

CALL TO ORDER

Regular meeting of the Mayor and Borough Council held on Monday, February 28, 2011, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor O'Brien at 6:32 P.M. followed by a short prayer and salute to the flag.

Council President Kelly asked that everyone remain standing and called for a moment of silence for Councilman Bella's father-in-law.

A moment of silence was observed by all in attendance.

STATEMENT OF NOTICE OF PUBLICATION

Clerk Farbaniec 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 the Municipal Clerk.

ROLL CALL

Roll Call: Councilpersons Buchanan, Eicher, Henry, Kelly, Perrette.

Absent: Councilman Bella (excused)

Others Present: Mayor O'Brien
Business Admin. Bertrand
C.F.O. Kronowski
Municipal Clerk Farbaniec
Engineer Cornell
Attorney DuPont

Others Absent: None

OLD BUSINESS

Mayor O'Brien read the following statement into record under Old Business:

I want to address what happened at our last meeting and set the record straight, once and for all. I did not walk out of this meeting because I was not happy about the meeting's outcome. Rather, I was advised that we could not have a meeting without an attorney present. When my appointment of Mr. Brian Nelson failed, I believed we did not have an attorney, and as such, was NOT going to hold an illegal meeting.

Allow me to explain for a moment how we got into the position of not having a Borough Attorney at our meeting. I was advised by Judy Verrone, the Borough Attorney, that she had been advised by the business administrator, who was instructed by the Sayreville Democratic Chairman and Councilman Bella that her services were no longer required. I find it unconscionable that the Sayreville Democratic Chairman took it upon himself to contact the Borough Attorney and inform her that her services were no longer required.

At no time was I contacted, or a part of the process in deciding who the new attorney would be. Because, the attorney they selected was not the cheapest or most experienced, it was my assumption that an illegal meeting had to have taken place in order for the members to have all selected the same attorney. Clearly, I believe this was a violation of the Sunshine Law. I have been in contact with the DCA regarding this matter, and have decided that filing a request for an official investigation into this matter is NOT in Sayreville's best interest, and we need to move forward. The people of Sayreville will not be served by belaboring this issue any further.

With that being said, I do want to make one thing abundantly clear. My colleagues may not agree with me, or like Kennedy O'Brien the man. However, I AM the Mayor and will NOT tolerate the office of the Mayor being disrespected, as it has been. The people of Sayreville expect us to work cooperatively. This doesn't mean giving bipartisanship lip service, but actually walking the walk. The people of Sayreville are watching, and are expecting us to do better. Now, we must put petty political differences aside, and get busy working together rather than as a factionalized governmental body.

NEW BUSINESS:

Councilman Perrette made a motion to appoint the following:

Cable TV Advisory Board

Kristine Borjesson – 3 Year Unexp. Term, exp Dec, 2011.

William Egbert – 3 Year Unexp. Term, exp. Dec, 2011.

Motion seconded by Council President Kelly.

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

ACTION ITEMS:

- Minutes of the Mayor and Council -
Approval to release Closed Session Minutes of
November 22, 2010 – Personnel
Discussion on upgrade of secretary in the Office on Aging.

Motion made by Councilman Buchanan. Second by Councilman Kelly.

Roll Call: Councilpersons Buchanan, Eicher, Henry, Kelly, Perrette.

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 Buchanan, Eicher, Henry, Kelly, Perrette, all Ayes.

COMMUNICATIONS (reviewed on February 14, 2011 Agenda Meeting).

- **ADMINISTRATION & FINANCE**
 - #1 **APPLICATION(S) FOR BINGO/RAFFLE LICENSES**
Received from:
 - a) Morgan Parlin Panthers Football Club to conduct an Off-Premise 50/50 (RA:1686) to be held October 12, 2011.
 - a) Approve/Disapprove.
- #2 **JEFF SADLER**
Received letter of resignation from the Cable TV Advisory Board.
- Receive & file, letter thanking him for his services.
- #3 **STATE OF NEW JERSEY – DEPARTMENT OF TRANSPORTATION**
Notice received that Sayreville had been selected to receive funding from the NJDOT, 2011 Municipal Aid Program funding for Marsh Avenue Roadway Improvements in the amount of \$250,000.00.
- Receive & File.

#4 PRSSA - MONMOUTH UNIVERSITY

Request to solicit at the corner of Washington Rd. & Ernston Rd on March 19, 2011 all donations to benefit the American Cancer Society.

- Denied, previous policy decision of the Mayor and Council, that due to the overwhelming number of organizations requesting to solicit in Sayreville we would limit solicitations to local Sayreville organizations only.

REPORT OF CHAIR.

- PLANNING & ZONING

REPORT OF CHAIR.

- PUBLIC SAFETY - Co. Bella

#6 MR. & MRS. PETEET, 4 DENBY CT. & MR. & MRS. PANKEY, 4 SAYREVILLE BLVD.

Received letters of complaint regarding commuter parking on Denby Ct. & Sayreville Blvd. Commuters are blocking mail boxes, disruption Garbage, Trash and Recycling Removal. Requesting and 2 hour parking restriction, pushing commuters to park at the Park and Ride.

- Refer to Police Traffic Bureau.

#7 PAMELA J. LINDSON

Letter of resignation received resigning from the Human Relations Commission.

- Receive & File. Clerk to send letter thanking her for her volunteerism.

#8 MELROSE HOSE CO. NO. 1

Application for **Regular Membership** received from:

a) Sean J. Morelli, 54 Haven Terr.

(Accepted by Fire Co. on 2/7/11)

Application for Associate member received from:

b) Vernon Cox, 341 David St., So. Amboy

(Accepted by Fire Co. on 2/8/11).

(added on Monday, Feb. 28, time issue)

c) Request to travel to Belmar for a parade on March 6, 2011.

-a-c) Approved

#9 AMERICAN LEGION - LENAPE POST #211

Requesting permission to hold their 2011 Memorial Day Parade on Monday, May 30, 2011.

- a) Approved

REPORT OF CHAIR.

#10

- PUBLIC WORKS - Co. Buchanan

REPORT OF CHAIR.

#11

- RECREATION - Co. Eicher

REPORT OF CHAIR.

#12

- WATER & SEWER – Co. Kelly

REPORT OF CHAIR.

#13

- MAYOR O'BRIEN

#14

- BUSINESS ADMINISTRATOR'S AGENDA/REPORT

Administration & Finance:

- a. Authorization to execute 10-year right of way agreement with Fibertech Networks to occupy public rights of way and construct a fiber optic network extension to service their customer. This proposal has been reviewed by the Borough Engineer's and Borough Attorney's offices to their satisfaction.
- Resolution.

Public Works:

- a. Authorization to enter into a contract with Montecalvo Disposal Services, Inc. for the purpose of taking our recyclable waste (ID 13 & 13C) at a rate of \$79 per ton for calendar year 2011. This will result in an annual savings of approximately \$20,000 using 2010 tonnage figures.
- Resolution.

Recreation: none

Water & Sewer:

- a. Review of a request from the owners of 3160 Bordentown Avenue, Old Bridge to connect into our sewer system as no such service is currently available through the Old Bridge Municipal Utilities Authority. Billing for usage will be coordinated between the Borough and the Old Bridge MUA.
- Resolution.
- b. Authorization for the Borough Clerk to advertise through public bid for the purchase of Chlorine and Hydrated Lime for use at the water treatment plant.
- Resolution.

Public Safety: none

Planning & Zoning: none

Personnel: none

Recreation: none

Water & Sewer: none

Public Safety: none

Planning & Zoning: none

#15

- C.F.O. WAYNE A. KRONOWSKI

1. Bill **Resolution**

2. Possible Transfer

#16

- **BOROUGH ATTORNEY AGENDA/REPORT**

#17

- **BOROUGH ENGINEER AGENDA/REPORT**

1. Towne Lake Major Subdivision – Bond Release Request (Report Attached).
- Resolution.
2. Ernston Road / Bordentown Avenue Intersection Improvements – Status of Project.

FOR YOUR INFORMATION

- **ADMIN. & FINANCE**

#1 **PUBLIC SERVICE ELECTRIC & GAS CO.**

Filed a petition with the BPU requesting an increase in charges in electric & gas service.

- Receive & File.

- **PLANNING & ZONING**

#2 **BIGNELL PLANNING CONSULTANTS, INC.**

Notice that the south river Planning Board is holding a public hearing to adopt the Master Plan on January 27, 2011.

- Receive & File.

- **PUBLIC WORKS**

#3 **COUNTY OF MIDDLESEX, DEPT. OF PLANNING
DIVISION OF SOLID WASTE MANAGEMENT**

Received notice that the County Board of Chosen Freeholders adopted a resolution for a public hearing on a Plan Amendment to the County's Solid Waste Management Plan:

March 1, 6PM, County Admin. Bldg, New Brunswick, NJ

- Receive & File.

- **ENVIRONMENTAL**

#4 **NJ DEPT OF ENVIRONMENTAL PROTECTION
WATER RESOURCE MANAGEMENT AND INFRASTRUCTURE**

Notice of Rule Proposal, to readopt N.J.A.C. 7:22 without change.

The NJAC 7:22 contains the rules of the Department and the Trust governing the financial assistance application and award procedures as well as other related requirements for project sponsored qualify for State monies to finance environmental infrastructure projects.

- Receive & File.

- **PUBLIC SAFETY**

#5 **SHRI DWARKADHIS TEMPLE**

Notice of the following events:

March 19, 2011 - Bonfire

March 20 or 26, 2011 - Bonfire Rain dates

#6 **BOROUGH OF CARTERET & MILLTOWN**

Received copy of resolution from the Twp. of Edison adopting the Middlesex County Multi-jurisdictional All Hazards Mitigation Plan.

- Receive & File.

- **RECREATION**

<u>MINUTES</u>	<u>Rec. & File</u>
Board of Health	- January 6, 2011
Environmental Commission -	January 4, 2011
Rent leveling Board	- February 8, 2011
Housing authority	- December 14, 2010

- **Reports of Committee-Departmental Reports**

Admin. & Finance Committee

Councilman Perrette moved the following reports be received and filed:

- 1) Municipal Clerk's Report for the month of January, 2011.
- 2) Investment Activity report for the months of November and December, 2010.
- 3) Tax Collector's 2010 Year-end report.

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 January, 2011.

Seconded by: Councilman Buchanan.

Recreation Committee & Public Safety Committee – Co. Eicher

Councilwoman Eicher moved the following reports be received and filed:

- 1) Recreation Department Report for the month of January, 2011.

Seconded by: Councilman Buchanan.

Public Works Committee

Councilman Buchanan moved the following reports be received and filed:

- 1) Parks Department Report for the month of January, 2011.
- 2) Garage Services Report for the month of January, 2011.
- 3) Sanitation Department Report for the month of January, 2011.
- 4) Road Department Report for the months of December, 2010 and January 2011.
- 5) Building and Grounds Reports for the months of January, 2011.

Seconded by Councilman Kelly.

Water & Sewer/Environmental - Kelly

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

- 1) Water & Sewer Director's Report for the month of January, 2011.
- 2) Office on Aging Department Report for the month of January, 2011.

Seconded by: Councilman Buchanan.

- **Consent Agenda Resolutions**

Mayor O'Brien opened the meeting to the Public for questions or comments on Consent Agenda Resolutions.

Those appearing were:

- ❖ Barbara Kilcomons, 22 Schmitt St.
Questioned Resolution #2011-51.

She asked the Attorney if he would have a conflict with his being a Councilman in Red Bank and Attorney for Sayreville and both meetings are held on the second and fourth Mondays of the month.

Mr. DuPont said there would not be a conflict. The meetings in Red Bank have been changed.

Mrs. Kilcomons further commented on what happened at the last meeting.

- Stanley Drwal, 121 Bissett Street
Questioned Resolution #2011-58, asking where that property is located.

Response by Engineer Cornell, explaining it is across the street from his offices at 3141 Bordentown Ave.

- John Rucki, Hendricks Court
Comments made about Resolution #2011-51.
He asked that the governing body get this business out of the way and get on with the important business of the borough.

Mr. Rucki then questioned where the meeting of the minds occurred of the four council members regarding the professional appointments.

Councilwoman Eicher responded that there was a straw poll conducted of the Council by the Clerk, that is how it was determined that there was four.

Mayor clarified the fact that he received a phone call from the Borough Attorney on Friday afternoon stating that she had been instructed by the business administrator who had been instructed by Mr. Pollando and Councilman Bella that she not attend Monday night. Then on Monday I followed up and instructed the Clerk to poll the governing body, which she did and sent him the results, there were four affirmative votes for the McKenna, DuPont firm. Then, working on such a short time-line, it was his decision that the Sunshine Law may not have been followed and felt we might be in some legal jeopardy. That is why he took the action he took. He said he would like to move forward with the work of the borough.

Councilman Henry responded to the Mayor's comments about the McKenna firms' proposal amount as opposed to the Mayor's recommendation.

He said he felt they did the best thing in the interest of Sayreville and that at no time was the Sunshine Law broken either in person or via-e-mail. Would like to see the information the Mayor had on their breaking the law.

- Tom Pollando, 15 Driftwood Drive
He said that he had received a phone call from Mr. Bertrand last week or so regarding the DeCotiis firm not being re appointed, which he confirmed. He said he at no time spoke with Judy Verrone or the DeCotiis firm. He said that back in December he met with the republican chairman and informed them that the democrats would not be supporting the DeCotiis firm.
- Bob Kominkiewicz, 103 Ernston Road
Asked the council members to all work together.
- Councilman Perrette
Questioned how someone could be appointed to a position that they did not apply for in the RFP.

Councilwoman Eicher questioned if the Johnstone firm applied for Litigation.

Councilman Buchanan asked Borough Attorney Mike DuPont that if someone did not apply for a position if they could be appointed.

Attorney DuPont responded that it was his understanding Mr. Lane did complete the proper portion and it was under that basis the council made their selection for conflict/litigation attorney.

Councilman Perrette then asked that the council hold Resolution #2011-52 until we can get clarification.

All agreed.

No further questions or comments on the Consent Agenda Resolutions.

Council President Kelly made a motion to close the Public Hearing and approve the Consent Agenda Resolutions, minus Resolution #2011-52 on Roll Call Vote. Seconded by Councilwoman Eicher.

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

RESOLUTION #2011-51 (Borough Attorney)

**RESOLUTION MEMORIALIZING THE APPOINTMENT
OF McKENNA, DuPONT, HIGGINS & STONE AS MUNICIPAL ATTORNEY -
GENERAL MATTERS OF THE BOROUGH OF SAYREVILLE**

WHEREAS, the Governing Body of the Borough of Sayreville are knowledgeable that the Borough requires the services of an Attorney to advise the Mayor and Council on any and all legal matters pertaining to the Borough; and

WHEREAS, the Laws of New Jersey provide for the appointment of a Borough Attorney; 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 Attorney as required by the Borough for "professional services" without competitive bids must be publicly advertised;

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 14, 2011 meeting appointing the firm of McKenna, DuPont, Higgins & Stone as the Municipal Attorney for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2011;

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Sayreville, as follows:

1. That the services to be rendered by the said Borough Attorney 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 Borough Attorney is directed to prepare a written employment contract to be executed by the Borough Attorney and the Borough, which shall include the following:

The monthly rate to be charged for the work assigned;
What the retainer fee covers;

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 McKenna, DuPont, Higgins & Stone.

/s/ William J. Henry, Councilman
(Admin. & Finance Comm.)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

-HOLD OVER-

RESOLUTION #2011-52 (Litigation & Special Counsel)
RESOLUTION MEMORIALIZING THE APPOINTMENT
OF JOHNSTONE, SKOK, LOUGHLIN & LANE AS JOINT
LITIGATION & SPECIAL COUNSEL OF THE BOROUGH OF SAYREVILLE

WHEREAS, the Governing Body of the Borough of Sayreville are knowledgeable that the Borough requires the services of an Attorney for Litigation and Special Conflicts to advise the Mayor and Council on any and all of these legal matters as they pertain to the Borough; and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1, et seq.) requires that a resolution authorizing the appointment of the Litigation and Special Conflicts Counsel as required by the Borough for “professional services” without competitive bids must be publicly advertised;

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 14, 2011 meeting appointing the firm of Johnstone, Skok, Loughlin & Lane as joint council for Litigation and Special Conflict for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2011;

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Sayreville, as follows:

1. That the services to be rendered by the joint Litigation and Special Conflict Counsel shall be in compliance with the Laws of New Jersey.
3. This appointment is made 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 Borough Attorney is directed to prepare a written employment contract to be executed by the Litigation/Special Conflicts Counsel and the Borough, which shall include the following:

- The monthly/hourly rate to be charged for the work assigned;
- What the retainer fee covers;
- 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 Johnstone, Skok, Loughlin & Lane.

RESOLUTION #2011-53 (Litigation & Special Counsel)
RESOLUTION MEMORIALIZING THE APPOINTMENT
OF VLASAC & SHMARUK, LLC AS JOINT
LITIGATION & SPECIAL COUNSEL OF THE BOROUGH OF SAYREVILLE

WHEREAS, the Governing Body of the Borough of Sayreville are knowledgeable that the Borough requires the services of an Attorney for Litigation and Special Conflicts Counsel to advise the Mayor and Council on any and all of these legal matters as they pertain to the Borough; and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1, et seq.) requires that a resolution authorizing the appointment of the Litigation and Special Conflicts Counsel as required by the Borough for “professional services” without competitive bids must be publicly advertised;

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 14, 2011 meeting appointing the firm of Vlasac & Shmaruk, LLC as joint council for Litigation and Special Conflict for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2011;

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Sayreville, as follows:

1. That the services to be rendered by the joint Litigation and Special Conflict Counsel shall be in compliance with the Laws of New Jersey.

3. This appointment is made 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 this Attorney is directed to prepare a written employment contract to be executed by the Litigation/Special Conflicts Counsel and the Borough, which shall include the following:

The monthly/hourly rate to be charged for the work assigned;
 What the retainer fee covers;

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 Vlasac & Shmaruk, LLC.

/s/ William J. Henry, Councilman
(Admin. & Finance Comm.)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-54 Municipal Auditor

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 14, 2011 meeting appointing the firm of Wiss & Co., LLP to serve as statutory auditors for the Borough of Sayreville, in the County of Middlesex for the calendar year of 2011; and

BE IT FURTHER RESOLVED that pursuant to the requirements under the Local Public Contract Law, the following resolution be and is hereby adopted;

WHEREAS, there exists a need for the performance of a statutory audit for the year 2011 for the Borough of Sayreville, in the County of Middlesex; and

WHEREAS, funds are or will be made 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 award of contracts 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. The proper borough officials are hereby authorized and directed to execute an agreement with **Wiss & Company, LLP**.
2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law, subject N.J.S.A. 40A: 5-11, which states that "No local unit shall be required to advertise for bids for any of the work performed pursuant to 40A: 5-4 (Annual Audit Required)".
3. 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 Borough Auditor is directed to prepare a written employment contract to be executed by the Auditors and the Borough which shall include the following: The rate to be charged for the entire 2011 Annual Audit Report 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 **Wiss & Company, LLP, 354 Eisenhower Parkway, Livingston, N.J. 07039**.

/s/ William J. Henry, Councilman
(Admin. & Finance Comm.)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-55
(Special Counsel-Tax Matters)

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the February 14, 2011 meeting appointing the firm of James P. Nolan Assoc. to serve as Special Council-Tax Matters for the Borough of Sayreville, in the County of Middlesex for the calendar year of 2011; and

WHEREAS, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough may require the services of a Special Counsel to advise the Mayor and Council on various tax matters pertaining to the Borough; 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 a Special Counsel 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 **James P. Nolan & Associates, LLC** be and are hereby appointed as Special Counsel for property tax matters for the calendar year of 2011.
2. That the services to be rendered by the said **James P. Nolan & Associates, LLC** shall be in compliance with the Laws of New Jersey.
3. This appointment is made without competitive bidding as a "professional service" under 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 Tax Counsel is directed to prepare a written employment contract to be executed by the Special Tax Counsel and the Borough which shall include the following:

- o Hourly Rate to be charged for the work assigned
- o What the retainer fee covers
- o 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 to true copy of this resolution to **James P. Nolan & Associates, LLC, 61 Green Street, Woodbridge, NJ 07095.**

/s/ William J. Henry, Councilman

(Admin. & Finance Comm.)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-56

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, NEW JERSEY, GRANTING FIBER TECHNOLOGIES NETWORKS, LLC, PERMISSION TO UTILIZE THE BOROUGH'S PUBLIC RIGHT OF WAY FOR THE INSTALLATION, USE, AND MAINTENANCE OF THE TELECOMMUNICATIONS FACILITIES FOR THE PURPOSE OF PROVIDING TELECOMMUNICATION SERVICES, AND AUTHORIZING THE EXECUTION OF A RIGHT OF WAY USE AGREEMENT

WHEREAS, Fiber Technologies Networks, LLC (“Fibertech”) is a New York limited liability company, with offices located at 300 Meridian Centre, Rochester New York, is authorized to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order issued by the New Jersey Board of Public Utilities (“NJBPU”) in Docket No. TE05080683 dated September 14, 2005; and

WHEREAS, Fibertech has requested the consent of the borough to occupy public rights of way within the Borough for a period of fifty (50) years for the purpose of constructing, installing, operating, repairing, maintaining and replacing a telecommunications system; and

WHEREAS, Fibertech has represented that it will place its telecommunications facilities aerially on existing utility poles or in existing underground conduits owned by public utility companies in the public rights of way within the municipality; and

WHEREAS, the laws of New Jersey, at N.J.S.A. 48:17-10 through 12, provide that the Borough may by resolution grant Fibertech the Borough’s consent to place “local” lines within the Borough’s public rights-of-way to deliver telecommunications service within the Borough, and shall grant Fibertech the Borough’s consent to place “through” lines within the Borough’s public rights-of-way, subject to the Borough’s interest in protecting the safety and convenience of persons or vehicles traveling on any street, road or highway; and

WHEREAS, it is deemed in the best interest of the Borough and its citizenry, for the Borough to grant municipal consent to Fibertech to occupy the public rights of way within the Borough for this purpose, subject to the execution of a right of way use agreement in a form to be approved by the Borough Attorney; and

WHEREAS, the Borough believes granting the above consent for ten (10) years, instead of the fifty (50) years sought by Fibertech, will be more than beneficial to the residents of the Borough,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville, in the County of Middlesex and State of New Jersey, that permission and authority are hereby granted to Fibertech to install telecommunications facilities on utility poles or within underground conduits located in the public right of way in the Borough of Sayreville in order to provide telecommunications services to the public, and to operate, maintain and repair said facilities, subject to the following:

- A. The facilities shall be installed in underground conduit and/or onto utility poles in the public right of way.
- B. Fibertech, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right of way.
- C. Fibertech, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
- D. Such permission be and is hereby given upon the condition and provision that Fibertech, its successors and assigns, not only indemnify and save harmless the Borough of Sayreville, its officers, and servants, from any claims arising from or in any way connected to the acts or omissions of Fibertech in use of the public right-of-way but shall agree to defend any action at law or equity which may be brought against the Borough, its officers, agents and servants upon such claims or from claims arising from Fibertech’s construction, installation, operation, repair, maintenance, or replacement of a telecommunications system, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Borough.
- E. Fibertech, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough, its officers, agents, and servants, as its interests may appear, in the amount of at least \$5,000,000, in any combination of primary and excess or umbrella coverages, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Borough as an additional insured shall be filed with the Borough Clerk prior to the installation of any facilities in the public right of way. On prior notice to Fibertech, the Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided such change is implemented uniformly for all similarly situated carriers. Fibertech shall endeavor to ensure that said insurance shall not be subject to cancellation or change until thirty

(30) days after the Borough Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.

- F. Such permission be and is hereby given upon the further condition that in the use of the public right of way Fibertech, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.
- G. Such permission be and is hereby given upon the condition that Fibertech shall obtain all applicable permits which may be required by the Borough, and shall comply with, bear the expenses of, all applicable Borough requirements regarding traffic control and police supervision while any work in the public right of way is occurring.
- H. Fibertech shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of its facilities.
- I. The adoption of this resolution on behalf of the Borough by the Borough Council shall be attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said actions shall constitute the existence of public notification.
- J. The permission and authority hereby granted shall be for a period of ten (10) years. Such permission and authority shall be automatically extended for additional periods of five (5) years each; provided, however, that either party may cancel such permission and authority effective at the end of the currently effective term with a minimum of one (1) year's prior written notice to the other.
- K. Fibertech shall enter into a right of way use agreement incorporating, but not limited to, the requirements of this resolution in a form acceptable to the Borough Attorney. The Mayor is authorized to sign the agreement, and the Borough Clerk is authorized to attest to his signature.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-57

BE IT AND IT IS HEREBY RESOLVED that Jeffry Bertrand, Business Administrator of the Borough of Sayreville is hereby authorized and directed to execute a contract with Montecalvo Disposal Services, Inc. of Keasby, New Jersey for ID 13 Bulky Waste and ID 13C Construction and Demolition Waste Material collected through Fort Grumpy and on scheduled heavy trash pick-up dates retroactive from January 1, 2011 through December 31, 2011.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-58

WHEREAS, the owner of Block 5001, Lot 4.13, 3160 Bordentown Avenue in the Township of Old Bridge, has requested the Mayor and Borough Council of the Borough of Sayreville to grant permission to allow a temporary connection to a sewer line to the Borough of Sayreville sewer system for service; 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 of the Borough of Sayreville hereby consent to the request of property owner of Block 5001, Lot 4.13, 3160 Bordentown Avenue located in the Township of Old Bridge to temporarily connect to the Sayreville sewer system until such time as the Old Bridge Municipal Utilities authority provides sewer services in proximity to the property.

2. That the Borough of Sayreville be allowed to charge the property owners of Block 5001, Lot 4.13, 3160 Bordentown Avenue 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, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-59

BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for the following Water Department Chemicals:

- Hydrated Lime Bags and Bulk
- Chlorine

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-60

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

_____(Absent)_____
Councilman Frank J. Bella

/s/ William J. Henry
Councilman

/s/ Daniel Buchanan
Councilman

/s/ Kenneth P. Kelly, Sr.
Councilman

/s/ Lisa Eicher
Councilwoman

/s/ Nicholas J. Perrette
Councilman

**Bill list of January 24, 2011, in the amount of \$1,424,564.36
(Bill List - See Appendix 2011-A for this date, in a separate Bill List File for 2011)**

RESOLUTION #2011-61

WHEREAS, Kaplan Companies has posted Supplemental Maintenance Bond and Letter of Credit covering Michalik Drive within the Towne Lake Major Subdivision project; and

WHEREAS, the Borough Engineer has recently performed a site inspection and has indicated that the previously outstanding work has been satisfactorily completed and recommends the release of the following supplemental bonds posted for Michalik Drive:

	<u>90% Performance Bond</u>	<u>10% Letter of Credit</u>
Michalik Drive	#FP0016474 - \$ 84,337.29	#8050002140 - \$9,370.81

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-62

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, NEW JERSEY, DECLARING THE LAPSE OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1219-33-036-004, HERETOFORE HELD BY BEN'S TAVERN INC. T/A JOHNNY G'S TAVERN

WHEREAS, Ben's Tavern Inc., trading as Johnny G's Tavern (the "Licensee"), has heretofore been the holder of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License No. 1219-33-036-004 (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 each year for which a timely renewal application was not filed, may file 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, the Licensee applied for renewal of the License for the 2008-2009 license year; and

WHEREAS, the License was renewed for the 2008-2009 license year by Sayreville Resolution No. 2008-233; and

WHEREAS, no application for renewal was filed, and the License was not renewed for the 2009-2010 license year; and

WHEREAS, no application for renewal was filed, and the License was not renewed for the 2010-2011 license year; 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 no fees have been paid by the Licensee since the 2008-2009 license year;

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. Ben's Tavern Inc. T/A Johnny G's Tavern ("Licensee") is hereby deemed to have abandoned Plenary Retail Consumption License No. 1219-33-036-004 ("License").
3. Plenary Retail Consumption License No. 1219-33-036-004 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 or 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 Alcohol Beverage Control
140 East Front Street
P. O. Box 087
Trenton, New Jersey 08625-0087
 - b. Chief, Sayreville Police Department
 - c. Ben's Tavern Inc.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2011-63

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, NEW JERSEY,
DECLARING THE LAPSE OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 1219-33-014-007, HERETOFORE HELD BY O & S INC**

WHEREAS, O & S Inc. (the "Licensee"), has heretofore been the holder of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License No. 1219-33-014-007 (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 each year for which a timely renewal application was not filed, may file 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, the Licensee applied for renewal of the License for the 2008-2009 license year; and

WHEREAS, the License was renewed for the 2008-2009 license year by Sayreville Resolution No. 2008-144; and

WHEREAS, no application for renewal was filed, and the License was not renewed for the 2009-2010 license year; and

WHEREAS, no application for renewal was filed, and the License was not renewed for the 2010-2011 license year; 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 no fees have been paid by the Licensee since the 2008-2009 license year;

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

6. The recitals set forth above are hereby incorporated into the body of this Resolution as if set forth at length herein.
7. O & S Inc. (“Licensee”) is hereby deemed to have abandoned Plenary Retail Consumption License No. 1219-33-014-007 (“License”).
8. Plenary Retail Consumption License No. 1219-33-014-007 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.
9. The Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate.
10. 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
 - c. O & S Inc.

/s/ Nicholas J. Perrette, Councilman

(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien, Mayor

Resolutions to be read in full – None

PUBLIC HEARING ON ORDINANCE(S):

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #155-11.**

No appearances

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

Roll Call: Councilpersons Bella, 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)

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

SECTION 1. Paragraph 8-14.14(g) of Section 8-14.14, "Conduct of Operators, Generally," of Section 8-14, "WRECKERS," of Chapter VIII, "GENERAL LICENSING," of the Revised General Ordinances of the Borough of Sayreville is hereby amended by inserting the text **underlined and marked in bold**, to read as follows:

g. The licensee who is called to the scene of an accident or other type incident shall be required to clean up the debris at the scene of the incident or accident, to the satisfaction of the police officer in charge at the scene, unless it is determined by the police officer in charge that the same should be done by the Borough Fire Department or Road Department or that a hazardous condition may exist which may require the involvement of or oversight by some other governmental agency. **When authorized by the police officer in charge to clean up debris at the scene of the incident or accident, the licensee may charge the driver(s) fees not to exceed the following:**

<u>Clean Up Fee</u>	<u>\$45.00</u>
<u>Absorbent Material Fee</u>	<u>\$15.00 (per bag)</u>

SECTION 2. Paragraphs (a)1 through (a)4 of Section 8-14.20, "Rates for Towing and Storage Service," of Section 8-14, "WRECKERS," of Chapter VIII, "GENERAL LICENSING," of the Revised General Ordinances of the Borough of Sayreville are hereby amended by deleting the text **[marked in bold and enclosed in brackets]** and inserting the text **underlined and marked in bold** to read as follows:

8-14.20 Rates for Towing and Storage Service.

a. Rates charged for towing and storage services shall not exceed the following:

1. **[Thirty-five (\$35.00)] Fifty (\$50)** dollars for road service provided in response to a call from the Borough Police Department occurring **[between 8:00 a.m. and 4:30 p.m. Monday through Saturday.] at any time of the day or night**. Whenever required in order to move a vehicle, the wrecker operator shall provide at the scene, and include within such service charge, two (2) gallons of fuel; or the changing of a flat tire; and/or the jump start of a vehicle;
2. **[Fifty (\$50.00)]** dollars for road service provided in response to a call from the Borough Police Department occurring between 4:30 p.m. and 8:00 a.m. Monday through Saturday or any time on a Sunday. Whenever required, in order to move a vehicle, the wrecker operator shall provide at the scene, and include within such service charge, two (2) gallons of fuel; or the changing of a flat tire; and/or the jump start of a vehicle;]

3. A flat fee of one hundred (\$100.00) dollars for any light duty tow (that is, towing or flatbedding of any vehicle with a gross vehicle weight of under seven thousand (7,000) pounds from any point in the Borough to any other point in the Borough, at any time of the day or night;

[4. A flat fee of two hundred seventy-five (\$275.00) dollars for any heavy duty tow (that is, the towing of any vehicle with a gross vehicle weight of seven thousand (7,000) pounds or more) from any point in the Borough to any other point in the Borough, at any time of the day or night. Said flat fees shall not include the cost of reasonable labor charges which are incurred to prepare the vehicle for transport;]

4. A flat fee, which shall not include the cost of reasonable labor charges incurred to prepare the vehicle for transport, of:

a. Two hundred seventy-five (\$275.00) dollars for any heavy duty tow of a vehicle with a gross vehicle weight between seven thousand (7,000) pounds and twenty six thousand (26,000) pounds from any point in the Borough to any other point in the Borough, at any time of the day or night;

b. Four hundred fifty dollars (\$450) for any heavy duty tow of a vehicle with a gross vehicle weight exceeding twenty six thousand (26,000) pounds from any point in the Borough to any other point in the Borough, at any time of the day or night;

5. Commencing as of twelve (12) hours from the time that a vehicle is removed from the scene from which it was towed or as of the next calendar day, whichever is later, a flat rate of not more than thirty (\$30.00) dollars per day shall be charged for each vehicle with a gross vehicle weight of six thousand nine hundred ninety-nine (6,999) pounds or less, which is stored outside, and thirty-five (\$35.00) dollars per day for inside storage of such vehicles; any vehicle weighing seven thousand (7,000) pounds or more shall be subject to a flat rate daily charge of seventy-five (\$75.00) dollars per day for outside storage and ninety (\$90.00) dollars per day for inside storage; **The owner or operator of the vehicle shall be entitled to visit the vehicle, either personally or through an agent, one time free of charge for the purpose of inspecting the vehicle or removing property at the Wrecker Operator's Business Location. In the event the owner or operator of the vehicle seeks additional visits to the vehicle, the Wrecker Operator may charge a one-time administrative fee of thirty-five dollars (\$35.00), which fee will cover any and all subsequent visits. Investigatory visits by law enforcement personnel shall not be considered visits for purposes of this paragraph.**

SECTION 3. Section 8-14.20, "Rates for Towing and Storage Service," of Section 8-14, "WRECKERS," of Chapter VIII, "GENERAL LICENSING," of the Revised General Ordinances of the Borough of Sayreville is hereby amended by the insertion of a new paragraph (c) immediately following the existing paragraph (b), to read as follows:

c. Police Holds. Any vehicles stored on Borough Property pursuant to a police hold shall be subject to the following fees, payable to the Borough of Sayreville: Commencing as of twelve (12) hours from the time that a vehicle is removed from the scene from which it was towed or as of the next calendar day, whichever is later, a flat rate of not more than thirty (\$30.00) dollars per day shall be charged for each vehicle with a gross vehicle weight of six thousand nine hundred ninety-nine (6,999) pounds or less, which is stored outside, and thirty-five (\$35.00) dollars per day for inside storage of such vehicles; any vehicle weighing seven thousand (7,000) pounds or more shall be subject to a flat rate daily charge of seventy-five (\$75.00) dollars per day for outside storage and ninety (\$90.00) dollars per day for inside storage;

SECTION 4. Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 5. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 6. Effective Date.

This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

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

ATTEST:

/s/ Theresa A. Farbaniec
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

Judy A. Verrone, Esq.

Introduction on Ordinance(s): (none)**PUBLIC PORTION**

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

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street

Mrs. Kilcomons asked that the Public Portion at the Agenda Meeting be held at the end of the meeting, so that the public can give their input on the council's discussions.

All agreed.

She then commented on the budget and capital items as well as salaries.

Response by Mayor O'Brien and Business Admin. Bertrand.

- Michael D'Addio, 13 Zaleski Drive
Asked the Mayor how many budget meetings he had attended.

Mayor responded that there were two meetings which he was not able to attend. One due to business and the other due to illness. He further explained that in the form of government we have the mayor runs the meetings and the council puts the budget together and passes the budget. It is his job to run the meeting give his input.

Mr. D'Addio then asked if he, the Mayor, called anyone from the Democratic party on January 1st regarding the appointments he wanted made.

Mayor O'Brien explained the process.

- Karen Surratt, Astor Court

She said the Chairman and the Open Space committee asked her to come here and ask the borough attorney to advise them as to the requirement for how many environmental committee members are required to be members of Open Space and if the Liaison to that committee should be considered a voting member.

Mayor said the Attorney, through the Business Administrator, will respond to the Open Space members.

- Barbara Kilcomons, 22 Schmitt Street.

Mrs. Kilcomons complained about Cablevision changing the Game Show Network from Basic Cable to the Sports Channel and that residents would have to pay to subscribe to the sports channel in order to watch the Game Show Network.

Councilman Perrette said that the Attorney sent a letter to cablevision asking them to repeal their decision in making this change.

- Bob Kominkiewicz, 103 Ernston Road
 - Questioned the status of the Ernston Road/Bordentown Avenue Bridge Improvements.

Engineer Cornell reported:

February 17th County awarded contract to Green Construction.
 February 23rd there will be a pre construction meeting concerning the scheduling.
 April 1st approximate start date.
 480 day contract time.

- Questioned the leaf bag savings.

Response by CFO Kronowski.

- Complaints about fort Grumpy being closed.
- Savings to the Borough with Fort Grumpy being closed and tonnage.

Response by Business Admin.

No further questions or comments.

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. Seconded by Councilman Perrette.

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

Time: 7:34 PM

SIGNED:

 Theresa A. Farbaniec, Municipal Clerk

3/28/11
 Date Approved