

Regular meeting of the Mayor and Borough Council held on Monday, July 11, 2011, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Acting Mayor Kenneth P. Kelly, Sr. at 6:36 P.M. followed by a short prayer and salute to the flag. He asked everyone to remember the Borough Engineer's Father Mr. Cornell who passed away last week and Mr. Siarkiewicz who had surgery.

- **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 her office.

- **ROLL CALL:**

Roll Call: Councilpersons Bella, Henry, Kelly, Perrette.

Absent: Mayor O'Brien, Councilman Buchanan and Councilwoman Eicher, C.F.O. Kronowski and Business Admin. Bertrand, all excused absences.

Others Present: Municipal Clerk Farbaniec
Engineer Cornell
Attorney DuPont

- **PRESENTATIONS**

Acting Mayor Kelly called upon Joseph Ambrosio, SERA Executive Director, to give his report.

Mr. Ambrosio explained that he is appearing before the council at the request of Councilman Bella and Henry to report on the status of a report in the newspaper regarding certain dredge material that was reportedly going to be brought from Middletown to Sayreville's National Lead Site. He said that he wrote a letter and submitted it to the Borough Counsel, Mr. DuPont.

Mr. DuPont stated that he distributed the letter to the governing body members.

Mr. Ambrosio reported that there is no agreement with Middletown to accept these materials. There is no application pending to accept these materials. He said there are significant protocols in place for the processing of materials when an appropriate application is made and that there are multiple safeguards which were described by Mr. Cornell at the Environmental Meeting. He said he issued a letter to the Environmental Committee Chairperson Ms. Siarkiewicz about this issue. He said there is no agreement, or no application pending. He said if the council has any questions as it related to this matter, he would be happy to answer them at this time.

Councilman Bella asked through the Acting Mayor if he could address Mr. Ambrosio. He thanked Mr. Ambrosio for coming before the council to address these matters. He also said that with the two Council Liaison's sitting on SERA he did not find the need for Mr. Ambrosio to attend council meetings on a regular basis.

Acting Mayor opened the meeting to the public for any questions or comments on this topic.

Those appearing were:

- John Rucki, Sayreville

He commented on the past SERA Director attending meetings. It kept everyone up to date.

Mr. Ambrosio said that he would take whatever request from the council back to the Agency for consideration. Stated the agency directs him where to go and what to do. He indicated that the position is a part-time position and has a lot of other responsibilities.

Councilman Bella explained that the past SERA Director was a full-time position and this is a part-time position so the situation is different.

Mr. Rucki returned asking if the borough pays into his pension.

Mr. Ambrosio said that if the borough pays into anything SERA reimburses the borough everything dollar for dollar.

Councilman Bella made a motion to close the public portion. Seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

- **OLD BUSINESS**

- a. Public hearing on the following Ordinance(s):

ORDINANCE #161-11
AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES
FOR THE YEARS 2009, 2010, 2011 AND 2012

(Co. Perrette – Public Hearing July 11, 2011)

Councilman Bella made a motion to table and carry Ordinance #161-11 and its sister Resolution #2011-170 until the next meeting. Seconded by Councilman Henry.

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

- b. Other

- **NEW BUSINESS**

- a. Introduction of the following Ordinance(s):

ORDINANCE #162-11
AN ORDINANCE ESTABLISHING CHAPTER 27
OF THE REVISED GENERAL ORDINANCES OF
OF THE BOROUGH OF SAYREVILLE TO
GOVERN SPECIAL EVENTS

(Co. Eicher - Public Hearing July 25, 2011)

Councilman Bella made a motion to approve the ordinance on first reading, advertised according to law and a public hearing to be held on July 25, 2011.

Second by Councilman Henry.

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

- b. Other - None

CONSENT AGENDA RESOLUTIONS:

Acting Mayor Kelly opened the meeting to the Public for questions or comments on Consent Agenda Resolutions.

Those appearing were:

Barbara Kilcomons, 22 Schmitt Street

- Mrs. Kilcomons had questions regarding the resolutions listed tonight appointing five people to public Works.

Acting Mayor Kelly responded that these were current employees with title changes.

Frank Terzino, 32 Canal Street

Mr. Terzino questioned that the tabling of ordinance #161 and if resolutions #167 & 168 would pass tonight.

Acting Mayor Kelly responded that these resolutions would not be affected, that they are title changes and had nothing to do with the Ordinance.

No further appearances.

Councilman Bella moved the Public Portion be closed and the Consent Agenda Resolutions be approved on Roll Call Vote with the exception of Resolution # 2011-170. Seconded by Councilman Perrette.

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

RESOLUTION #2011-161

WHEREAS, on May 28, 2010 Road Opening Permit #5144 was issued to open 56 Furman Ave., Sayreville; and

WHEREAS, the Road Department has advised that the road has been restored to original condition and has recommended that a refund of a portion of said permit fee be made;

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to refund the sum of \$72.00 for the afore-mentioned Road Opening Permit to Ryders Corporation upon the submission of a properly approved borough voucher.

BE IT FURTHER RESOLVED that the Maintenance Bond requirement is hereby waived due to the fact that the fees have been held for one year in lieu of posting the required Maintenance Bond.

/s/ William J. Henry, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE;

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kenneth P. Kelly, Sr.
Acting Mayor

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RESOLUTION #2011-162

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for the following:

- ◆ SODIUM CHLORIDE (ROCK SALT)

/s/ William J. Henry, Councilman
(Public Works Committee)

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

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kenneth P. Kelly, Sr.
Acting Mayor

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RESOLUTION #2011-163

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for the following:

- ◆ TRAFFIC SIGNAL REPAIRS and ASSOCIATED ELECTRICAL REPAIRS

/s/ William J. Henry, Councilman
(Public Works Committee)

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

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kenneth P. Kelly, Sr.
Acting Mayor

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RESOLUTION #2011-164

WHEREAS, Kaplan and Companies posted landscaping and paving bonds with the Borough of Sayreville in the amount of \$2,000.00 cover Block 136.16 Lot 103; and

WHEREAS, the Borough Engineer's Office has recently performed a site inspection and has indicated that the required work has been completed and has recommended the release of said bond.

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to release said cash bond in the total amount of \$1,000.00.

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

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

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kenneth P. Kelly, Sr.
Acting Mayor

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RESOLUTION #2011-165

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear by Contract Change Order No. 1:

- Project: Improvements to Stevens Avenue
- Contractor: DeFino Contracting Company
28 Industrial Drive
Cliffwood Beach, NJ 07735
- Net Increase/
Decrease: No change in original contract price.
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved.

/s/ William J. Henry, Councilman
(Public Works Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE;** _____

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kenneth P. Kelly, Sr.
Acting Mayor

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RESOLUTION #2011-166

BE IT RESOLVED that the following are hereby provisionally appointed to the following pending NJCSC Promotional Procedures:

NAME OF APPOINTEES: Ronald Connors
Joseph Kabara
Gerald Zakrewski

POSITION: Truck Driver

DEPARTMENT: Public Works

EFFECTIVE: 7/12/11

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Department Civil Service Commission.

/s/ William J. Henry, Councilman
(Public Works Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE;** _____

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kenneth P. Kelly, Sr.
Acting Mayor

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RESOLUTION #2011-167

BE IT RESOLVED that the following person is hereby appointed to the following as per NJCSC Procedures:

NAME OF APPOINTEES: Frank Terzino
POSITION: Truck Driver Heavy
DEPARTMENT: Public Works
EFFECTIVE: 7/12/11

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Civil Service Commission.

/s/ William J. Henry, Councilman
(Public Works Committee)

ATTEST: **BOROUGH OF SAYREVILLE;**

/s/ Theresa A. Farbaniec /s/ Kenneth P. Kelly, Sr.
Municipal Clerk Acting Mayor

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RESOLUTION #2011-168

BE IT RESOLVED that Michelle Pavlik, Police Records Clerk, is hereby granted a 90 day extension of a medical leave of absence without pay effective July 7, 2011 and expiring October 7, 2011.

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

ATTEST: **BOROUGH OF SAYREVILLE;**

/s/ Theresa A. Farbaniec /s/ Kenneth P. Kelly, Sr.
Municipal Clerk Acting Mayor

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RESOLUTION #2011-169

BE IT RESOLVED that the following are hereby permanently appointed to the following as per NJCSC Promotional Procedures:

NAME OF APPOINTEES: John Fitzsimmons
POSITION: Police Captain
DEPARTMENT: Police
EFFECTIVE: 6/27/11

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Department Civil Service Commission.

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

ATTEST: **BOROUGH OF SAYREVILLE;**

/s/ Theresa A. Farbaniec /s/ Kenneth P. Kelly, Sr.
Municipal Clerk Acting Mayor

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RESOLUTION #2011-170 - TABLED

WHEREAS, N.J.S.A. 40A:9-165 provides for salaries, wages or compensation be fixed and determined by Ordinance; and

WHEREAS, Ordinance No. 150-10 entitled An Ordinance Fixing the Salaries of Certain Borough Officials, Officers and Employees for the Years 2009, 2010, 2011 and 2012 – Management was adopted on October 12, 2010; and

WHEREAS, the Mayor and Council of the Borough of Sayreville wish to maintain uniformity within its workforce; and

WHEREAS, the Mayor and Council acknowledge that the general Borough employees have received an increase in contractual pay effective July 1, 2011 as a result of concessions that were made during the collective bargaining agreement; and

WHEREAS, the Mayor and Council also recognize that the non-represented management employees have implemented identical concessions to their employee benefit package;

NOW THEREFORE BE IT RESOLVED that the following shall represent the base salary for the following non-represented management employees effective July 1, 2011:

Statutory Employees pursuant to N.J.S.A. 40A:9-165

Municipal Clerk	-	\$ 80,886.00
Police Chief	-	\$154,728.00
Tax Assessor	-	\$ 89,008.00
Tax Collector	-	\$ 87,580.00
Treasurer	-	\$151,102.00

All Other Management Employees:

Business Administrator	-	\$123,761.00
Community Development Coordinator (Stipend)-	6,032.00	
Department Head-Public Works	-	\$127,280.00
Deputy Municipal Clerk	-	\$ 62,157.00
Director of Code Enforcement & Zoning (Stipend)-	\$ 11,938.00	
Emergency Management Coordinator	-	\$ 11,938.00
Judge of the Municipal Court	-	\$ 44,543.00
Municipal Court Administrator	-	\$ 72,368.00
Municipal Department Head-Water & Sewer-	\$113,026.00	
Presiding Judge-Municipal Court	-	\$ 51,343.00
Prosecutor	-	\$ 37,824.00
Recreation Director		\$ 79,778.00

BE IT FURTHER RESOLVED, that this Resolution shall be become effective immediately.

TABLED

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

ATTEST:

BOROUGH OF SAYREVILLE

Theresa A. Farbaniec
Municipal Clerk

Kenneth P. Kelly, Sr.
Acting Mayor

RESOLUTION #2011-171

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.

Mayor - Absent

/s/ Frank J. Bella
Councilman

/s/ William J. Henry
Councilman

/s/ (Absent)
Daniel Buchanan, Councilman

/s/ Kenneth P. Kelly, Sr.
Councilman

/s/ (Absent)
Councilwoman

/s/ Nicholas J. Perrette
Councilman

**Bill list of July 11, 2011, in the amount of \$6,367,521.61
(Bill List – See Appendix 2011-A for this date, in a separate Bill List File for 2011)**

**RESOLUTION #2011-172
RESOLUTION MEMORIALIZING ACTION TAKEN ON
CERTAIN COMMUNICATION ITEMS AT THE
JUNE 27, 2011 COUNCIL MEETING**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the June 27, 2011 Council Meeting approving the following requests:

- a) Approving the following Bingo/Raffle License Applications received from the Sayreville War Memorial High School Touchdown Club:
 - ❖ Off Premise Draw Raffle (50/50) on October 6, 2011 (#1705).
 - ❖ On-Premise Draw Raffle (50/50) On Oct. 6, 14 & 21, 2011 and Nov. 4, 2011 (#1706).
- b) Approving a request to travel submitted by Melrose Hose Company to attend a Firemen’s Fair on July 29, 2011 in Keyport, NJ
- c) Approving requests for the following block parties:
 - ❖ Submitted by Jennifer Sauter and the residents of Haven Terrace, to be held on Haven Terrace from Campbell Drive to the cul de sac, on August 6, 2011 between 12 Noon and 11 pm (Rain date of August 13th)
 - ❖ Charles P. Spano and residents of Oxford Drive, to be held on Oxford Drive on August 6th between 10am-10pm

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

ATTEST: _____

BOROUGH OF SAYREVILLE: _____

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kenneth P. Kelly, Sr.
Acting Mayor

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RESOLUTION #2011 - 173

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, NEW JERSEY, MEMORIALIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1219-33-001-012, HELD BY STINGRAY'S INC. T/A DEKO LOUNGE

WHEREAS, Stingray's Inc., trading as Deko Lounge (the "Licensee"), has heretofore been the holder of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License No. 1219-3-001-012 (the License"); and

WHEREAS, May 3, 2011 a disturbance arose at the premises of the "Licensee" which required a full scale response from the patrol division of the Borough of Sayreville Police Department resulting in charges being filed against the "Licensee"; namely, N.J.A.C. 13:2-23.6a2 and N.J.A.C. 13:2-23.6a3; and

WHEREAS, on June 27, 2011 at the Council Meeting of the Borough of Sayreville it was decided to renew the Plenary Retail Consumption License No. 1219-33-001-012 with all current conditions for the license year of 2011-2012;

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

1. Stingray's Inc. t/a Deko Lounge's ("Licensee") will be renewed for the license year of 2011-2012 will all current conditions, until the aforesaid pending charges against the ("Licensee") are adjudicated; and
2. The Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate.
3. A certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:
 - a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P.O. Box 087
Trenton, NJ 08625-0087
 - b. Chief, Sayreville Police Department
 - c. Stingray's Inc.

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

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

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kenneth P. Kelly, Sr.
Acting Mayor

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RESOLUTIONS READ IN FULL

RESOLUTION #2011-174

WHEREAS, the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mayor and Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Mayor and Council does hereby authorize the submission of an application for the 2012 Sayreville Municipal Alliance Grant Application in the amount of \$36,442.00.
2. The Mayor and Council hereby acknowledges the terms and conditions for administering the Municipal Alliance Grant, including administrative compliance and audit requirements.

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

ATTEST: **BOROUGH OF SAYREVILLE:**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kenneth P. Kelly, Sr.
Acting Mayor

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At this time Acting Mayor opened the meeting to the public for questions or comments on Resolution #2011-174.

No one appeared.

Councilman Bella made a motion to close the Public Portion and adopt Resolution #2011-174 on Roll Call vote. Seconded by Councilman Henry.

Roll Call: Councilpersons Bella, Henry, Kelly, Perrette. All Ayes.

SWEARING IN OF POLICE OFFICER(S)

At this time Acting Mayor called forward Police Lieutenant John Fitzsimmons to be sworn in as Police Captain.

Municipal Clerk Farbaniec swore in John Fitzsimmons as Police Captain of the Sayreville Police Department.

COMMUNICATIONS/COMMITTEE REPORTS

❖ **ADMINISTRATIVE & FINANCE** – Councilman Perrette

- a. Request from Donna Brodzinski, Tax Collector, for a Resolution authorizing the Tax Collector to refund a portion of 2009 (\$620.00) and 2010 (\$4,734.08) taxes for Cheryl A. Adams, 16 Chelsea Ct., Block 368.04 Lot 16. The refund is due to the approval of a 100% Disabled Veteran Tax Exemption by the Tax Assessor effective November 16, 2009.

- **Resolution**

- ❖ **PLANNING & ZONING** – Councilman Henry
 - a. Notice to Adjacent Property Owner received from Meghan Spezzi to appear before the Zoning Board of Adjustment on July 27, 2011 for approval to place a garage on the property at 26 Dolan St.
- **Receive & File**
 - b. Received notice from the Township of Edison that a public hearing will be held by the Planning Board of Edison on July 18, 2011 to review and consider adopting an amendment to their Master Plan.
- **Receive & File.**
 - c. Received notice from the City of South Amboy that an Ordinance (#10-2011) amending the South Amboy City Code, Chapter 53, Development Regulations, was adopted by the Municipal Council on June 29, 2011
- **Receive & File**
- ❖ **PUBLIC SAFETY** – Councilman Bella
- Progress.
- ❖ **PUBLIC WORKS** – Councilman Buchanan (absent)
- ❖ **RECREATION** – Councilwoman Eicher (absent)
- ❖ **WATER & SEWER** – Councilman Kelly
- Acting Mayor thanked the men and women of the Water Sewer Department for their continuing outstanding job on behalf of the borough and residents.

Progress.
- ❖ **MAYOR** – Kennedy O'Brien (absent).

- **PUBLIC PORTION**

Acting Mayor Kelly opened the meeting to the public for any and all questions or comments.

There were no appearances.

Councilman Bella moved to close the Public Portion. Seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION ITEMS** - (None)
- **ADJOURNMENT**

No further business.

Councilman Henry made a motion to adjourn. Motion seconded by Councilman Perrette.

Roll Call: Voice vote, all Ayes.

Time: 7:00.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

10/21/11
Date Approved