEMORIALIZING THE APPOINTMENT
OF JAMES F. WEBER, ESQ., AS PRESIDING JUDGE
FOR THE BOROUGH OF SAYREVILLE**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 1, 2011 Organization Meeting appointing James F. Weber, Esq. as Presiding Judge for the Borough of Sayreville, County of Middlesex, State of New Jersey for a three year term ending December 31, 2013.

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted there under fixing the compensation to be paid municipal employees.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-20

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 1, 2011 Organization Meeting appointing the Jeffry Bertrand as Public Agency Compliance Officer (P.A.C.O) for the Borough of Sayreville, County of Middlesex, State of New Jersey, in accordance with the State Division of Contract Compliance & Equal Employment Opportunity in Public Contracts Law for the calendar year of 2011.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-21

WHEREAS, ProLogis 200-250 Kennedy, LLC, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2008, 2009 and 2010 affecting Block 330.04, Lot 1.02; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for ProLogis 200-250 Kennedy, LLC, duly recommend the following:

- Appeal of 2008 assessment will not be changed;
- Appeal of 2009 assessment will not be changed;
- Appeal of 2010 be reduced to \$2,945,400.00 (taxable assessment);
- 2011 will be further reduced to \$2,808,500.00 (taxable assessment).

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

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above-proposed and authorized.

2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-22

WHEREAS, ProLogis 300-350 Kennedy, LLC, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2008, 2009 and 2010 affecting Block 330.04, Lot 1.03 and 18; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for ProLogis 300-350 Kennedy, LLC, duly recommend the following:

- Appeal of 2008 assessment will not be changed;
- Appeal of 2009 assessment will not be changed;
- Appeal of 2010 be reduced to \$2,988,200.00 (taxable assessment);
- 2011 will be further reduced to \$2,849,400.00 (taxable assessment).

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

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above-proposed and authorized.

2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-23

WHEREAS, ProLogis 409 Kennedy, LLC, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2008, 2009 and 2010 affecting Block 330.07, Lot 1; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for ProLogis 409 Kennedy, LLC, duly recommend the following:

- Appeal of 2008 Assessment will not be changed;
- Appeal of 2009 Assessment will not be changed;
- Appeal of 2010 be reduced to \$4,166,100.00 (taxable assessment);
- 2011 will be further reduced to \$3,972,600.00 (taxable assessment).

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

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above-proposed and authorized.

2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-24

WHEREAS, ProLogis 309 Kennedy, LLC, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2008, 2009 and 2010 affecting Block 330.03, Lot 1.18; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for ProLogis 309 Kennedy, LLC, duly recommend the following:

- Appeal of 2008 assessment will not be changed;
- Appeal of 2009 assessment will not be changed;
- Appeal of 2010 be reduced to \$3,726,500.00 (taxable assessment);
- 2011 will be further reduced to \$3,553,400.00 (taxable assessment).

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

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above-proposed and authorized.

2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-25

WHEREAS, First Connecticut Holding Group, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2006, 2007, 2008 and 2009 affecting Block 245, Lot 1 & 2; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for First Connecticut Holding Group, duly recommend the following:

- Appeal of 2006 assessment will not be changed;
- Appeal of 2007 reduced to \$550,300.00;
- Appeal of 2008 reduced to \$421,600.00;
- Appeal of 2009 reduced to \$395,000.00;
- 2010 will be Freeze Act Year and be reduced to \$395,000.00
- 2011 will be further reduced to \$350,000.00

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

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above-proposed and authorized.
2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-26

WHEREAS, the following named persons have applied for the renewal of an auto wrecker's license under the existing ordinances covering the following locations for the year 2011:

<u>APPLICANT</u>	<u>LOCATION</u>
Joseph V. Juliano Julian's Garage	919 Route #9 South Amboy, NJ 08879
John Krist A-1 Auto Center	236 Main Street Sayreville, NJ 08872
Donald M. Rzepka Al's Auto Body	2070 Hwy. #35 South Amboy, NJ 08879
Mark Dombrowski Parlin Collision II, Inc.	925 Main Street Sayreville, NJ 08872
Wayne Wagner-Wagcar, Inc. Walter's Auto Body	502 Raritan Street Sayreville, NJ 08872
Roy Tomaszewski, t/a Sayreville Auto Body, Inc.	276 Washington Rd. Sayreville, NJ 08872
Steve Vrabel Economy Auto, Inc.	Victory Bridge Plaza South Amboy, NJ 08879
Thomas DePasquale Wayne's Auto Body	South Pine Ave. & 10 th St. South Amboy, NJ 08879

WHEREAS, the Governing Body has considered the applications and the same appear to be in conformity with the terms of the ordinances; and

WHEREAS, it further appears that there are no present violations pending against said applicants;

NOW, THEREFORE, BE IT RESOLVED:

- 1.) That the said applications are hereby approved and granted for the year 2011.
- 2.) That upon receipt of the proper insurance coverage and satisfactory wrecker inspection reports, the Borough Clerk is hereby authorized and directed to issue said licenses.

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

ATTEST:**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-27

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

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

<u>Blk/Lot/Qual</u>	<u>Amount</u>
032.03/0039	\$ 884.88
034.11/0003	328.73
061/0009C1002	1,182.00
136/0176	3,135.63
136.12/0005	1,362.35
136.12/037	2,624.57
155/0010	906.30
186/0001.04	12.09
210.03/0029.12	1,302.00
210.10/0001	15.15
248.06/0034.31	1,018.22
339.03/0003	903.60
368.04/0024	842.40
402/0004.04	70.37
442.16/0331	1,313.00
<u>449/0006.18C0082</u>	<u>551.39</u>
TOTAL	\$ 16,452.68

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

ATTEST:**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-28

BE IT RESOLVED that the proper Borough officials are hereby authorized and directed to refund property taxes for a portion of 2008, 2009 and 2010 tax year, effective October 29, 2008, in the total amount of \$10,554.48 dueto the approval by the Tax Assessor of a 100% Disabled Veteran's Tax Deduction covering Block 444.07, Lot 9, 18 Joyce Place.

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

ATTEST:**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-29

BE IT RESOLVED that the proper Borough officials are hereby authorized and directed to refund property taxes for a portion of 2009and 2010 tax year, effective June 2, 2009, in the total amount of \$11,283.28 due to the approval by the Tax Assessor of a 100% Disabled Veteran's Tax Deduction covering Block 451, Lot 43, 68 Prusakowski Boulevard.

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

ATTEST:**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-30

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, through State Contract (#76359) Thirty-Two (32) sets of Fire Department "Turnout Gear" from Skylands Area Fire Equipment & Training Co., 1360 Route 23, North Unit #3, Butler, NJ 07405, at a total cost not to exceed \$75,000.00.

/s/ Frank J. Bella, Councilman
(Public Safety Committee)

ATTEST:**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-31

BE IT AND IT IS HEREBY RESOLVED that the Mayor and is hereby authorized and directed to execute an Agreement between the County of Middlesex, Division of Solid Waste Management and the Borough of Sayreville covering the CFC Recovery Reimbursement Program for a 3-year period, commencing on January 1, 2011 through December 31, 2013.

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

ATTEST:**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-32

BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for Landscape Maintenance for various borough owned properties.

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

ATTEST:**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-33

WHEREAS, BMT Bordentown, LLC, owners of Block 30, Lot 3, 3105 Bordentown Avenue , in the Borough of Sayreville, has requested the Mayor and Borough Council to grant its consent to allow said company to connect into the Old Bridge Municipal Utilities Authority sanitary sewer system; and

WHEREAS, the Mayor and Borough Council of the Borough of Sayreville have considered same and find that it would be in the best interest of the Borough to grant said request;

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

1. That the Mayor and Borough Council hereby consent to the request of BMT Bordentown, LLC to connect into the Old Bridge Municipal Utilities Authority sanitary sewer system.
2. That the Old Bridge Municipal Utilities Authority be allowed to charge BMT Bordentown, LLC directly for said service pursuant to its prevailing rate schedule.

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

ATTEST:**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-34

BE IT AND IT IS HEREBY RESOLVED that the proper borough officials are hereby authorized and directed to execute an Agreement between Global Connect and the Borough of Sayreville, to provide unlimited Municipal Emergency Notification Message System Services for a 3-year period, commencing with the operation of the Emergency notification System.

/s/ Frank J. Bella, Councilman
(Public Safety Committee)

ATTEST:**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-35

BE IT AND IT IS HEREBY RESOLVED that the proper borough officials are hereby authorized and directed to execute a Memorandum of Understanding with the Middlesex County Prosecutor's Office and the Borough of Sayreville Police Department for Securing the Cities Initiative.

/s/ Frank J. Bella, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-36

WHEREAS, by resolution dated September 20, 2007 (#07-1797), the County of Middlesex was authorized to accept FY 2007 Pre-Disaster Mitigation Program Grant from the Federal Emergency Agency (FEMA) for the development of a county wide all hazards mitigation plan; and

WHEREAS, the Plan was prepared and submitted to FEMA; and

WHEREAS, the State Office of Emergency Management has advised that said Plan has been approved by FEMA; and

WHEREAS, FEMA requires that the County and each Municipality must formally adopt the said Plan; and

WHEREAS, the Mayor and Council of the Borough of Sayreville is of the opinion that the adoption of said Plan is in the best interests of the residents of the Borough of Sayreville as well as Middlesex County;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Sayreville, County of Middlesex, State of New Jersey that the Mayor and Council of the do hereby adopt the attached Middlesex County Multi-Jurisdictional Hazards Mitigation Plan;

BE IT FURTHER RESOLVED, that the Borough Clerk of the Borough of Sayreville shall forward certified copies of this resolution to the County of Middlesex, the Federal Emergency Management Agency and the Mayors of each municipality within the County of Middlesex.

/s/ Frank J. Bella, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-37

BE IT RESOLVED that the following person is hereby appointed to the following:

NAME OF APPOINTEE:	Jessica Morelos
POSITION:	Telephone Computer Systems Technician
DEPARTMENT:	Administrative & Executive
EFFECTIVE:	1/1/11

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be an annual stipend of \$750.00 for said position.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-38

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2010 Budget Appropriation Reserves be and the same are hereby authorized to be made in the following manner to wit:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Police Department (1240-310-1-1003)	\$ 31,000	\$
Fire Department (1265-301-2-2040)		10,000
Recreation (1370-701-1-1402)		13,000
Telephone (1440-940-2-18330)		8,000
	<u>\$ 31,000</u>	<u>\$ 31,000</u>

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-39
ACCEPTING FINAL WORK
AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD

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

Project: 2007 Roadway Paving and Reconstruction Project – Phase III

Contractor: Lucas Brothers, Inc.
80 Amboy Road
Morganville, NJ 07751

Balance Due: \$24,281.40

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

WHEREAS, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

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

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

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

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

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

4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$182,110.48 and the approval of same as to form and sufficiency by the Borough Attorney.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2010-40

BE IT AND IT IS HEREBY RESOLVED, that the Borough Clerk is hereby authorized to re-advertise a Request for Proposals for Credit Card Processing Services.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-41

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/ Councilman Frank Bella

/s/ Councilman William J. Henry

/s/ Councilman Daniel Buchanan

/s/ Councilman Kenneth P. Kelly, Sr.

/s/ Councilwoman Lisa Eicher

/s/ Councilman Nicholas J. Perrette

**Bill list of January 24, 2011, in the amount of \$1,815,380.16
(Bill List – See Appendix 2011-A for this date, in a separate Bill List File for 2011)**

RESOLUTION #2011-42

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, NEW JERSEY, CREATING AN INFORMAL ADVISORY COMMITTEE TO REVIEW THE BOROUGH'S CURRENT ZONING ORDINANCES, AND TO RECOMMEND AMENDMENTS INTENDED TO FACILITATE COMMERCIAL DEVELOPMENT WITHIN THE BOROUGH

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

1. There is hereafter created in the Borough of Sayreville a temporary Zoning Review Advisory Committee (the "Committee").
2. The Committee shall consist of five members, appointed by the Mayor with the advice and consent of the Council. Two of the members of the Committee shall be members of the Sayreville business community. Of the remaining three members of the Committee, one shall be a member of the Sayreville Economic and Redevelopment Agency, one shall be a member of the Sayreville Planning Board, and one shall be a member of the Sayreville Zoning Board of Adjustment. In addition to these five members, the Borough Engineer and Construction Official shall serve as professionals advising the Committee
3. The Committee shall undertake a review of the Borough's current land use ordinances, and shall explore and recommend possible amendments to the Borough's ordinances that may facilitate commercial development within the Borough. The Committee's recommendations shall not be binding upon the governing body.
4. The Committee shall present its recommendations to the Mayor and Council at a meeting held by the middle of June of 2011. The Committee shall cease to exist upon completion of its recommendations, but not later than September 1, 2011.

/s/ Frank J. Bella, Councilman (Sponsor)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-43

WHEREAS, Kaplan Companies has posted Performance Bonds and a Letters of Credit covering Section 1-6 within the Towne Lake Major Subdivision Project and said amounts were reduced as follows; and

	<u>90% Performance Bond</u>	<u>10% Letter of Credit</u>
Section 1	\$652,780.92	\$ 72,531.21
Section 2	\$217,835.51	\$ 24,203.95
Section 3	\$998,807.35	\$110,978.59
Section 4	\$939,547.54	\$104,394.17
Section 5	\$367,878.87	\$ 40,865.32
Section 6	\$349,162.01	\$ 38,795.78

WHEREAS, the Borough Engineer has recently performed a site inspection and has indicated that the that the majority of the project has been completed and has recommended that the Performance Bonds and Cash Bonds be released, subject to the posting of Supplemental Bonds covering the following work which remains to be completed:

1. Final paving of Sayreville Boulevard South from Main Street to Wisniewski Road.
2. Final paving of Michalik Drive.
3. Completion of Orta Court.

BE IT RESOLVED that the following Supplemental Bonds must be posted and approved:

	<u>90% Performance Bond</u>	<u>10% Letter of Credit</u>
Sayreville Boulevard South	\$105, 748.85	\$11,749.87
Michalik Drive	\$ 84,337.29	\$ 9,370.81
Orta Court	\$107,960.64	\$11,995.63

BE IT FURTHER RESOLVED that the Borough Engineer also recommends the release of the balance of bonds posted for Sections 1 to 6 within the Towne Lake Major Subdivision subject to the posting of a two (2) year 15% maintenance bonds in the amounts listed below:

	<u>15% Maintenance Bond</u>
Section 1	\$263,351.27
Section 2	\$ 72,997.26
Section 3	\$283,007.04
Section 4	\$202,838.27
Section 5	\$143,024.24
Section 6	\$129,299.96

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to release said bonds in the amount so stated subject to the posting of the required Supplemental Bonds and two-year 15% Maintenance Bonds.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Resolutions to be read in full – None.

Public Hearing on Ordinances – None

Introduction on Ordinance(s):

ORDINANCE # 155-11

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY, DESIGNATED AS BLOCK 457, LOTS 46 AND 47, AT PRIVATE SALE TO THE HIGHEST BIDDER FROM AMONG THE OWNERS OF REAL PROPERTY CONTIGUOUS TO EITHER LOT, OR, IN THE ALTERNATE, OFFERING THE PROPERTIES FOR PUBLIC SALE TO THE HIGHEST BIDDER.

Engineer Cornell said that this is a 50 x 100 lot property in the Morgan section of Sayreville. He also said that this ordinance has restrictions in it that this lot cannot be developed.

Councilman Perrette moved Ordinance #155-11 be approved on first reading, advertised according to law and a Public Hearing be held on February 14, 2011.

Seconded by: Council President Kelly.

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

ORDINANCE #156-11

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 8-14 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO REVISE THE FEES FOR WRECKER SERVICES AND STORAGE FEES

(Co. Bella, Public Safety Committee - Public Hearing February 14, 2011)

Councilman Bella asked that this ***Ordinance be held over until the next meeting.*** He said that he did not have a chance to meet with Police Chief and Public Safety Committee.

No objections to holding over until next meeting.

PUBLIC PORTION

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

Those appearing were:

- Theresa Strek, 140 McCutcheon Avenue
Questioned and commented on the appointment made in the Office on Aging.

Mayor responded two people were interviewed for the position. The appointment included a stipend that reflected the additional duties and responsibilities.

Mrs. Strek then commented about nepotism.

- Barbara Kilcomons, 22 Schmitt Street
Mrs. Kilcomons said she did not have a problem with the person in the position in the office on aging but had a problem with the way it was done.

Mayor responded that the appointment was a routine management decision. Both parties in the Office on Aging were interviewed and a choice was made for the interim position.

Mrs. Kilcomons then commented in favor of the Zoning Review Committee, the Construction Office, and the personnel.

Mrs. Kilcomons asked if all improvements were complete in Towne Lake in order to release bonds.

Response was made by Engineer Cornell on how separate bonds were posted guaranteeing the completion of outstanding work.

Councilman Bella told Mrs. Kilcomons that one of the things he wants the committee to do is hold meetings so that business people could come before the committee and give their experiences and testimony.

- John Rucki, Hendricks Court.
Questioned the resolution listed to cancel overpayments of taxes on various properties in Sayreville.

Response by CFO Kronowski on how the overpayments occur and that this action needs to be done for auditing purposes.

Mr. Rucki then questioned the resolutions on Tax Appeal Settlements.

CFO Kronowski said these were appeals that were filed in State Tax Court.

- Ed Strek, 58 Nickel Avenue
Questioned if the person appointed to the temporary position will remain a union member.

Mayor stated that this is a temporary appointment and that she would remain a union member.

Mr. Strek then questioned if she would be getting her union increases on top of the stipend.

Mr. Bertrand said she would not, the stipend is separate and that this is a temporary position.

No further questions or comments.

Council President Kelly moved to close the Public Portion. Seconded by Councilman Bella.

Roll Call: Voice Vote, all Ayes.

Mayor acknowledged Planning Board Chairman Dr. Misiewicz in the audience and called him forward for his position on the Planning Board's recommendation to the Council regarding the Club Bene Redevelopment Plan.

Planning Board Chairman gave the background history of the property. He said that it is 29 acres and was known as Site Club Bene/Club Krome located in a B-3 Zone. He stated the following:

- March 12, 2004 the Determination of Needs Study was sent from SERA to the Council which was then forwarded to the Planning Board to review and to set up the determination of needs for the property.
- June 12, 2004 Mayor and Council adopted a Resolution declaring the area in need of redevelopment.
- September 2004 a draft of the development plan was sent from SERA to the Planning Board reflecting 265 Age Restricted Units.
- October 7, 2004 the Planning Board reviewed the redevelopment and changed the amount.
- November 3, 2004 the Planning Board required the density be dropped to five (5) units per acre and a unit height of not exceeding four stories.
- April 5, 2005 the Plan was adopted.

Original Redeveloper, Continental Properties came in with a presentation. Their presentation was for Age-Restricted. They would knock down the club and put up a building with stores on bottom and offices on top.

An Ordinance was introduced to accept that redevelopment plan and then never heard anything from Continental Properties. A plan was never submitted to the engineer and technical review was not submitted. Plan remained.

July 1, 2010 there was a recommendation of a Redevelopment Plan sent from SERA for 90 Age Targeted Market Rate Units and 15 COAH Units. The Mayor and Council referred it to the Planning Board. Informal Hearing were held from Sept. till November. Met with American Properties, SERA, Tom Beninato.

December 1, 2010 the Planning Board voted not to make the recommendation to change the Redevelopment Plan. He said that he did not vote due to a possible conflict. The vote was 6 against and 3 in favor.

He highlighted some concerns made by the Planning Boards about the change.

- Questioned, is 90 units going to make that area function to make it for market value?
- The number of children 89- two bedroom units may produce. American Properties came before them and said that statistically it would only produce 5 children.
- Eisenhower School in that area informed them that due to the number of children in the area now they may have to redistrict.
- Other issues are – traffic and the jug handle, parking.
- American Properties only left 5 extra parking spaces for visitors for all units.
- They would leave the Club property separate and vacant.
- Board members all agree that it is an area in need of redevelopment but not sure if this is the project for that spot.

He also mentioned that most developers want to build residential. They want to build and move on.

Councilwoman Eicher asked what the Planning Board would like to see there.

Chairman Misiewicz said there is a Redevelopment Plan for that area. Just feel that due to the impact that Residential/Market Value homes it does not belong there. He stated that the Board was more comfortable with Continental Properties proposal, but they pulled out. He felt it is a Traffic Safety issue with the 89 + 5 units that American Properties is proposing age targeted.

Councilman Henry questioned what the area residents concerns were.

Chairman responded that traffic and traffic safety issues were areas of their concern. He said they were in favor of the first developer's proposal for the Age Restricted project.

Engineer Cornell explained that SERA originally proposed a maximum of 265 Units to the planning board. The Planning Board reviewed that and made a recommendation for five (5) Units per acre, which is approximately 120 units, that is what was adopted in the Redevelopment Plan.

Mayor asked how many acres of that tract of land is actually developable.

Engineer responded approximately 1/3 of the acreage is developable, which is 8-10 acres.

Mayor asked that the Planning Board meet with SERA, and possibly the builder, to come up with a resolution to either modify, accept, or reject the plan setting a deadline to help move this forward.

Mayor asked if the Council had any objections to this proposal.

Councilman Buchanan asked that Mr. Benenatto be part of those meetings. Mayor agreed that the Benenatto's should be.

Councilman Bella asked what is permitted in the Redevelopment Agreement.

Engineer Cornell clarified that the triangle piece where the club is allows office and retail, this is approximately ½ acre. The twenty-four acres allows for age restricted, residential development, five units per acre.

Discussion followed regarding the deadline for the subcommittees to make their decision. Various dates were discussed.

The Mayor asked that the Liaison from each keep the council apprised of the progress from each sub-committee.

Mayor thanked the Planning Board Chair and SERA Chair. for coming before the council tonight.

Councilman Kelly said that at the last meeting the council became dead-locked on the Mayor's right to additional time to appoint in as much as new RFP's went out for various professionals. At this time Councilman Kelly made a motion to allow the Mayor a 30 day grace period for these appointments from February 1st.

Seconded by Councilman Perrette.

Discussion followed regarding the Mayor's right to an additional 30 days.

Councilman Bella then suggested just waiting until after we receive the RFP's and if additional time is needed we can do so at the next meeting.

Councilman Kelly reminded everyone that there is a motion made and seconded.

	Ayes	Nays
Roll Call: Councilpersons Bella		X
Buchanan		X
Eicher		X
Henry		X
Kelly	X	
Perrette	X	

Clerk announced that the motion failed.

Mayor made comments that everyone just witnessed is the usurping of the Mayor's powers. The Mayor has the right to appoint within the first 30 days with the advice and consent of the Council. With the Council receiving new RFP's they have essentially taken that power away.

Councilman Buchanan said the Business Admin. was asked to get the opinion from the DCA and that due to personnel issues at the DCA they were not able to render their opinion. He further read the State Statute that applied to the Mayor's appointing authority and stated that the Mayor had made his nomination and was turned down. He said we should look at the new RFP's and work together, and that the nomination for the prior firm was not discussed with him for his opinion and vote on January 1.

Councilman Bella said that the Borough Form of Government was that of a strong council and weak mayor and the Mayor has appointing authority on January 1st and the council would have to ratify on January 1st and they had not. He said that 30 days from there the power goes to the council for appointment.

Mayor said that the rest of the year will be a 4-2 vote.

ADJOURNMENT

No further business Mayor O'Brien call for adjournment.

Council President Kelly made a motion to adjourn. Seconded by Councilman Buchanan.

Roll Call: Voice vote, all Ayes.

Time: 8:10 PM

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved