

Combined Meeting of the Mayor and Borough Council held on Monday, April 7, 2014 in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien 7:04 P.M. followed by a short prayer and salute to the flag.

• **STATEMENT OF NOTICE OF PUBLICATION**

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

• **ROLL CALL:**

Present: Councilpersons Buchanan, Eicher, McGill, Melendez, Novak,  
Rittenhouse

Absent: None

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

Others Absent: None

• **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

Council President Novak made a motion to have the following minutes of the Mayor and Council approved, subject to correction if necessary.

- ☒ February 10, 2014 - Combined Meeting & Closed Session
- ☒ February 20, 2014 - Receipt of Bids (Ernston Rd. Tank Rehabilitation)
- ☒ February 24, 2014 - Combined Meeting & Closed Session
- ☒ March 11, 2014 - Receipt of Bids (Water Dept. Maint. Services)
- ☒ March 20, 2014 - Receipt of Bids (Heil Replacement Parts)

Motion Seconded by Councilman McGill.

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

**PRESENTATIONS: - CPV Shore - Donation in the amount of \$25,785.**  
(requires a resolution accepting the donations)

Borough Engineer Cornell explained that CPV Shore is a company that is constructing a 700 mega watt co-generation facility in Woodbridge and as a part of that project they need to run lines under the river connecting to the Jersey Central facility here in Sayreville and as a condition of the permits required by the State, they are required to go ahead and provide public access. They were not able to do that but the borough was successful in negotiating an alternative so they are going to make a \$25,785.00 donation to help offset some of the costs associated with replacing the boat ramps at River Road Park.

CREATED AND READ IN FULL BY THE BOROUGH ATTORNEY

**RESOLUTION #2014-110**

**BE IT AND IT IS HEREBY RESOLVED** that the Mayor and Council of the Borough of Sayreville accept a monetary contribution from CPV Shore, LLC in the amount of \$25,785.00 for the repair of the River Road Waterfront Park located on River Road off of Main Street.

/s/ Mary J. Novak, Councilwoman  
(Sponsor/Public Works Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

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Councilwoman Novak moved the resolution be approved on Roll Call Vote.  
Seconded by Councilman McGill.

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

**OLD BUSINESS**

a) Public Hearing on the following Ordinance(s): **NONE**

**b) PUBLIC HEARING ON THE 2014 MUNICIPAL BUDGET**

- Municipal Clerk announced that the Municipal Budget and Tax Resolution was approved by the Borough Council of the Borough of Sayreville, County of Middlesex on March 10, 2014, was advertised in accordance with N.J.S.A 40A:4-56 on March 14, 2014, together with Notice of Hearing scheduled for tonight, April 7, 2014. Copies have been made available for the public during this past week and here tonight.
- Mayor O'Brien announced that anyone that has not secured a copy of the Budget may do so now and opened the meeting to the public on the 2014 Municipal Budget.

There were no appearances.

Councilman Buchanan made a motion to close the Public Hearing on the 2014 Municipal Budget. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

**RESOLUTION AMENDING THE 2014 MUNICIPAL BUDGET  
AND SCHEDULING PUBLIC  
HEARING ON THE BUDGET AMENDMENT**

**Resolution read in full:**

**RESOLUTION #2014-109**

Borough of Sayreville - Budget Amendment

**WHEREAS**, the Local Municipal Budget for the year 2014 was approved on the 10<sup>th</sup> day of March, 2014; and

**WHEREAS**, the Public Hearing on said budget has been held as advertised; and

**WHEREAS**, it is desired to further amend said approved Budget,

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Sayreville, County of Middlesex that the attached amendments to the approved Budget of 2014 be made:

Borough of Sayreville  
 2014 Budget Amendment  
**General Revenues**

Miscellaneous Revenues  
 Section B: State Aid Without Offsetting Appropriations

Garden State Trust Payment in Lieu of Taxes	0.00	6,046.00
<b>Total Section B: State Aid Without Offsetting Appropriations</b>	<b>9,264,790.00</b>	<b>9,270,836.00</b>

Section F: Special Items of General Revenue Anticipated with Prior  
 Written Consent of Director of Local Government Services-Public and  
 Private Revenue Offset with Appropriations

Middlesex County Residential Maintenance Grant	0.00	4,500.00
<b>Total Section F: Special Items of General Revenue Anticipated      with Prior Written Consent of Director of Local Government      Services-Public and Private Revenue Offset with Appropriations:</b>	<b>64,237.93</b>	<b>68,737.93</b>

<b>Total Miscellaneous Revenues</b>	<b>21,246,027.93</b>	<b>21,256,573.93</b>
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<b>5. Sub Total General Revenues (Item 1,2,3 and 4)</b>	<b>25,246,027.93</b>	<b>25,256,573.93</b>
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6. Amount to be raised by Taxes for Support of Municipal Budget a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes	27,546,499.68	27,541,317.68
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<b>Total Amount to be raised by Taxes for Support of Municipal      Budget</b>	<b>29,001,332.36</b>	<b>28,996,150.36</b>
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<b>7. Total General Revenues</b>	<b>54,247,360.29</b>	<b>54,252,724.29</b>
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**General Appropriations**

	From	To
A. Operation Within "CAPS"		
Legal Services		
Other Expenses	410,000.00	430,000.00
Planning Board		
Other Expenses	29,700.00	39,700.00
Cable Access Channel		
Salaries & Wages	0.00	5,000.00
Other Expenses	0.00	25,000.00
Sanitation		
Other Expenses	62,000.00	82,000.00
Sewerage Treatment & Disposal		
Other Expenses	176,000.00	192,000.00
Sayreville Conservation Corp.		
Salaries & Wages	0.00	35,000.00
Other Expenses	0.00	15,000.00
<b>Total Operation (item 8(A)) within "CAPS"</b>	<b><u>36,370,561.00</u></b>	<b><u>36,516,561.00</u></b>
<b>Total Operations Including Contingent – within "CAPS"</b>		
Detail:		
Salaries & Wages	20,768,494.00	20,808,494.00
Other Expenses	<u>15,636,067.00</u>	<u>15,742,067.00</u>
Deferred Charges and Statutory Expenditures-Municipal within "CAPS"		
(2) STATUTORY EXPENDITURES		

COMBINED MEETING-MAYOR & COUNCIL  
April 7, 2014

Contribution to : Public Employees' Retirement System	1,157,000.00	1,038,721.00
Police & Firemen's Retirement System	<u>2,300,764.00</u>	<u>2,152,011.00</u>
Total Deferred Charges & Statutory Expenditures – Municipal within "CAPS"	4,312,764.00	4,045,732.00
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	<u>40,723,585.36</u>	<u>40,602,553.36</u>
(A) Operations – Excluded from "CAPS"		
Public & private Programs Offset by Revenues		
Private Revenue Offset with Appropriations		
Middlesex County Residential Maintenance Grant	0.00	6,500.00
Total Public & Private Programs Offset by Revenues	64,237.00	70,737.93
Total Operations – Excluded from "CAPS"	<u>5,365,998.93</u>	<u>5,372,498.93</u>
Detail:		
Salaries & Wages	0.00	0.00
Other Expenses	<u>5,365,998.93</u>	<u>5,372,498.93</u>
(C) Capital Improvements – Excluded from "CAPS"		
Capital Improvement Fund	300,000.00	420,000.00
Total Capital Improvements – Excluded from "CAPS"	<u>330,000.00</u>	<u>450,000.00</u>
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	<u>11,388,381.93</u>	<u>11,514,881.93</u>
(O) Total General Appropriations – Excluded from "CAPS"	<u>11,388,381.93</u>	<u>11,514,881.93</u>
(L) Subtotal General Appropriations (Items (H-1) and (O))	<u>52,111,967.29</u>	<u>52,117,435.29</u>
(M) Reserve for Uncollected Taxes	<u>2,135,393.00</u>	<u>2,135,289.00</u>
9. Total General Appropriations	<u>54,247,360.29</u>	<u>54,252,724.29</u>

**RECORDED VOTES**

<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Buchanan	None	None	None
Eicher			
McGill			
Melendez			
Novak			
Rittenhouse			

**BE IT FURTHER RESOLVED**, that three certified copies of this resolution be filed in the Office of the Director of the Division of Local Government Services for the Certification of the 2014 Local Municipal Budget so amended.

**BE IT FURTHER RESOLVED**, that this amendment, in accordance with the provision of N.J.S. 40A:4-9, be published in the Home News Tribune in the issue of April 11, 2014 and that said publication contain notice of public hearing on said amendment to be held at the Borough Hall on April 28, 2014 at 7:00 o'clock (P.M.).

/s/ Daniel Buchanan, Councilman  
(Admin. & Finance Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

Councilman Buchanan moved the resolution be approved on roll call vote. Motion seconded by Councilwoman Novak.

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

• **NEW BUSINESS:**

a) Introduction of the following Ordinance(s):

**ORDINANCE #254(A) - 14**  
**AN ORDINANCE AMENDING ARTICLE III OF**  
**CHAPTER XXVI, LAND DEVELOPMENT, OF THE**  
**REVISED GENERAL ORDINANCES OF THE**  
**BOROUGH OF SAYREVILLE TO CREATE**  
**R-7B INFILL OVERLAY RESIDENTIAL ZONE DISTRICT**  
(Planning & Zoning Committee – Public Hearing April 28, 2014)

Councilman McGill moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on April 28, 2014. Motion Seconded by Councilman Buchanan.

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

**ORDINANCE #255-2014**  
**AN ORDINANCE AMENDING**  
**CHAPTER XXVI, LAND DEVELOPMENT, OF THE**  
**REVISED GENERAL ORDINANCES OF THE**  
**BOROUGH OF SAYREVILLE TO CREATE**  
**B-4 GENERAL/VILLAGE RESIDENTIAL ZONE DISTRICT**  
(Main Street)  
(Planning & Zoning Committee – Public Hearing April 28, 2014)

Councilman McGill moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on April 28, 2014. Motion Seconded by Councilman Buchanan.

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

**ORDINANCE #256-14**  
**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE**  
**COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ESTABLISHING AN**  
**ENERGY AND NATURAL GAS AGGREGATION PROGRAM**  
(Co. Novak, Sponsor – Public Hearing April 28, 2014)

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on April 28, 2014. Motion Seconded by Councilman McGill.

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

**b) Other**

**CONSENT AGENDA/RESOLUTIONS**

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

Those appearing were:

- Bill Henry, Orchard Street  
Questioned Resolution #2014-105 – The appointment of the firm of DeCotiis Fitzpatrick Cole/special Counsel and why we need them at this time.

The Mayor stated that a notice had appeared in the newspaper naming the Planning Board, Zoning Board and Borough and that there was not one attorney to represent all three bodies.

Mr. Henry felt it would be better for the borough to advertise for RFP's for this matter, stating possible political favors.

Council President Novak moved the public portion be closed on Roll Call vote. Motion seconded by Councilman McGill.

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

Council President Novak moved to remove Resolutions #2014-105 and 2014-106 so that we can obtain three quotes and that the quotes be reviewed by the committees then a recommendation be made.

Mayor stated that this appointment was made at the last meeting and this was a Resolution merely memorializing the action taken by the council at the last meeting.

Councilman Buchanan asked the Borough Attorney for his opinion on what was passed at the last meeting and now. Mr. DuPont said that they both passed at the last meeting, you are just trying to memorialize the action taken by the council from the last meeting. So by voting against it you are undoing what you voted in favor of at the last meeting.

Mayor stated that there is a motion of the floor and called for a second.  
No Second and the motion died.

Mayor asked if there was a motion to vote on the approval of the Consent Agenda Resolutions at this time.

Councilman Buchanan moved the approval of the Consent Agenda Resolutions.  
Motion seconded by Councilman Rittenhouse.

Roll Call:  
Councilpersons Buchanan, Eicher, Rittenhouse, Ayes on all resolutions.  
Councilpersons McGill, Melendez, Novak, Ayes on all  
except Resolutions #2014-105 & 2014-106

The Clerk announced that there is a three / three tie vote on Resolutions #2014-105 and 2014-106. Mayor O'Brien voted Ayes on both resolutions and broke the tie vote.  
Resolutions pass.

**RESOLUTION #2014-96**

**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 Daniel Buchanan

/s/ Councilman Ricci Melendez

/s/ Councilwoman Lisa Eicher

/s/ Councilwoman Mary J. Novak

/s/ Councilman David McGill

/s/ Councilman Arthur Rittenhouse

**Bill list of April 7, 2014, in the amount of \$7,093,180.30  
(Bill List - See Appendix 2014-A for this date, in a separate Bill List File for 2014).**

**RESOLUTION #2014-97**

***Resolution Supporting the***

***Distracted Driving 2014 Crackdown of April 1 - 21, 2014***

**Whereas**, distracted driving is a serious, life-threatening practice that is preventable; and

**Whereas**, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

**Whereas**, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

**Whereas**, the National Highway Traffic Safety Administration (NHTSA) estimates that at any given moment during daylight hours, 660,000 drivers are using hand-held cell phones while driving; and

**Whereas**, NHTSA further estimates that thousands of people are killed each year in distracted driving crashes and nearly a half million people are injured; and

**Whereas**, the State of New Jersey will participate in the nationwide *Distracted Driving 2014 Crackdown* from April 1 - 21, 2014 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

**Whereas**, the national slogan for the campaign is *UDrive. UText. UPay*; and

**Whereas**, a reduction in distracted driving in New Jersey will save lives on our roadways;

**Therefore**, be it resolved that The Borough of Sayreville declares its support for the *Distracted Driving 2014 Crackdown* both locally and nationally from April 1 - 21, 2014 and pledges to increase awareness of the dangers of distracted driving.

/s/ Arthur Rittenhouse, Councilman  
(Public Safety Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-98**

**RESOLUTION SUPPORTING NEW JERSEY STATE FUNDING FOR  
TOBACCO-CONTROL CESSATION AND PREVENTION PROGRAM**

**WHEREAS**, Lung cancer is the number one cancer killer with the vast majority of cases caused by smoking, and smoking also causes cancer of the oropharynx, larynx, esophagus, pancreas, bladder and kidney, and;

**WHEREAS**, Tobacco use costs New Jersey residents an estimated \$3.17 billion in health care costs, including \$967 million in Medicaid expenditures by state and local governments, and;

**WHEREAS**, New Jersey has raised over \$5 billion in tobacco revenues over the past five years, yet New Jersey is the ONLY state provides ZERO dollars to Tobacco-Control funding and ranks 51<sup>st</sup> in the nation (including the District of Columbia) for funding its Tobacco-Control Program, and;

**WHEREAS**, 68,000 children under 18 living in New Jersey will ultimately die prematurely from smoking, and;

**WHEREAS**, The tobacco companies now spend \$172 million a year to market their products in New Jersey and;

**WHEREAS**, the primary purpose of the 1998 Master Settlement Agreement was to provide states with funding to remedy the public health problems and increased health costs posed by tobacco use, and;

**WHEREAS**, Mortality rates are 10%-20% higher in New Jersey's poorest communities, and these differences are largely driven by differences in rates of lung cancer and heart disease, and;

**WHEREAS**, Individuals with mental illness diagnoses die, on average, 25 years earlier than those without mental illness and approximately 50% of these deaths are caused by tobacco-related illness

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Sayreville urges the State of New Jersey to fund its comprehensive tobacco control program at \$12 million in FY2015 with continued adequate funding in subsequent years.

**BE IT FURTHER RESOLVED**, that a copy of the resolution be forwarded to the office of the Governor of the State of New Jersey, the State Legislators representing Sayreville, the Speaker of the New Jersey General Assembly, the President of the New Jersey State Senate, and the Commissioner of the New Jersey Department of Health.

/s/ Lisa Eicher, Councilwoman  
(Sponsor)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

**RESOLUTION #2014-99**

**WHEREAS**, on February 19, 2013 the Borough of Sayreville awarded a contract for "Water Department Chemicals-Citric Acid" for the New Water Treatment Plant Extension" to George S. Coyne Chemical Co., Inc., Croydon, PA; and

**WHEREAS**, the Borough of Sayreville is desirous of exercising its right to renew the contract for a one-year period at no additional increase in price contained therein; and

**WHEREAS**, George S. Coyne Chemical Co., Inc., has indicated their interest in extending their terms of the aforesaid contract for one (1) additional year;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for "Water Dept. Chemical - Citric Acid" is hereby renewed for one additional year period at no additional increase in price.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-100**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE  
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,  
AUTHORIZING THE MAYOR AND BOROUGH CLERK  
TO WAIVE ALL CHARGES FOR WATER USEAGE  
BY STATE CONTRACTORS DURING DEMOLITION  
OF BLUE ACRES PROPERTY**

**WHEREAS**, the Borough of Sayreville, Middlesex County, New Jersey has elected to take part in the State of New Jersey Blue Acres Property Acquisition Program developed in connection with the damage to borough property as a result of SuperStorm Sandy; and

**WHEREAS**, the State of New Jersey, Division of Property Management and Construction, has requested that the Borough of Sayreville waive all charges for water usage (as outlined in the Borough Ordinances Chapter XIV Section 14.9(a) Miscellaneous Fees) by State Contractors who are demolishing Blue Acres Property; and

**WHEREAS**, the Governing Body of the Borough of Sayreville has approved this request; and

**BE IT AND IT IS HEREBY RESOLVED** that all charges for water usage by any State Contractor working on the demolition of property which is a part of the Blue Acres Property Acquisition Program is hereby waived.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-101**

**BE IT AND IT IS HEREBY RESOLVED**, that the proper Borough Officials are hereby authorized and directed to execute an Collective Bargaining Agreements with Sayreville Association of Municipal Supervisors; and

**BE IT FURTHER RESOLVED**, that said contracts shall be for a four (4) year period commencing January 1, 2013 to December 31, 2016 and that said Agreements shall be in accordance with the terms and conditions as stated in the "Memorandum of Agreement" dated as follows:

- Sayreville Association of Municipal Supervisors dated April 2, 2014.

/s/ Daniel Buchanan, Councilman  
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

*(Person to Person Transfer with Conditions)*

**RESOLUTION #2014-102**

**WHEREAS**, an application has been received by the Municipal Clerk for a Person to Person Transfer of Plenary Retail Consumption License #1219-33-012-008, heretofore issued to Pub 35, LLC, 1899 Route 35, South Sayreville, PO South Amboy, NJ;

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

**WHEREAS**, the applicant has duly advertised in the Home News Tribune on September 17, 2013 and September 24, 2013 as required by law, and has produced proof of publication as to such advertising; and

**WHEREAS**, no objections or protests have been made with regard to said transfer; and

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Sayreville does hereby approve, effective April 8, 2014, the transfer of the aforesaid Plenary Retail Consumption License #1219-33-012-008 to Ale House Tavern & Tap, LLC and does hereby direct the Municipal Clerk of the Borough of Sayreville to endorse the license certificate to the new ownership as follows:

"This license, subject to all of its terms and conditions, is hereby transferred to Ale House Tavern & Tap, LLC, effective April 8, 2014."

/s/ Daniel Buchanan, Councilman  
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-103**

**WHEREAS**, on March 11, 2014 the Mayor and Council of the Borough of Sayreville received bids for "Water Department Maintenance Services"; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council on this 7th day of April, 2014, that:

1. Contract for the "Water Department Maintenance Services" be awarded to A.C. Schultes, Inc. of Woodbury Heights, NJ on their bid price of \$140,700.00 as appears on copy of bid document attached hereto and made a part hereof and is subject to the waiver of minor irregularities.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-104**

**WHEREAS**, on February 19, 2013 the Borough of Sayreville awarded a contract for "Water Department Chemicals- Sodium Hydroxide (Caustic Soda) and Sulfuric Acid" for the New Water Treatment Plant Extension" to Univar USA, Inc., Middletown, PA; and

**WHEREAS**, the Borough of Sayreville is desirous of exercising its right to renew the contract for a one-year period at no additional increase in price contained therein; and

**WHEREAS**, Univar USA, Inc., has indicated their interest in extending their terms of the aforesaid contract for one (1) additional year;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for "Water Dept. Chemical – Sodium Hydroxide (Caustic Soda) and Sulfuric Acid" is hereby renewed for one additional year period at no additional increase in price.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014 – 105**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, MEMORIALIZING THE APPOINTMENT OF DeCOTIIS, FITZPATRICK & COLE, LLP AS SPECIAL COUNCIL – SPECIAL LITIGATION FOR THE BOROUGH OF SAYREVILLE**

**WHEREAS**, the Governing Body of the Borough of Sayreville has before it's Zoning Board of Adjustment the application of Bhaktinidhi, Inc. (Dwarkadhish Temple); and

**WHEREAS**, because of certain deficiencies in the application of Bhaktinidhi, Inc. the Zoning Board of Adjustment issued a Notice of Default Approval; and

**WHEREAS**, the Governing Body of the Borough of Sayreville has good and sufficient reason to believe the matter will be the subject of litigation and decided to hire outside counsel to defend the expected litigation.





CREATED AND READ IN FULL ON APRIL 7, 2014

**RESOLUTION #2014-110**  
**Read into record earlier in the meeting**

CREATED AND READ IN FULL ON APRIL 7, 2014

See Roll Call Vote and Resolution listed under Public Safety Committee.

**RESOLUTION #2014-111**

**BE IT AND IT IS HEREBY RESOLVED** that the Mayor and Council of the Borough of Sayreville hereby appoint Kenneth I. Nowak of the firm of Zazzali, Fagella, Nowak, Kleinbaum & Friedman to serve as Special Counsel for ABC Matters at that they be paid for their services at a fee not to exceed \$200.00 per hour.

See Roll Call Vote and Resolution listed under Public Safety Committee.

**Business Session Agenda - April 7, 2014**

**COMMUNICATIONS & COMMITTEE REPORTS**

• **ADMINISTRATIVE & FINANCE - Councilman Buchanan**

a) **Minutes & Departmental Reports:**

Move the following Minutes and or Reports be Received & Filed:  
- Board of Education Minutes of March 18, 2014  
Motion seconded by Councilwoman Novak.

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

- 1) **RJC Charities, Inc.**, to conduct an On-Premise 50/50 and an On Premise Draw on June 22, 2014 at 820 Washington Rd., Parlin- RA:1866 & 1867.
- 2) **Whiskers Rescue, Inc.** to conduct an On-Premise Draw (Tricky Tray) and an On-Premise 50/50 on June 20, 2014 at the VFW, Jernee Mill Rd.-RA:1868 & 1869.
- 3) **Samsel Upper Elementary School PTO** to conduct an Off-Premise Draw On May 21, 2014 at the SUES - RA: 1870.

- (motion to) **Approved**

c) **2014 Tax Appeal(s) received from:**

Plaintiff/Petitioner	Block	Lot	Address
Daniel Trocchia & Frank Santa	34.07	17	63 Such Street
Rajnikant & Kokila Sheth	200.01	18	2 Battista Court
881 Sayreville TIC 1, LLC-ETALS	246	2.11	881 Main Street
Fred Puchala	136	28.09	18 Downs Drive
Verizon	439.01	5	934 Route 9
Enchante Realty Associates, LLC	326.01	2	500 Kennedy Drive
Joseph & Joan Darold	131	358	96 North Edward Street
Amboy-Madison National Bank	96	29	Washington Road
Ramesh Shah	212.02	7.23	23 Rosewood Court
Anna & Jaroslaw Haljko	442.19	12	3 Truchan Street
Marco Paredes	224	114	11 Fifth Street
Christine Nandor	142	113.02	14 East Kupsch Street
Elaine Ciecko	142	76	43 Hart Street
Vera Katz	451.02	14	11 Wiczorkowski Avenue
Towne Lake East Homeowners Association	136	168	Orta Court
Towne Lake East Homeowners Association	136.13	1	Connett Drive
Towne Lake East Homeowners Association	136	189	Skurka Court
Towne Lake East Homeowners Association	136.15	74	Sayreville Blvd. South

Towne Lake East Homeowners Association	136.15	75.01	Sayreville Blvd. South
Towne Lake East Homeowners Association	136	136	Sayreville Blvd. South
Towne Lake East Homeowners Association	136.14	7	Sayreville Blvd. South
Towne Lake East Homeowners Association	136	100	Sayreville Blvd. South
Michael Vail	276	8	7076 Highway 35 & 9
GJM Bordentown, LLC-etals	014	0001	4000 Bordentown Avenue
Liam Coghlan	169.25	4	361 Main Street
Torsiello Construction & Mgmt	427.01	1	2045-2047 Highway 35
B & C Enterprises, LLC	277	12	7061 Highway 35 & 9
WJS	423	2.01	2028 Highway 35
Bruce & Cathy Wojciechowski	133	77	160 Pulaski Avenue
Bruce & Cathy Wojciechowski	83.16	28	69 Zaleski Drive
Maria Peters	442.12	108	79 Haven Terrace
D & A Investment Group	169.2	2	309 Main Street
C & K International, LLC	326.01	5	2600 Main Street
Pablo & Digna Cedenó	73.01	3	11 Baumer Road
<b>April 7, 2014 - Business Session</b>			
<b><u>Tax Appeals, con't</u></b>			
Yumei & Shou-Hsuyng Lin	439.01	8	978 Route 9
Edward Casey	531	65.01	10 Watson Road
POL-MIC, Inc.	29.04	2	3145 Bordentown Avenue
Venerando & Fe Taraya	200.04	4	5 Battista Court
Benenati Jr., Nicholas G & Barbara	524	16	5 Andrew Ct
Boschitsch, Anita (Modzelewski)	347.06	218	55 Horseshoe Rd
Weiser, Cory & Julie	188	5.03	46 Brookside Ave.
Aroche-Carrera, Jorge	291	651	22 Eulner St.
Plantin, Rodmyr & Donna	202.05	8	13 Glynn Ct.

- Forward to Tax Counsel

d) **Application for Social Affair Permit received Fire Fighters Law Enforcement**

**Brother Hood Motorcycle Club (FLEBPMC)** to sell beer at a fund raiser on May 4, 2014 at Burkes Park, all proceeds to be donated to the Jimmy Moran Memorial Fund.

- Approved

e) **Authorization for Resolution to renew** Liquor License #1219-33-018-009

**Marullo 2, LLC** (pocket license) as the Licensing Authority has received a Tax Clearance (on line) from the State ABC, Division of Taxation allowing the renewal of the 2013-2014 License Term.

- Approval Resolution.

f) **Authorization for Resolution to renew** Liquor License #1219-33-031-005

Shiv Akshar, LLC (pocket license) as the Licensing Authority has received a Special Ruling from the Division of Alcoholic Beverage Control to permit the renewal for the 2012/2013 and 2013/2014 License Term.

- Approval Resolution.

g) Committee Reports -

1) Reported on Sayreville Little League Opening Day.

• **PLANNING & ZONING - Councilman McGill**

a) **Minutes & Departmental Reports:**

Move the following Minutes/Reports be Received & Filed:

- Planning Board Minutes of March 19, 2014
- Board of Adjustment Minutes of February 26, 2014

Seconded by Councilman Buchanan.

b) Received the following **Planning Board Resolution**

which was **Memorialized on March 19, 2014:**

- Bass Pro Shops Major Subdivision/Site Plan Sayreville Seaport Assoc., LLP, Chevalier Avenue Block 62.02, Lot 20&22; Block 257, Lots 3.04 & 3.052;

Block 257.01, Lots 1, 1.01, 1.10, 4, 5, 6 & 30.02;  
Block 257.02, Lot 1; Block 275.02, Lot 1.

- Receive & File.

c) ) **Notice to Adjacent Property Owner(s)** on applications appearing before the following Boards:

1) Planning Board on April 16, 2014

- The Attorney for Raritan International Center, LLC for Preliminary Site Plan Approval amending and modifying a previously granted approval to permit modifications to the previously approved façade and main structure of the Shopping Center, located at 426 Raritan Street.

- Receive & File

d) **Application** received from Bowen Engineering Corp. to locate Three (3) Temporary Office, One (1) Construction and One (1) Storage **trailers on NRG REMA, LLC**, 1 River Rd., Block 174, Lot 1.

- Approval/Resolution.

e) Committee Report- Co. McGill:

1) Reported on receiving a communication from congressman's office regarding the possibility of new Post Office in Sayreville.

- **PUBLIC SAFETY – Councilman Rittenhouse**

a) **Minutes & Departmental Reports: None**

b) **Fire Dept. Equipment Travel Request** received from Sayreville Engine Co. No. 1 to attend a 100<sup>th</sup> Anniversary Parade at Seaside Park Marina on June 7 from 10 am- 5pm.

- Approved.

c) Request received from **Sayreville Memorial Post #4699 – VFW** for permission to attend the April 28, 2014 Council meeting to help kick off their Buddy Poppy Drive throughout Sayreville.

- Approved.

d) Discussion on the proposal received from Kenneth I. Nowak, Esq. of the Zazzali, Fagela, Nowak, Kleinbaum & Friedman as **Special Counsel for ABC Matters.**

Councilman Rittenhouse told the Mayor that he requested the Police Chief to attend tonight and explain his recommendation. He stated that there was another applicant and that resume was distributed by the Clerk.

The Mayor asked the Chief for his recommendation.

Chief Zebrowski recapped the reasons for the request. He said that there are at least 31 active liquor licenses plus a number of pocket licenses in town and there are issues relating to certain licensed establishments and that they have become much more complex and need someone savvy to take us in the right direction. This has become a little more acute because certain current circumstances require direction. He said that in order to make his recommendation he contacted a number of agencies within the County as well as the State ABC and after their review they felt their recommendation as presented tonight would fill the needs.

Mayor called for questions or comments:

Councilman McGill stated that he agrees with the law firm he presented tonight, however he would like to follow the process and see if we can come up with a pool of applicants.

Mayor asked the chief for his time line. Chief said that there are charges pending against a licensee that needs to be filed as well as a number of other issues.

Councilman Rittenhouse pointed out that there would not be an additional cost because the previous Prosecutor.

Mayor felt that the Chief's investigation into this appointment was thorough as he reviewed through his peers and that of the State ABC. We are at the point where we need to put the teeth behind our laws and need a competent person to deal with the issues. He asked that they appoint this person for this year and move forward.

Councilwoman Novak asked that the Public Safety Committee meet and review both applications.

Further discussion on the appointment followed.

Mayor instructed the Borough Attorney to form a Resolution to be voted on tonight for the appointment of Kenneth I. Nowak, Esq. of the Zazzali, Fagela, Nowak, Kleinbaum & Friedman as **Special Counsel for ABC Matters**.

Borough Attorney compiled the following Resolution:

**RESOLUTION**

**BE IT RESOLVED THAT** Kenneth I. Nowak, Esq. of the Zazzali, Fagela, Nowak, Kleinbaum & Friedman is hereby appointed as **Special Counsel for ABC Matters** for a term expiring December 31, 2014, effective April 8, 2014.

Resolution moved by Councilman Rittenhouse and seconded by Councilman Buchanan.

	<u>Ayes</u>	<u>Nays</u>
Roll Call: Councilpersons	Buchanan,	McGill
	Eicher	Novak
	Melillo	
	Rittenhouse	

4 – Ayes

2 – Nays

Resolution Passes

Committee Reports-Co. Rittenhouse

1) Councilman Rittenhouse thanked the Police, Fire and Emergency Response Team for being on hand on Thursday when Governor Christie came for his Town Hall Meeting. Also thanked the Governor for his help in Sandy Relief.

• **RECREATION – Councilwoman Eicher**

a) Minutes & Departmental Reports: NONE

b) Application for **Special Event Permit** received from:

1) **Sayreville Emergency Squad, Inc.** to conduct a **Flea Market/Garage Sale events** on April 13, May 17, June 21, July 19 Aug 16, Sept. 20 and Oct. 18, 2014 from 7 am- 4 pm. Proceeds to be used for Supplies and Equipment.

1) Approved

2) **St. Stanislaus Kostka RC Church**, to conduct their annual Parish Carnival on June 18-21, 2014 from 5 pm-midnight with proceeds to be used for the upkeep of school and church.

2) Approved

c) Committee Reports-Co. Eicher:

- 1) Publically thanked Evelyn Gravis for attending the Girls Softball Opening Day. She said that back in the 1960's she was instrumental in starting the Laurel Park Girls Softball League.
- 2) Asked Councilman Rittenhouse to look into Officer Bartlinski doing a study in order to prohibit left turn, during heavy traffic hours, into Dunkin Donuts on Raritan Street.
- 3) Thanked the Panther Cheerleaders for their success in their recent competition.

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

a) **Minutes & Departmental Reports: None**

b) Committee Reports-Co. Melendaz:

- 1) Commented on Stella from the Suburban resignation.
- 2) Concerns about speeding heading toward the parkway in the area of Main & Pulaski Avenue.
- 2) Commented on the Morgan Panther Cheerleaders

• **PUBLIC WORKS – Council President Novak**

a) **Minutes & Departmental Reports: None**

b) Committee Reports-Co. Novak:

- 1) Commented on how proud she was on Little League Opening Day.

• **MAYOR – Kennedy O'Brien**

- Appointments

Human Relations Commission

- ◆ Gaynell O'Leary - 3 Year Term
- ◆ Keith Kandel - 3 Year Term

Motion made by Councilwoman Eicher and seconded by councilman McGill.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Melendez, Navak, Rittenhouse, all Ayes.

Middlesex County Transportation coordinating Committee

- ◆ Tom Tighe – 1 Yr. Term

Sayreville Planning Board

- ◆ Ken Kelly Sr., Unexp. Term of Sal Candela
- ◆ Anna O'Leary, Alt #1
- ◆ Robert Davis, Alt #2

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

- **Admin. & Finance**

a) Authorization to award contract for Professional Services to **the Sockler Realty Services Group, Inc.** to provide appraisal services and reports covering the following properties:

- Gold Rock, LLC. 4500 Bordentown Avenue
- GJM Bordentown, LLC, 4000 Bordentown Avenue
- Columbia Bank, 270 Main Street
- Enchante Realty Assoc., 500 Kennedy Drive
- DCH Investments, Inc., 955 Rt. 9

- **Resolution**

b) Discussion on recommendations from Open Space Committee regarding various properties on Cheesequake Road to be placed into the Recreation and Open Space Inventory.

- Block 32.03, Lot 83, Cheesequake Road (Kolodziej property) 3.7 Acres but has many encumbrances on property that needs to be removed, fences, pools, etc.
  - Mayor asked if Kolodziej would consider selling the property to those homeowners.
  - Tax Assessor Mr. Kupsch described the property and the encumbrances.
  - Borough Attorney DuPont said that there are a number of easement issues on the properties and what has to happen is we would have to contact the homeowners and request that they remove the encroachment. So if this is the direction the borough would like to proceed in he would send out letters to the property owners.
  - Mayor recommended the option for the property owner to purchase the property.

- Councilwoman Novak stated that there would have to be many subdivision and would be costly.
- Mr. Kupsch said that the Open Space Committee did not want the borough to have to foot the bill for subdividing.
- Mayor requested the borough Administrator and Engineer make a call to Mr. Kolodziej then send a letter to all property owners giving them their options.

- DuPont Land Donation, Cheesequake Road
  - Mr. Kupsch has recommended that this property be placed on the (ROSI) Recreation and Open Space Inventory.
  - Mr. Frankel said that this was also one of the parcels that was discussed for a Public Works Facility and the Mayor said that it was not DuPont's intention upon donating the property to the borough.
  - Councilwoman Novak has an issue with it being placed in the Open Space Inventory only because – until we are sure what is happening with the other building on Jernee Mill Road this is the only other location for the Public works Garage. A project like this could triple the cost if the borough had to go out and purchase property.
  - Mayor stated that this property was donated with the intent of the property be Open Space in perpetuity.
  - Councilwoman Novak said that the deed gave specific instruction on if the property were to be build upon.

- This property was put on hold until a location is selected.

- c) Request received from NJ Natural Gas Co. for authorization to enter into a new easement and right of way agreement for the purpose of upgrading their pipeline and changing the existing alignment.

- Hold, drawings that NJ Natural Gas provided are inaccurate.

- d) Discussion on the placement of GPS devices in all borough vehicles, see enclosed report.

- Mayor recommended that a committee made up of Co. Buchanan, Rittenhouse and Melendez review this matter. Councilman Melendez also suggested that it be part of the technology plan and that it be held off until we have an IT guy on board. Mayor suggested the committee review the concept.

- e) Authorization to execute a Subordination Agreement between the homeowner, and Amboy Bank and the Borough as creditor for property known as 42 Evelyn Terrace, Block 433, Lot 14.

- Resolution.

#### **- Planning & Zoning**

#### **- Public Safety**

#### **- Public Works**

- a) Authorization to award contracts for the following:
- Irrigation System spring start up and winterization to Spring Irrigation Co., Inc. for the quote of \$2,150., Plus hourly rate for parts and labor for all needed repairs.
  - Heil Replacement Parts to Mid Atlantic Waste Systems, Chester, PA on their low bid price as contained in their contract documents for an as needed basis.

#### **- a) Resolutions**

- b) Authorization for the Borough Engineer to conduct a drainage study on Lee Avenue.

#### **-b) Resolution**

#### **- Recreation**

- a) Request for a Resolution authorizing **all municipal fees be combined**

(including Special Event and Food Handlers) into one general fee of \$300 for all vendors for participation in the Independence Day Celebration. This action does not eliminate the requirements for each vendor to obtain such necessary permits.

- Mayor questioned the vendor who had multiple carts.
- Concerns about the Board of Health Inspections and where the fees are credited to.
- Resolution /if all matters are worked out.

**- Water & Sewer**

**- Personnel**

- a) Request for approval changing two employees in the Construction office from Clerk 1 to Clerk 2 Titles.
- Resolutions.

b) CIO Position – Councilman Melendez requested a committee look at the resumes. He said that he will be reviewing them from a technical standpoint and the committee will meet and recommend a small group to interview. Councilman Melendez, Rittenhouse, McGill and himself, in order for this to be accomplished in May.

**- Executive Session Items**

- Personnel
- Contract Negotiations
- Possible Litigation

• **C.F.O.- Wayne Kronowski**

- a) Bill List Resolution

- b) Purchasing Policy - Resolution  
(subject to change as we go along)

- c) Authorization to advertise for bids for Plumbing Services.

-Resolution.

- d) Budget Update

- Public Hearing on Amendment is scheduled for the next meeting.

**BOROUGH ENGINEER -Jay Cornell**

- a) Improvements to Ernston Road – Receipt of Bids (Verbal Report)

- b) War Memorial Park Walking Path Replacement – Receipt of Bids (Verbal Report)  
-a&b) Bids will be received before the next meeting, so if everything is in order Resolutions will be prepared awarding the contracts at the next meeting.

• **BOROUGH ATTORNEY - Michael DuPont**

**PUBLIC PORTION**

Mayor thanked Ed Streck and the American Legion for a tremendous display at the Little League Opening Day Ceremonies.

Those appearing were:

- John Lewinski, 10 Birch Terrace  
(johnl@alliknowgoon.com)
  - Questioned how much it would cost to renovate the bowl portion of the skate park.
  - Engineer responded that the Dept. of Public Works is in the process of obtaining quotes.
- John LaPatriello, Third Street
  - Asked Co. Melendez for an update on the security at the Sr. Center.
  - Co. Melendez stated that the issue falls under the IT Officers duties so until the decision has been made on an IT Officer security changes cannot be made.

No further questions or comments. Council President Novak made a motion to close the public portion. Motion seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes. Carried.

**EXECUTIVE SESSION –**

Mayor O'Brien announced that the Council will be going into Closed Session.

Attorney DuPont read the following Resolution into record:

**RESOLUTION FOR CLOSED SESSION**

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

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

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

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

- Personnel, Possible Litigation & Contract Negotiations

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

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

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

/s/ Mary J. Novak  
Council President

APPROVED:

/s/ Kennedy O'Brien  
Mayor

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

Roll Call: Voice Vote, all Ayes. Carried.

Time: 8:25 PM.

- **RECONVENE**

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

Time: 8:50

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business.

Council President Novak made a motion to adjourn. Motion seconded by Councilman Rittenhouse.

Roll Call: Voice Vote, all Ayes.

Time: 8:51 P.M.

SIGNED:

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

\_\_\_\_\_  
Date Approved