

Regular meeting of the Mayor and Borough Council held on Monday, April 11, 2011, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor O'Brien at 6:34 P.M. followed by a short prayer and salute to the flag.

STATEMENT OF NOTICE OF PUBLICATION

Municipal 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

PRESENTATIONS

-CERTIFICATES OF RECOGNITION ISSUED TO THE FOLLOWING 2011 SAYREVILLE ENVIRONMENTAL COMMISSION EARTH DAY POSTER CONTEST WINNERS:

- First Place
Anna Pavone - Our Lady of Victories School - 6th grade
- Second Place
Bhoomika Jain - Sayreville Middle School- 6th grade
- Third Place
Mary Mozden - Sayreville Middle School- 6th grade

OLD BUSINESS - None

NEW BUSINESS - None

ACTION ITEMS:

Minutes of the Mayor and Council -

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

- ☒ **March 14, 2011 - Regular Meeting, Agenda Meeting and Closed Session.**

Seconded by Councilman Buchanan.

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

b) PUBLIC HEARING ON ORDINANCE

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #158-11.**

No appearances

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

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

ORDINANCE NO. 158-11
**AN ORDINANCE ADOPTING AN AMENDMENT TO THE ROUTE 35 -
PHASE I STUDY AREA - REDEVELOPMENT PLAN IN THE BOROUGH OF
SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

WHEREAS, the Borough of Sayreville Planning Board recommended that the area along Route 35 in Morgan consisting of Lots 9.01, 9.02, 19.01, 20, 26, 26.01 and 27 in Block 538, Lot 10 in Block 538.01, and Lots 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111 and 201 in Block 539 (the "Route 35 - Phase I Study Area") be declared "an area in need of redevelopment," pursuant to N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, in response, the Governing Body of the Borough of Sayreville adopted a Resolution on July 14, 2004, declaring the Route 35 - Phase I Study Area to be an area in need of redevelopment; and

WHEREAS, the Mayor and Borough Council of the Borough of Sayreville in the County of Middlesex, New Jersey adopted the redevelopment plan entitled "Redevelopment Plan, Route 35 - Phase I Study Area" prepared for and under the direction of The Sayreville Economic & Redevelopment Agency (SERA) prepared by CME Associates dated September 9, 2004 and revised to May 20, 2005 (the "Redevelopment Plan") which Redevelopment Plan was adopted pursuant to Ordinance No. 907-05 on June 13, 2005; and

WHEREAS, the Redevelopment Plan restricts residential development to age-restricted housing; and

WHEREAS, the Borough Council has been considering an amendment to the Redevelopment Plan which would allow, as a permitted use, age-targeted housing in addition to age-restricted housing; and

WHEREAS, following a public hearing held on June 24, 2010 the Sayreville Economic and Redevelopment Agency has favorably recommended to the Borough Council that age-targeted housing be allowed as a permitted use in addition to age-restricted housing; and

WHEREAS, following a public hearing held on March 2, 2011 the Planning Board of the Borough of Sayreville has favorably recommended to the Borough Council that age-targeted housing be allowed as a permitted use in addition to age-restricted housing; and

WHEREAS, the Mayor and Borough Council have accepted the recommendation of the Planning Board and SERA to adopt an amendment to the Redevelopment Plan which would allow age-targeted housing as a permitted use in addition to age-restricted housing; and

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

SECTION 1. The Redevelopment Plan is 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:

(a) The second bullet point of Section 4.0 of the Redevelopment Plan shall be deleted in its entirety and the following substituted therefor:

“To encourage private investment in the Route 35 – Phase I Study Area through the establishment of new, age-restricted **and age-targeted** residential buildings;

(b) Section 5.1 is hereby deleted in its entirety and the following substituted therefor:

5.1 The land uses sought by SERA for the redevelopment area are intended to provide opportunities to accomplish the objectives outlined above. Specifically, the bulk of the subject property is intended to provide mid-rise, age-restricted **and age-targeted** residential dwellings **{with an amenities package including a club house, swimming pool, tennis courts, shuffleboard courts, hot tub, passive outdoor sitting area, and parking.} No tot lot shall be provided.** Separately, the triangular parcel surrounded by Route 35, First Street, and Old Spye Road is intended to be redeveloped to provide retail on the first floor and office space on the 2nd and 3rd floors.

(c) Section 5.2.3(3) is hereby deleted in its entirety and the following substituted therefor:

(3) Residential Unit Count. A maximum of 5.0 units per acre gross density of age-restricted **and age-targeted** residential units shall be provided. **The maximum number of two bedroom age-targeted units shall be 85. The minimum number of one bedroom age-targeted units shall be 4. There shall be a fifteen percent set-aside of affordable units which affordable units shall be age-restricted. The remaining market units shall be age-targeted.** The number of actual units will depend upon environmental constraints regulated by State and Federal Agencies, easements, a 50-foot setback from the gas pipeline and land development standards expressed in the Sayreville Land Development Ordinance as modified, herein; see especially 5.2.6 Bulk Requirements. **A total of 20 parking spaces in excess of the requirement of the RSIS will also be required.**

SECTION 2. 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 3. 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 Township, the provisions hereby shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

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

/s/ WILLIAM HENRY, COUNCILMAN
(Planning & Zoning Committee)

ATTESTED:

APPROVED:

/s/ Theresa A. Farbaniec, Municipal Clerk

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.

COMMUNICATIONS AND REPORTS OF COMMITTEE

Communications (reviewed on March 28, 2011 Agenda Meeting).

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

Seconded by Councilman Henry.

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

- ADMINISTRATION & FINANCE – Co. Perrette

#1 APPLICATION FOR BINGO/RAFFLE LICENSES

Received from:

- a) St. Stanislaus Kostka R.C. Church to conduct:
- On-Premise Draw Raffles on June 22, 23, 24 & 25, 2011 (#1695).
 - Off-Premise 50/50 Raffle on June 25, 2011 (#1696).
 - On Premise 50/50 Raffle on June 22, 23, 24 & 25 (#1697).
- b) Our Lady of Victories HSA to conduct:
- Off-Premise 50/50 Raffle on June 4, 2011 (#1698). - a & b)
- Approved

#2 TAX ASSESSMENT APPEALS

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

<u>Plaintiff</u>	<u>Block/Lot</u>	<u>Address</u>
Libretti, Joseph P. & Peggy A.	442/2.05	1047 Bordentown Avenue
Thomas M. Brown	168.02/33	7 Eisenhower Drive
Jayeshkumar Patel	136/174	39 Fritz Drive
Yogendra & Prital Patel	136/176	43 Fritz Drive
Magdi Mikhail & Khaled Sadek	123/4.01	5 Krumb Street
Manuel & Grace Santos	449.03/8	39 Scheid Drive
Ricciardi, Anthony R & Ricciardi, Rudo		
By USPS, Tenant-Taxpayer	154.01/45	90 Main Street
Lorraine Munnia Mocco	254/1	850 Main Street
Fine Realty, LLC	441/2.01	984 Route 9
Madan and Vazirani	449/6.03	70 Woodmere Drive
First Industrial, LP	326.01/3	2400 Main Street
Amboy Midison National Bank	96/29	Washington Road
Verizon	439.01/5	934 Route 9
Rite Aid Corp.	335.01/3	3553 Washington Road
Sayreville Shopping Plaza, LLP	368.07/1,2	2909 Washington Road
Hillside Estates	10/2	Bordentown Amboy Turnpike

- Refer to Tax Counsel

#3 JACK MYATT

Received notice of Resignation from his membership on the Cable TV Advisory Board.

- Receive & File

REPORT OF CHAIR.

- PLANNING & ZONING – Co. Henry

#4 SAYREVILLE PLANNING BOARD

Submitted a copy of the Supplemental Modification to the Re-examination Report of the Master Plan of the Borough of Sayreville. (***Zoning Ordinance Amendment***)

- Receive & File Report

REPORT OF CHAIR.

- PUBLIC SAFETY – Co. Bella

#5 PRESIDENT PARK FIRE CO. NO. 1

Application for (new) **Regular Membership** received from:

- a) Connor Giannetto, 38 Kenneth Avenue, Parlin.

(Accepted by Fire Co. on June 7, 2010)

- Approved

#6 SAYREVILLE BOMBERS GOLF

Requesting permission to solicit funds on May 7 from 8AM-2PM at the intersection of Washington Rd & Ernston Rd. - Approved

#7 SAYREVILLE MEMORIAL POST #4699- VFW

Permission to attend the April 25, 2011 Council meeting to help kick off their Buddy Poppy Drive throughout Sayreville.

- Approved

#8 BOARD OF HEALTH PRESIDENT

Request to amend Revised General Ordinance 8-20 entitled Records of Vital Statistics; Burial Permits; Marriage Licenses to include fees for Civil Unions and Domestic partnerships.

- Ordinance

REPORT OF CHAIR.

- PUBLIC WORKS – Co. Buchanan

#9 WILLIAMS-TRANSCO PIPELINE

Received a request for a letter releasing their \$500. Maintenance Bond posted in April, 2008 covering a Road Opening Permit for Cliff Avenue as required by Resolution #2008-88 & Ordinance #13-1.7(3).

- Resolution.

REPORT OF CHAIR.

- RECREATION – Co. Eicher

#10

REPORT OF CHAIR.

#11

- WATER & SEWER – Co. Kelly

REPORT OF CHAIR.

#12

- MAYOR O'BRIEN

- Appointments

#13

- BUSINESS ADMINISTRATOR'S AGENDA/REPORT

Administration & Finance:

- a. Authorization to execute the amendment to the Residential Maintenance Agreement between the Borough and Middlesex County. The amendment is strictly for the acceptance of year two funding under this program in the amount of \$4,500.

- Resolution.

Public Works:

- a. Authorization to contract for the provision of Sprinkler System maintenance and repair services with April Showers Sprinkler Company of Piscataway. This is a result of the collection and analysis of written quotes for this work. The initial cost of this work is \$1,635 for the spring start-up. Additional costs will be dependent upon our service needs. Total cost associated with this contract is \$6,560 based upon the average last 3 years of service needs.
- Resolution.
- b. Authorization to contract for the provision of Preventative Maintenance Services for the Borough's 9 emergency generators at our various facilities with Performance Plus, LLC from Southampton, NJ. This is a result of the collection and analysis of written quotes for this work. Total cost associated with this contract is \$11,171.
- Resolution.

Recreation: none

Water & Sewer:

- a. Authorization to extend the existing contract for the purchase of SLI-5250 Orthophosphate from Shannon Chemical Corporation of Malvern PA. The price will be held at existing rates for this one-year extension.
- Resolution.

Public Safety:

- a. Authorization to execute a Shared Services Agreement with the Borough of Helmetta for the provision of animal shelter services for the period May 1, 2011 through December 2011 with two additional one-year renewals. The cost of the services is outlined within the body of the agreement.
- Resolution.

Planning & Zoning: none

Personnel:

- a. Police Department
 1. Request for an extension of unpaid medical leave - Approved.

#14

- C.F.O. WAYNE A. KRONOWSKI
 1. Bill Resolution
 2. [Public Hearing on the 2011 Local Municipal Budget.](#)
 3. Resolution canceling Municipal Workers Compensation Insurance Fund and transferring the balance of funds to the Current fund.

#15

- BOROUGH ATTORNEY AGENDA/REPORT

#16

- BOROUGH ENGINEER AGENDA/REPORT
 1. NL Industries – Parcel C Remediation (Report enclosed)
 2. Ernston Road / Bordentown Avenue Intersection Improvements – Status of Project (Verbal Report).

FOR YOUR INFORMATION

- **ADMIN. & FINANCE**
- **PLANNING & ZONING**

#1

SAYREVILLE PLANNING BOARD
Resolution(s) Memorialized on March 16, 2011.

- a) Sameh Iskander, 1844 Rt. 35, Blk. 525, Lots 7-12
Minor Site Plan Amendment.

- Receive & File.

- **PUBLIC WORKS**
- **ENVIRONMENTAL**
- **PUBLIC SAFETY**
- **RECREATION**

#4

MINUTES **Rec. & File**

Board of Adjustment

Organization & Regular Meeting	-	February 23, 2011
Housing Authority	-	January 11, 2011
Commission for the Disabled	-	September 7, 2010
Board of Education	-	March 1, 2011
Planning Board	-	March 2, 2011

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 the cost of the appraisals in Resolution #2011-98
- Tax Assessor Joseph Kupsch, Business Admin. Bertrand and Borough Attorney DuPont, explained that the cost covered twenty-one commercial properties.
- Councilman Bella questioned the cost of the agreement with the County in Resolution #2011-86.
- Response by Business Admin. Bertrand.
- Councilwoman Eicher made a motion to table Resolution #2011-89.
Stating she would like to see if there was something that could be worked out with Sayreville Animal Shelter for domestic pets so that Sayreville residents wouldn't have to drive to Helmetta to pick-up their pets.

Motion seconded by Councilman Buchanan.

Discussion:

- Mayor questioned the number of dogs caught last year.
- Business Admin. Bertrand said that we used East Brunswick last year and out of 100 dogs caught 80 went to the shelter and about 65 reclaimed.

Discussion followed regarding the use of Sayreville Animal Hospital and Helmetta.

Mayor called for Roll Call:

Councilpersons Bella, Buchanan, Eicher, Henry, Aye to Table.
Councilman Kelly, Perrette Nay on the motion to Table.

Clerk Announced 4 – Ayes/Table
2-Nay/Not to Table.

Resolution #2011-89 is Tabled.

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 on Roll Call Vote. Seconded by Councilman Buchanan.

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

RESOLUTION #2011-85

WHEREAS, on April 14, 2008, Williams/Transcontinental Gas Pipe Line Corporation filed a Maintenance Bond #6554446 with the Borough of Sayreville in the amount of \$500.00 as required by Resolution #2008-88 in order to refund Road Opening Permit (#5009) Bond #K07545356 in the amount of \$25,000.00; and

WHEREAS, the required maintenance bond has been held for longer than the required two year period in accordance with the Revised General Ordinance No. 13-1.7(3).

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to release Maintenance Bond #6554446 posted by Williams/Transcontinental Gas Pipe Line Corporation in the amount of \$500.00.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2011-86

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute an Amendment to the 2010 Residential Maintenance Services Contract between the County of Middlesex, Department of Human Services approving the increase of an additional \$4,500.00 for the calendar year 2011.

/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 #2011-87

WHEREAS, the Mayor and Council of the Borough of Sayreville is in need of services for the "Maintenance of Borough Owned Irrigation systems"; and

WHEREAS, the Director of Public Works of the Borough of Sayreville solicited informal price quotations from the following vendors for the "Maintenance of Borough Owned Irrigation Systems":

Feb. 15, 2011	- New England Irrigation, Danbury, CT	-	\$9,950.00
Feb. 28, 2011	- April Showers, Piscataway, NJ	-	\$6,560.00
March 14, 2011	- Elite Outdoor Services, East Brunswick, NJ	-	\$6,725.00
March 14, 2011	- Spring Irrigation, Dayton, NJ	-	\$6,825.00

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 11th day of April, 2011, that:

1. Contract for the “Maintenance of Borough Owned Irrigation Systems” Project be awarded to April Showers, Piscataway, NJ who presented the lowest in the informal price quotes for said contract.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

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RESOLUTION #2011-88

WHEREAS, the Mayor and Council of the Borough of Sayreville is in need of preventative maintenance services for the Borough’s nine (9) emergency generators at various borough facilities; and

WHEREAS, the Director of Public Works of the Borough of Sayreville solicited informal price quotations from the following vendors for the “Maintenance of Borough Owned Emergency Generators”:

March 3, 2011-	Atlantic Power Systems, Lodi, NJ	-	\$11,907.00
March 3, 2011 -	Performance Plus, South Hampton, NJ	-	\$11,171.00
March 3, 2011 -	R&J Control, Dover, NJ	-	\$11,516.00

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 11th day of April, 2011, that:

1. Contract for the “Maintenance of Borough Owned Emergency Generators” Project be awarded to Performance Plus, LLC, 2127D Route 206 South, South Hampton, NJ 08088 who presented the lowest in the informal price quotes for said contract.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

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RESOLUTION #2011-89 - Tabled

BE IT AND IT IS HEREBY RESOLVED that the proper Borough officials are hereby authorized and directed to execute a shared services agreement with the borough of Helmetta, New Jersey for provision of Animal Shelter Services. This agreement shall commence May 1, 2011 and terminate December 31, 2011. Furthermore the agreement shall contain a two (2) additional one (1) year renewals, subject to mutual consent by both municipalities.

Frank J. Bella, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

Theresa A. Farbaniec
Municipal Clerk

Kennedy O'Brien
Mayor

RESOLUTION #2011-90

WHEREAS, on March 23, 2009 the Borough of Sayreville awarded a contract for "SLI-5250 Orthophosphate/Calgon C-4" to Shannon Chemical Corporation, Melvern, PA 19355; 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, Shannon Chemical Corporation, 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 "SLI-5250 Orthophosphate/Calgon C-4" is hereby renewed for one additional year period at no additional increase in price.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

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RESOLUTION #2011-91

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 January 24, 2011, in the amount of \$9,448,018.05
(Bill List - See Appendix 2011-A for this date, in a separate Bill List File for 2011)**

RESOLUTION #2011-92
**RESOLUTION CANCELING BALANCE
OF MUNICIPAL WORKERS COMPENSATION FUND
NO LONGER NEEDED**

WHEREAS, there exists an unencumbered balance in the Municipal Workers Compensation Fund in the amount of \$193,611.00; and

WHEREAS, the insurance programs supported by this fund have been assumed by the participation in the Middlesex County Joint Insurance Fund; and

WHEREAS, there are no longer any outstanding claims attributable to the fund;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Sayreville that the unexpended balance of the Municipal Workers Compensation Insurance Fund in the amount of \$193,611.00 is hereby cancelled and transferred to the Current Fund; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer for his records.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

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

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RESOLUTION #2011-93
(Installation of Temporary Security Fence)
**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY
OF MIDDLESEX, NEW JERSEY, TO ALLOW THE INSTALLATION OF
A TEMPORARY SECURITY FENCE AND GATE**

WHEREAS, the Governing Body of the Borough of Sayreville has been requested to allow Merion Construction to install a temporary security fence and gate across Chevalier Avenue; and

BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Sayreville, in the County of Middlesex and State of New Jersey, that Merion Construction has permission to install a temporary security fence and gate across Chevalier Avenue for a period not to exceed two (2) years during the NL Industries Parcel C Site Remediation work upon the approval of the Borough of Sayreville Police Department and Borough Fire Official.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

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

RESOLUTION #2011-94

WHEREAS, Sayreville Associates, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2008, 2009, 2010 and 2011 affecting Block 330.03, Lot 1.05; and

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

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for Sayreville Associates, duly recommend the following:

- Appeal of 2008 assessment will not be changed
- Appeal of 2009 assessment will not be changed
- Appeal of 2010 be reduced to \$5,803,700.00
- Appeal of 2011 be reduced to \$5,546,500.00

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

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

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

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

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RESOLUTION #2011-95

WHEREAS, Amboy Madison National Bank, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2009 and 2011 affecting Block 96, Lot 29-33 & 59; and

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

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for Amboy Madison National Bank, duly recommend the following:

- Appeal of 2009 assessment will not be changed
- (County) Appeal of 2011 be reduced to 395,000.00

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

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

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

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

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

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RESOLUTION #2011-96

WHEREAS, Joseph P. & Peggy Libretti, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the year 2010 affecting Block 524, Lot 44 & 45; and

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

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for Joseph P. & Peggy Libretti, duly recommend the following:

- Appeal of 2010 be reduced to \$390,000.00
- 2011 assessment be reduced to \$390,000.00 (Freeze Act Year)

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

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

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

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

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

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RESOLUTION #2011-97

WHEREAS, Veda P. Allen, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the year 2010 affecting Block 136, Lot 175; and

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

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for Veda P. Allen, duly recommend the following:

- Appeal of 2010 be reduced to \$297,500
- 2011 assessment be reduced to \$297,500 (Freeze Act Year)

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

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

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

ATTEST: _____ BOROUGH OF SAYREVILLE

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

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RESOLUTION #2011-98

WHEREAS, the Mayor and Borough Council of the Borough of Sayreville are knowledgeable that the Borough requires the services of an appraiser to provide appraisal services and reports covering twenty-one (21) properties as outlined in his appraisal fee report; and

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

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A11-5(1)(a) requires that a resolution authorizing such services without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Sayreville hereby appoint the firm of Sockler Realty Services Group, Inc. and that they be paid for said services at a fee not to exceed \$75,000.00.

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk be and is hereby authorized to forward a true copy of this resolution to, Sockler Realty Services Group, Inc., 299 Ward Street, Suite C, Hightstown, NJ 08520.

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

ATTEST: _____ BOROUGH OF SAYREVILLE

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

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RESOLUTIONS TO BE READIN FULL
- None

PUBLIC HEARING ON THE 2011 MUNICIPAL BUDGET.

Presentation sheets were handed out and a presentation was given on the 2011 Municipal Budget by Wayne Kronowski Chief Financial Officer and Jeffry Bertrand Business. Followed by questions by the governing body.

Councilman Henry implored that he would like to see the budget cut more. He would like it cut from the 5 cents to zero. He asked if the savings from the change in attorney and the savings from the phone system could be used. He asked how we could increase revenue. He asked if we could use the unused salary from the person in the Senior Center if we do not replace that person. He also questioned if Governor Christie's Library Tax Levy would have any impact on the budget we introduced as well as the number of grants the borough applied for last year.

Mr. Bertrand and Mr. Kronowski said that the use of some would be a calculated risk but the decision is that of the governing body.

Mr. Kronowski reminded the governing body to be mindful of next year. Next year the surplus will be less and explained why. He further stated that the Governors Library Tax Levy would not impact the budget it only separates the item from Local Municipal Taxes and shown separately. He also explained grants and their use.

Mayor asked if there were any further questions.

Mayor announced that anyone who has not secured a copy of the Budget may do so now and I hereby open the [Public Hearing on the 2011 Budget](#) to any interested resident.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street
Comments made about the library and its funding.

Mayor explained the legislation mandating the borough fund a portion of the library and that the borough only funds it at the bare minimum.

Mrs. Kilcomons then expressed her dissatisfaction with regards to the MCUA charges.

Charges explained by C.F.O. Kronowski.

Mrs. Kilcomons questioned the Construction and Zoning Revenue.

Response by Construction Code Enforcement Official Mr. Kirk Miick.

- Mary Novak, 1 Scarlet Drive
Questioned the amount the borough has in the Reserve for Uncollected Taxes and if the amount the borough employees now have to pay for medical benefits are included in this budget.

Mr. Kronowski responded to her question regarding the Reserve for Uncollected Taxes and informed her that the health benefits that the employees are contributing toward are included in the budget.

Mayor asked if there were any other questions or comments regarding the 2011 Municipal Budget.

Before closing the public hearing Mr. Kronowski asked the governing body for guidance on the budget if they would like to see other specific areas reduced. He explained that we have to do a Budget Amendment to reflect the reduction from the introduced/approved budget along with other house-keeping issues that Trenton is requiring.

Councilman Perrette asked when the final budget was due in Trenton.

Mr. Kronowski said under the state guidelines we should be adopting our budget at our next meeting, but due to the fact that we have to amend it we will need to do that first which will change the date of adoption.

Councilman Perrette called for another Budget Workshop meeting to be scheduled.

After discussion a budget workshop was scheduled for Thursday, April 14th.

Mayor called for a motion to close the public portion. Motion made by Councilman Kelly to close the public portion. Seconded by Councilman Buchanan.

Roll Call: voice vote, all Ayes.

Councilman Bella made comments going back to last year last years' budget and that is still a concern of his. He said that he is looking for no more than a 2% tax increase this year is still one of his objectives. He said that this is his second year in this process and look toward our professional to refine the figures to a good degree.

Introduction of Ordinance(s):

ORDINANCE #159-11
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VIII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION 8-20
TO ADD FEES FOR CIVIL UNIONS AND DOMESTIC PARTNERSHIPS
 (Co Bella - Public Safety Committee - Public Hearing - April 25, 2011)

Councilman Bella moved the Ordinance #159-11 be approved on first reading, advertised according to law and a Public Hearing to be held on April 25, 2011. Seconded by Councilman Kelly.

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

ORDINANCE #160-11
AN ORDINANCE AMENDING ARTICLE III OF
CHAPTER XXVI, LAND DEVELOPMENT, OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF SAYREVILLE TO EXPAND
THE SPECIAL ECONOMIC DISTRICT
 (Main Street)
 (Co Henry - Planning & Zoning Committee - Public Hearing - April 25, 2011)

Councilman Henry moved the Ordinance #160-11 be approved on first reading, advertised according to law and a Public Hearing to be held on April 25, 2011. Seconded by Councilman Buchanan.

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

PUBLIC PORTION

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

Those appearing were:

- Chester Brys, 143 Standiford Avenue
Mr. Brys commented about the project called The Point at Sayreville and about their pilot program proposal.

Mayor said that this was on their wish list and that he as Mayor is not in favor of it.

- Deborah Stolte, 13 Mochen Court
Questioned the traffic light on Kimball Drive West and East and Main Street. She said that a letter requesting this light was submitted back in 2003 and she is here tonight with a petition for the installation of the light.

Engineer Cornell explained that the light will be installed on Main Street and White Oaks Drive and that the Traffic Signal has been designed and approved by Middlesex County for a number of years and the hold-up is property acquisition.

Mr. Bertrand (Business Admin.) explained that we are currently going through the appraisal process for those properties and have been informed by one property owner that they have no intention of giving or selling us their property which means we will have to go through eminent domain for this particular property and when the appraisals are done it will go to the borough attorney to start the process.

- Barbara Kilcomons, 22 Schmitt Street
Questioned if Ordinance #160-11 was the Mocco property.

Engineer Cornell responded that it was the Mocco property across from the Main Street Town Houses.

- Mary Novak, 1 Scarlet Drive
Questioned how long it would take if we had to go through eminent domain to obtain the property for the traffic light.

Attorney DuPont responded at least 6 months.

Engineer than stated that after we certify that we have obtained the property the County would have to go out to bid, award a contract, install the traffic light, etc so maybe another six months after acquisition.

No further questions or comments.

Council President Kelly moved to close the Public Portion. Seconded by Councilwoman Eicher.

Roll Call: Voice Vote, all Ayes.

EXECUTIVE SESSION ITEMS -

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
Litigation

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. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

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

/s/ Councilman Kenneth P. Kelly, Sr.

APPROVED:

/s/ Kennedy O'Brien
Mayor

Councilman Kelly moved the Executive Session Resolution be adopted on Roll Call Vote. Seconded by Councilman Buchanan.

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

Time 8:09 P.M.

RECONVENE

Councilman Bella moved to reconvene the meeting. Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

Time: 8:27 P.M.

ADJOURNMENT

No further business.

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

Roll Call: Voice vote, all Ayes.

Time: 8:27 PM

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

6/27/11
Date Approved