

**CALL TO ORDER**

Regular meeting of the Mayor and Borough Council held on Monday, March 14, 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 Bella, Buchanan, Eicher, Henry, Kelly, Perrette.

Absent: None

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

Others Absent: None

**OLD BUSINESS - None****NEW BUSINESS:**

Councilman Bella made a motion to appoint the following to the newly formed **Zoning Review Advisory Committee:**

- Planning Board Member - Michael Macagnone
- Zoning Board Member - Thomas Kuchynski
- SERA Member - Donald Newton
- Business Community Member - Larry Wilderotter from Bedrock Concrete Corp.
- Business Community Member - Alex Panko, Peter Pank Diner

Councilman Bella also asked if the expiration date of these appointments could be changed from September 1, 2011 to a later date.

Mayor suggested December 31, 2011.

All Agreed.

Motion seconded by Councilman Buchanan.

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

Clerk stated that this committee and expiration date was created by Resolution #2011-42, she said that the expiration date would have to be corrected to read December 31, 2011.

**ACTION ITEMS:**

- **Minutes of the Mayor and Council - None**
- **Communications & Report of Committee**

**COMMUNICATIONS** (reviewed on February 28th, 2011 Agenda Meeting).

**CONSENT AGENDA COMMUNICATIONS**

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

**#1 APPLICATION(S) FOR BINGO/RAFFLE LICENSES**

Received from:

a) Wilson School PTO to conduct the following games on April 8, 2011 at the VFW Post 4699 from 7-11PM:

- Bingo (BA: 464)
- On-Premise Draw Raffle (RA:1687)
- On-Premise 50/50 Raffle(RA:1688)

b) Cystic Fibrosis Foundation to conduct the following games on May 6, 2011

- On-Premise Draw (RA:1689)
- Arm Chair Raffle (RA:1690)
- On premise 50/50 Raffle (RA:1691)

- **a & b Approved**

**#2 TAX ASSESSMENT APPEALS**

2011 Direct Tax Appeal and Complaint was received covering the properties listed below:

Plaintiff

Address

Dennis O'Leary, Sr. 7 Wieczorkowski Ave., B451.02, Lot 12

- **Referred to Tax Counsel**

REPORT OF CHAIR.

- **PLANNING & ZONING** – Co. Henry

**#3 APPLICATIONS FOR (NEW) TRAILER LICENSE**

a) Received from AWT Environmental Services to place a temporary office/meeting trailer on 7 Zaunerowicz Rd., (Brown's Boat yard) during a Wetlands Mitigation Project.

b) Received from WRS Compass to place two (2) temporary construction office trailers at O'Neil Properties, Blk 257, Lot 3.04.

- **a & b) Resolutions.**

REPORT OF CHAIR.

- **PUBLIC SAFETY** – Co. Bella

**#4 ANIMAL RESCUE FORCE, INC.**

Requesting permission to solicit funds on Sept. 24 & 25, 2011 (rain date Oct 1 & 2) at the intersection of Washington Rd & Ernston Rd.

- **Denied, Sayreville organizations only.**

**#5 MELROSE HOSE CO. NO. 1**

Application correcting status of member Vernon Cox, 341 David St., So. Amboy from Associate to Regular Member. (Accepted by Fire Co. on 2/8/11).

- **a) Approved.**

REPORT OF CHAIR

- PUBLIC WORKS – Co. Buchanan

**#6 ST. STANISLAUS KOSTKA CHURCH**

Request to place carnival promotional banners on telephone poles at the following locations:

- Main St. & MacArthur Ave
- Washington Rd & Bissett St.
- Washington Rd & Parkway overpass
- Cheesequake Rd near Hercules Aqualon
- Jernee Mill Rd. between Tech Ctr. & Starland Ballroom

- **Approved.**

**REPORT OF CHAIR.**

- RECREATION – Co. Eicher

**#7 PATTI BURCH**

Received letter from Patti Burch requesting permission to hold the 15<sup>th</sup> Annual Sayreville

Day on Sunday, Sept. 18 at Kennedy Park.

- **Approved.**

REPORT OF CHAIR.

**#8**

- WATER & SEWER – Co. Kelly

REPORT OF CHAIR.

**#9**

- MAYOR O'BRIEN

Appointments:

**#10**

- BUSINESS ADMINISTRATOR'S AGENDA/REPORT

**Administration & Finance:**

- a. Authorization to execute a contract with lowest responsible proposer for credit card processing services. Proposals were received and they are being reviewed compliance with the RFP requirements and procurement laws as well as the overall cost effectiveness.

- **Resolution.**

**Public Works:**

- a. Authorization for the Borough engineer to develop plans and specifications for the necessary renovations to the Department of Public Works Mechanic's garage roof and rear wall section.

- **Resolution.**

- b. Authorization to execute a contract for landscaping services to the lowest responsible bidder. Bids have been received and are being tabulated and reviewed for compliance with the bid documents and associated procurement laws.

- **Resolution.**

- c. Authorization to for the Borough Clerk to advertise for public bid for the replacement of the Senior Citizen boiler.

d. Shade Tree w/ DPW.

**Recreation:** none

**Water & Sewer:** none

**Public Safety:**

- a. Authorization for the Borough Clerk to advertise for public bid for the acquisition of the Tactical Response vehicle for the Fire Department. This is the replacement for TAC-7 as previously approved.

**- Resolution.**

**Planning & Zoning:** none

**Personnel:**

**#11**

- C.F.O. WAYNE A. KRONOWSKI

1. Transfer Resolution (possible resolution)
2. Bill **Resolution**
3. Budget Workshop Meeting
4. Budget Introduction March 14<sup>th</sup>.

**#12**

- BOROUGH ATTORNEY AGENDA/REPORT

**#13**

- BOROUGH ENGINEER AGENDA/REPORT

1. Ernston Road / Bordentown Avenue Intersection Improvements – (Status of Project report given 2-28).

**FOR YOUR INFORMATION**

- **ADMIN. & FINANCE**

**#1 JERSEY CENTRAL POWER & LIGHT CUSTOMERS**

Notice of Public Hearings concerning the implementation of a long-term capacity agreement pilot program and Notice of proposed recovery through rates of costs resulting from the long-term capacity agreement pilot program will be heard on March 16, 2011 at 1:00 PM at the Morris county Admin. & Records Bldg., Morristown, NJ.

- **PLANNING & ZONING**

**#2 TWP OF EAST BRUNSWICK**

2011 Master Plan Reexamination Report and Resolution, adopted by the Twp of East Brunswick Planning Board on February 16, 2011.

**#3 NOTICE TO ADJACENT PROPERTY OWNERS**

Notice of an from before the Planning Board on March 2, 2011 received by applicant Sameh Iskander to Amend a Site Plan Application provide for the construction of a 22' 10" high by 50' by 35' state of the art building in close proximity of the former Stewarts Rootbeer Restaurant building location.

- **PUBLIC WORKS**

#4

- **ENVIRONMENTAL**

#5

- **PUBLIC SAFETY**

#6 **SHRI DWARKADHIS TEMPLE**

Notice of the following events:

March 19, 2011 - Bonfire  
 March 20 or 26, 2011 - Bonfire Rain dates

#7

- **RECREATION**

#8

**MINUTES** **Rec. & File**

Board of Adjustment	-	December 8, 2010
Housing Authority	-	January 11, 2011

- **Consent Agenda Resolutions**

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

There were no appearances from the public.

Before closing Councilman Bella questioned Resolution 2011-67 and why we would have the Borough Engineer prepare plans and specifications for the repairs to the walls and roof of the public Works Garage and spend the \$200,000 when we discussed building a new facility in the future and questioned that time frame.

Mayor commented on the cost of a new facility as opposed to fixing what we already have.

Discussion followed on whether to repair or build a new facility.

Mayor suggested item #2011-67 be tabled for further discussion at the Agenda meeting.

Councilman Perrette stated that Resolution #2011-52, memorializing the appointment of Johnstone, Skok, Loughlin & Lane, be amended due to the fact that the firm only applied for General Counsel and then made a correction to the proposal at around 4PM on that date when the deadline was set at 12 noon. He said if there is a deadline set it should be adhered to.

He also said that Resolution #2011-53, adopted at the last meeting, should also be amended, stating that it memorializes action previously taken whereby we appointed Vlasac & Shmaruk, LLC as Joint Counsel for Litigation and Special Counsel and the firm did not apply for Special Counsel.

Mayor suggested this be discussed at the agenda meeting to follow.

Councilman Bella said that in Johnstone firm's proposal there was a submission for a flat rate for General Counsel and it also contained a \$130.00 was placed on the line just above Litigation, which was done in error. He said that the original proposal was submitted in a timely fashion and that the correction was then faxed over at a later time.

Mayor stated that the Public Portion was still open and asked if anyone had any questions or comments.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt St.  
Mrs. Kilcomons asked that the mayor and Council do the right thing and that the line of the law should be followed.

No further public comment.

Councilman Henry asked the borough attorney for his recommendation on this matter.

Attorney DuPont said he reviewed the proposals and the mistake in his opinion was not a fatal flaw. He did submit his application on time however there was a minor mistake that was corrected and supplemented his application. With the mistake not being fatal it is his belief that this Mayor and Council could make a decision one way or the other with respect to Mr. Lane of that firm.

Councilman Perrette asked if he noticed that he did not apply for Special Council.

Attorney DuPont said that he did notice and that it was his opinion that they combined everything together and the mistake was not fatal.

Council President Kelly made a motion to close the Public Hearing and approve the Consent Agenda Resolutions on Roll Call Vote, minus the Tabled Resolution #2011-67 .

Motion was seconded by Councilman Buchanan.

Before the Roll Call Councilman Perrette said that before we vote on the Resolutions, Resolution #2011-52 would have to be amended to read Litigation only.

Mayor asked the Borough Attorney to read the amended resolution into record.

Borough Attorney DuPont read the following:

Resolution #2011-52

*(Held over from the Feb. 28, 2011 mtg.)*

*(Amended as read 3/14/2011)*

**RESOLUTION #2011-52**

**RESOLUTION MEMORIALIZING THE APPOINTMENT  
OF JOHNSTONE, SKOK, LOUGHLIN & LANE AS  
JOINT COUNSEL FOR LITIGATION FOR THE YEAR 2011.**

**WHEREAS**, the Governing Body of the Borough of Sayreville are knowledgeable that the Borough requires the services of an Attorney for Litigation 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 a Litigation 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 and amended on March 14, 2011 appointing the firm of Johnstone, Skok, Loughlin & Lane as joint council for Litigation 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 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 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.

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec \_\_\_\_\_ /s/ Kennedy O'Brien  
Municipal Clerk Mayor

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Mayor called for Roll Call:

Roll Call: Councilpersons Bella, Buchanan, Eicher, Henry, Kelly, all Ayes; Councilman Perrette No to Resolution #2011-52 and ayes to the remainder.

**RESOLUTION #2011-65**

**WHEREAS**, the following applicant has applied for one trailer license to be used as temporary housing due to fire:

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
AWT Environmental Services	1 Office Trailer	Block 451 Lot 1.05

**WHEREAS**, said application has been referred to the proper department for investigation and review; and

**WHEREAS**, a favorable report has been received from the Zoning Officer covering the location of a said trailers;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council do hereby approve the above-captioned application for permission to locate one trailer for office use on the above-captioned property.

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec \_\_\_\_\_ /s/ Kennedy O'Brien  
Municipal Clerk Mayor

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**RESOLUTION #2011-66**

**WHEREAS**, the following applicant has applied for one trailer license to be used as temporary housing due to fire:

<b><u>APPLICANT</u></b>	<b><u>#OF TRAILERS</u></b>	<b><u>LOCATION</u></b>
WRS Compass	2 Construction Office	Block 257 Lot 3.04
	Trailers	

**WHEREAS**, said application has been referred to the proper department for investigation and review; and

**WHEREAS**, a favorable report has been received from the Zoning Officer covering the location of a said trailers;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council do hereby approve the above-captioned application for permission to locate two trailers for construction office use on the above-captioned property.

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

**ATTEST:** **BOROUGH OF SAYREVILLE**

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

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**RESOLUTION #2011-67- Tabled**

**BE IT RESOLVED**, that the Borough Engineer is hereby authorized an directed to prepare plans and specifications for the necessary renovations to the Department of Public Works Mechanic's garage roof and rear wall section and that he be paid for said services at a fee not to exceed \$12,500.00.

**BE IT FURTHER RESOLVED** that upon approval of said plans and specifications for the project the Borough Clerk is also herein authorized to advertise for the receipt of bids.

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

**ATTEST:** **BOROUGH OF SAYREVILLE**

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

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**RESOLUTION #2011-68**

**WHEREAS**, on February 24, 2011 the Mayor and Council of the Borough of Sayreville, received bids for the "Landscape Maintenance for Various Borough Properties"; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council on this 14<sup>th</sup> day of March, 2011 that:

1. Contract for the "Landscape Maintenance for Various Borough Properties" be awarded Greenleaf Landscape, Eatontown, NJ on their bid price of \$134,475.00as appears on copy of bid document attached hereto and made a part hereof.



2. This resolution shall take effect immediately, upon execution of the proper documents.

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

**ATTEST: \_\_\_\_\_ BOROUGH OF SAYREVILLE**

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

**RESOLUTION #2011-69**

**BE IT AND IT IS HEREBY RESOLVED** that Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for the acquisition of one (1) Tactical Response Vehicle for the Fire Department.

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

**ATTEST: \_\_\_\_\_ BOROUGH OF SAYREVILLE**

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

**RESOLUTION #2011-70**

**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.

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

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

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

/s/ Kennedy O'Brien  
Mayor

/s/ Frank J. Bella  
Councilman

/s/ William J. Henry  
Councilman

/s/ Daniel Buchanan  
Councilman

/s/ Kenneth P. Kelly, Sr.  
Councilman

/s/ Lisa Eicher  
Councilwoman

/s/ Nicholas J. Perrette  
Councilman

**Bill list of March 14, 2011, in the amount of \$6,776,611.15  
(Bill List - See Appendix 2011-A for this date, in a separate Bill List File for 2011)**

**RESOLUTION #2011-71**

**WHEREAS**, N.J.S.A. 40A:4-8 provides that the Budget as advertised shall be read in full at the public hearing or that it may be read by its title only if:

1. At least one week prior to the date of the hearing, a complete copy of the approved budget, as advertised,

- (a) shall be posted in a public place where public notices are customarily posted in the principal public building; and
- (b) copies are made available to each person requesting same during said week during the public hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sayreville that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, 1(a) and (b), have been met and, therefore, the Budget for 2011 shall be read by title only.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

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**RESOLUTION #2011-72**

**INTRODUCTION OF THE 2011 LOCAL MUNICIPAL BUDGET**

Municipal Budget of the Borough of Sayreville, County of Middlesex for the Fiscal Year 2011.

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the Municipal Budget for the fiscal year 2011;

**BE IT FURTHER RESOLVED** that said Budget be published in the Home News Tribune in the Issue of March 18, 2011.

The Governing Body of the Borough of Sayreville does hereby approve the following as the Budget for the year 2011.

**RECORDED VOTE:**

{Co. Bella

**AYES** {Co. Buchanan

{Co. Eicher

{Co. Henry

{Co. Kelly

{Co. Perrette

**NAYS** { None

**ABSTAINED**{ None

**ABSENT**{ None

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Sayreville, County of Middlesex, on March 14, 2011.

A Hearing on the Budget and Tax Resolution will be held at 167 Main St., on April 11, 2011 at 6:30 o'clock p.m. at which time and place objections to said Budget and Tax Resolution for the year 2011 may be presented by taxpayers or other interested persons.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

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/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**Resolutions to be read in full - None**

**Public Hearing on Ordinance(s):**

**Introduction on Ordinance(s): - None**

**ORDINANCE No. 157-11**

**AN ORDINANCE TO SUPPLEMENT AND AMEND CHAPTER VI,  
SECTION 6-4.1 "ALCOHOLIC BEVERAGE CONTROL-FEES"  
AND CHAPTER II, SECTION 2-64 ADMINISTRATION -FEES  
OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF SAYREVILLE**

(Co. Perrette – Public Hearing March 28, 2011)

Councilman Perrette moved the Ordinance #157-11 be approved on first reading, advertised according to law and a Public Hearing to be held on March 28, 2011. Seconded by Councilman Kelly.

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

Borough Attorney Michael DuPont reported the Riparian Buffer Conservation Zone and Steep Slope Ordinance should be tabled at this time. He said that the rush was generated by the County to get this on the agenda but it comes to find out that we have until September, 2011 for further review on their impact to Sayreville.

**ORDINANCE No. - Tabled**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 23-5 OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF SAYREVILLE TO ADOPT A  
RIPARIAN BUFFER CONSERVATION ZONE**

**ORDINANCE No. - Tabled**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
SECTION 23-5 OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF SAYREVILLE TO ADOPT A  
STEEP SLOPE ORDINANCE**

**PUBLIC PORTION**

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

Those appearing were:

- Mathew Ryan, 432 Henry Street, South Amboy  
Discussed Sayreville Recreation and/or Sayreville AA

Complained that for the past 10 years he and his father sponsored and entered recreational softball teams and up until last year it was run by the Borough of Sayreville on borough property and now it is run by Sayreville AA. His team submitted a check which was returned telling him that his team could no longer play for the league and was told that they were too good to play and they would lose teams. He went into a long dialog about Councilman Buchanan and Chip Eicher. He said that this must be an equal opportunity for everyone and wants to be reinstated and have the opportunity, as the other teams to continue to play on Sunday mornings.

Response by Mayor O'Brien. He asked that the Business Admin. and Attorney research the matter and asked that he leave his contact information with the Clerk along with a team roster.

Questions were asked by Councilwoman Eicher.

No further questions or comments.

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

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

**EXECUTIVE SESSION ITEMS - None**

**ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 7:08 PM

SIGNED:

\_\_\_\_\_  
Theresa A. Farbaniec, Municipal Clerk

4/8/11  
Date Approved