

Combined Meeting of the Mayor and Borough Council held on Tuesday, October 9, 2012, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 6:31 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this combined 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:**

Present: Councilpersons Bella, Buchanan, Henry, Novak, Perrette

Absent: Councilwoman Eicher

Others Present: Mayor O'Brien
Business Administrator Daniel Frankel
Municipal Clerk Farbaniec
Engineer Cornell
Attorney Mike DuPont

Absent: CFO Wayne Kronowski

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES – None**

- **PRESENTATIONS**

- **❖ PROCLAMATION**

Proclamation was read into record and presented by Councilman Nick Perrette.

Proclaiming the Month of October, 2012 as "Sayreville's Domestic Violence Awareness Month" urging all citizens to support this campaign and participate in a candlelight vigil scheduled for October 24, 2012 at the Buchanan Waterfront Park at 6PM.

Borough of Sayreville

P R O C L A M A T I O N

Whereas, over 31 years ago, Women Aware, Inc. was founded on the belief that every human being has the right to live free from violence and the fear of violence; and

Whereas, the problems of domestic violence are not confined to any group of people but cross all economic, racial and societal barriers; and

Whereas, in 2011 Women Aware has sheltered 200 women and children in crisis; provided legal advocacy, counseling and therapy; answered 5,560 hotline calls and leveraged additional community resources to help families move beyond abuse; and

Whereas, it is victims of domestic violence themselves who have been in the forefront of efforts to bring peace and equality to the home; and

Whereas, we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members.

Now, Therefore, Be It Resolved, that I, Kennedy O'Brien, Mayor of the Borough of Sayreville, do hereby proclaim the month of October 2012 as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge the residents of Sayreville to attend the Candlelight Vigil scheduled for the evening of October 24, 2012 at Buchanan Park on River Road at 6:00 PM to support those whose lives have been affected by domestic violence.

IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 9th day of October 2012 and the same duly attested by the Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Attest:

/s/ Theresa A. Farbaniec, R.M.C.
Municipal Clerk

Councilman Perrette moved the Proclamation be approved on Roll Call vote. Seconded by Councilman Buchanan.

Roll Call: Councilman Bella, Buchanan, Henry, Novak, Perrette, all Ayes.

• **OLD BUSINESS**

1. Public Hearing on the following Ordinance(s):

Before opening the Public Hearing on **Ordinance #193-12** the Borough Attorney asked it could be tabled until he had a chance to follow-up with the Business Admin. with regards to some issues he had expressed to him today.

Councilwoman Novak made a motion to **Table Ordinance #193-12**. Motion seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

ORDINANCE #193-12 - Tabled

AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #150-10, FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES FOR THE YEARS 2009, 2010, 2011, 2012

(Confidential Assistant, 2012)

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #194-12**.

Business Admin. Frankel explained the projects covered by this ordinance.

There were no appearances:

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

Roll Call: Councilpersons Bella, Buchanan, Henry, Novak, Perrette, all Ayes. Carried.

ORDINANCE #194-12
**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN,
BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY,
APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$380,000 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF SUCH APPROPRIATION**
(Various Improvements)

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$400,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$20,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$400,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$380,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$380,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the following: **(i) Sayreville EMS roof; (ii) Major Drive Dock improvements, (iii) Recreation Building improvements; (iv) Kennedy Park Building improvements, and (v) drainage improvements.**

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$380,000.

(c) The estimated cost of said purposes is \$400,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$20,000 down payment for said purposes.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 25.40 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$380,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$57,500 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$380,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

/s/ Nicholas J. Perrette, Councilman
(Administrative & Executive Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #195-12**.

Ordinance explained by Business Administrator Dan Frankel that this ordinance covered various road improvements.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street, Sayreville

Mrs. Kilcomons commented that she felt this figure was very high for improvements to seven streets.

The Borough Engineer explained what was covered in the figure.

Mrs. Kilcomons then commented that the repaving job on Bayview and other streets in Morgan explaining that they are cracking after only about 6 months after the job was complete.

Mayor asked that the Engineer look into that issue.

No further appearances.

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

Roll Call: Councilpersons Bella, Buchanan, Henry, Novak, Perrette, all Ayes. Carried.

ORDINANCE #195-12
**BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND
SIDEWALK IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE,
NEW JERSEY, APPROPRIATING \$2,500,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$2,380,000 BONDS OR NOTES OF
THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**
(Various Road Improvements)

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$2,500,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$120,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$2,500,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,380,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$2,380,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are the reconstruction and improvement of Greenhill Avenue, Horseshoe Road, Glenwood Avenue, Modzelewski Terrace, William Street, Ernston Road, Hart Street and the sidewalks along the Ernston Road, together with all other work, materials and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$2,380,000.

(c) The estimated cost of said purposes is \$2,500,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$120,000 down payment for said purposes.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 10 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,380,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$390,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$2,380,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

/s/ Nicholas J. Perrette, Councilman
(Administrative & Executive Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #196-12**.

Ordinance explained by Business Administrator Dan Frankel that this ordinance covers various park improvement projects.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street, Sayreville

Mrs. Kilcomons commented that she heard that there were comments made that she was against park improvements for the children and she wanted to set the record straight that she was not.

No further appearances.

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

Roll Call: Ayes: Councilpersons Buchanan, Henry, Novak, Perrette.
Nays: Councilman Bella.

Ordinance carried.

ORDINANCE #196-12

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS PARKS
IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$450,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$428,000 BONDS OR
NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

(Various Park Improvements)

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$450,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$22,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$450,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$428,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$428,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are **various park improvements, including without limitation, the War Memorial track, playground upgrades to Kennedy Park, War Memorial walking path replacement, various field lighting upgrades, and various miscellaneous park improvements**, together with all other work, materials and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$428,000.

(c) The estimated cost of said purposes is \$450,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$22,000 down payment for said purposes.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 15 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$428,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$52,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$428,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

/s/ Nicholas J. Perrette, Councilman
(Administrative & Executive Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #197-12**.

Ordinance was explained by Business Administrator Dan Frankel that the Police Chief requested this ordinance which will amend the current Ordinance regulating the purchases of precious metals and gems.

There were no appearances.

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

Roll Call: Councilpersons Bella, Buchanan, Henry, Novak, Perrette, all Ayes. Carried.

ORDINANCE #197-12
AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIII
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
SAYREVILLE TO ADD SECTION 8-24 "LICENSING AND
REGULATION OF PURCHASES OF PRECIOUS METALS AND GEMS"

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the county of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows:

8-24 LICENSING AND REGULATION OF PURCHASES OF PRECIOUS METALS AND GEMS.

8-24.1 License Required.

All persons, partnerships and/or corporations engaged in the full or part-time business of buying precious metals or jewels in the Borough must, prior to engaging in such business, be duly licensed by the Borough. The licensing procedure is to be accomplished as follows:

8.24.2 Permitted Business, Definitions, License Requirements.

a) No person, organization or business entity shall be permitted to sell, resell or purchase precious metals, or jewelry to the public or to any person, organization or business entity for the purpose of sale to the public, smelting or destruction unless they are a Precious Metal Dealer as defined in subsection 8-24.2(b) and have obtained a license from the Borough as required by subsection 8-24.1.

b) A Precious Metal Dealer shall be a person or business entity whose primary business operation is the retail sale to members of the public of jewelry, watches, keepsakes, statues, figurines and/or precious items.

c) Precious Metal Dealers must prior to engaging in business activities be licensed by the Borough in accordance with the procedure set forth herein.

8-24.3 Registration Form.

a) The business entity shall authorize a representative to complete a registration application.

b) The registration application shall be made available to persons wishing to secure same through the Municipal Borough Clerk's Office.

c) The registration shall be filed with the Chief of Police of the Borough or his designee.

d) The registration form shall be executed by that person or persons who are responsible for the day to day operation of the business and owner, if different. Where a corporation is involved, the President of the corporation shall sign same, and, where partnerships are involved, the managing partner shall sign same.

e) The registration form shall contain the following information:

1. The names and current addresses and telephone numbers of all principals of the business. If the business is a corporation, then the information shall include the names and current addresses and telephone numbers of all stockholders.
2. The place or places where the business entity shall operate from, as well as a listing of the hours when the entity proposes to conduct business.
3. The names and addresses of three (3) different business references.
4. A statement by the applicant that no principal of the business entity has any arrests or convictions of any crimes. In cases of a corporation, the certification shall apply to all stockholders. If there is an arrest or conviction record, same must be disclosed.
5. A list of business and home addresses of all principals of the business for the past five (5) years.

6. The registration must also include a photograph of the person who will manage the day-to-day operation of the business and that individual must also agree to be fingerprinted by the Borough Police Department.

7. The obligations set forth herein shall be deemed continuing obligations. Any changes or modifications in any of the herein above required information shall be provided to the Chief of Police or his designee within five (5) days of its occurrence.

8-24.4 Effect on Existing Businesses.

As to those business entities which are governed by this section and who are already doing business in the Borough prior to the effective date of this section, than that business must be licensed within thirty (30) days of the effective date of this section.

8-24.5 Fees; Term.

The annual fee for the license shall be One Hundred (\$100.00) Dollars. All such licenses shall be issued for a period of one (1) year commencing January 1st and expiring December 31st next following the date of any issuance, and there shall be no rebate for any lesser time. The license shall be conspicuously exhibited upon the premises licensed thereunder. Any person seeking a license under this section shall file an application with the Borough Clerk on a form supplied by said Clerk and pay a nonrefundable application fee of One Hundred (\$100.00) Dollars for the processing of same.

Any "road show" that also deals in the purchase and/or sale shall only be required to pay the licensing fee as a transient merchant as set forth in subsection **8-3.6 Fees.**

8-24.6 Record Required.

Any Precious Metal Dealer in the business of buying precious metals or gems who buys, attempts to buy or offers to buy precious metals or gems on the basis of bulk value from any person who is not in the business of selling precious metals or gems in the Borough shall maintain a written record of all purchases and shall be subject to this section.

8-24.7 Form of Record.

The record shall be in a book, non-loose-leaf form, with all pages numbered in sequence. All entries shall be made in pen or ink. There shall be no spaces between entries, and each entry shall be numbered in sequence.

8-24.8 Contents of Record.

The record shall contain the following information:

- a) Date of sale
- b) Name and current address of seller
- c) Detailed description of items purchased
- d) Purchase price
- e) Color photo of items purchased by vendor
- f) Copy of the identification provided by Seller

8-24.9 Identification of Seller.

The purchaser shall require that the seller present current, reliable identification. The record shall reflect the nature of the identification presented.

The purchaser shall require that the seller present valid, government issued identification to include color photo and current address. The record shall reflect the nature of the identification presented.

8-24.10 Availability of Record for Inspection.

The purchaser shall make the record available for inspection to any law enforcement officer, upon demand, without the need for advance notice. The record shall be kept at the purchaser's business premises.

8-24.11 Inspections.

Each Precious Metal Dealer doing business in the Borough shall deliver to the Chief of Police of the Borough or his designee the description of all items purchased, received or sold within seventy-two (72) hours of the completion of the transaction, including color photo, on forms prescribed by the Chief of Police of the Borough or his designee.

8-24.12 Prohibition.

No Precious Metal Dealer shall sell, melt, change the form or dispose of any articles purchased or received for a period of ten (10) business days from the date the notification is made to the Chief of Police of the Borough or his designee. All such items that were purchased by the Precious Metal Dealer shall be held for a period of ten (10) business days at the Precious Metal Dealer's place of business, or home address, if they do not have a store.

8-24.13 Precious Metal Buying/Selling "Road Shows"

In addition to the requirements for licensing and regulating purchasers of precious metals and gems delineated in Section 8-24 above, any dealers engaged in "road show" type events as defined in Section 8-24 are also required to have an off-duty police officer posted at the location of the event. The fee charged for the off-duty police officer assignment will be in accordance with the overtime fee schedule and be based on the number of hours the vendor will operate. All costs incurred for the off-duty police officer shall be borne by the "road show" dealer.

8-24.14 Violations and Penalties.

Any person who shall violate any provision of this section or shall fail to comply with any of the requirements thereof shall, upon conviction thereof, be liable to the penalty stated in *Chapter 1- General, Sections 1-5.1 through 1-5.4*. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Eight General Licensing**, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

If any section, paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

/s/ Nicholas J. Perrette, Councilman
(Administrative & Executive Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #198-12**.

Ordinance explained by Business Administrator Dan Frankel that this ordinance was for the acquisition of equipment and vehicles such as police video and cameras, police training facility upgrades, firefighting equipment, fire truck, mason dump truck, tandem dump truck, roll off containers and a ground maintenance machine and a senior citizen bus.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street, Sayreville

Mrs. Kilcomons stated that this ordinance for this equipment is totally unnecessary. She asked that each councilmember vote this ordinance down.

Councilman Perrette explained grants that were received for the purchase of some of the vehicles as well as the need for the other vehicles and trucks. He also explained the cost to the taxpayers.

Mrs. Kilcomons reiterated that the people cannot afford it.

- Charles Wojtaszek, Fire Chief
He explained the Fire Departments Operating Budget and Capital budget.
He said that the truck that they are replacing is a 1988 HAN Pumper.

Councilwoman Novak said that that the up-keep of the building was also included in the operating budget. She also indicated that that the truck they are replacing is not operating at the current operating standards.

- Bernard Bailey, DPW Director
Responded to Mrs. Kilcomons and informed the residents of the needs of the department for the pick-up truck, the tandem truck, the hook lift truck and its versatility and what the government standards are. He explained how the Dept. of Public Works relies on all of the equipment in their department to for everyday use as well as responding during storms. They are a customer service business and need the proper equipment.

He further indicated that the Front End Loader will be purchased through the National Joint Powers Alliance purchasing program which is similar to the purchase through State Contracts or Common Cents Program.

He also indicated that there are 33 pieces of equipment right now at Ft. Grumpy that are going to be auctioned off. He said that any piece of equipment that goes out of service goes to Ft. Grumpy and strip parts from them until there is nothing left then auctioned it off.

He reviewed all of the services that the DPW gives the residents for their tax dollar of \$207.06 per year.

Councilman Perrette said that there will be a savings of over \$100,000. When purchasing the wheel loader through the NJPA program.

Councilwoman Novak read from the Local Government Review Report on the Public Works Department. She also explained how the DPW uses equipment until it can no longer be utilized.

- Barbara Kilcomons, 22 Schmitt Street
Commented on the equipment at Ft. Grumpy.
She said that Sayreville would benefit from having a chipper then went on to ask the last date was for grass clipping picked up.

Response from Mr. Bailey.

No further appearances.

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

Comments made by Councilman Bella on the amount that is being bonded for equipment. He said that most of the spending in this ordinance is necessary but not all and these items should have been reduced during the budget process so for these reasons he will vote no.

Councilwoman Novak commented that the interest rates are low now and eventually this equipment would have to be replaced so it is beneficial to replace the equipment now and save with the low interest rates.

Councilman Perrette said that this was discussed going back to April and that we are retiring 4.5 million dollars in debt and the actual increase include for the victims of the William Street flood and increased it to 5.2 which is for the first phase of their project he said that he would like everything out and explained so the public would know what they are voting on.

Mayor thanked each fireman in the Borough of Sayreville and said they should be commended as well as each employee of the borough.

Roll Call: Ayes: Councilpersons Buchanan, Henry, Novak, Perrette.
Nays: Councilman Bella.

Ordinance carried.

ORDINANCE #198-12
**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF
VEHICLES AND EQUIPMENT IN, BY AND FOR THE
BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,720,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,638,000 BONDS OR
NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

{Co. Perrette, Admin. & Finance- Public Hearing October 9, 2012}

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$1,720,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$82,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,720,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,638,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$1,638,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the acquisition of the following equipment and vehicles:

(i) police video and cameras, (ii) police training facility upgrades, (iii) municipal court metal screening devices, (iv) firefighting equipment, (v) fire department boats and trailer, (vi) fire truck, (vii) mason dump truck, (viii) pickup trucks with plows for the Road Department and the Parks Department, (ix) tandem dump truck, (x) dump truck with hook lift, (xi) roll-off containers, (xii) calcium chloride systems, (xiii) front end loader, (xiv) senior citizen bus, and (xv) grounds maintenance machine.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$1,638,000.

(c) The estimated cost of said purposes is \$1,720,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$82,000 down payment for said purposes.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 9.08 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,638,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$48,500 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$1,638,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

/s/ Nicholas J. Perrette, Councilman
(Administrative & Executive Committee)

ATTEST:

/s/ Theresa A. Farbaniec
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

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

ORDINANCE #199-12
**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY,
DESIGNATED AS BLOCK 356, LOTS 51 & 52, AT PRIVATE SALE TO THE
HIGHEST BIDDER FROM AMONG THE OWNERS OF REAL PROPERTY
CONTIGUOUS TO EITHER LOT, OR, IN THE ALTERNATIVE, OFFERING THE
PROPERTIES FOR SALE TO THE HIGHEST BIDDER**

(Co. Perrette, Admin. & Executive – Public Hearing October 22, 2012)

The Borough Engineer said that this lot is located in President Park on the corner of Harding and Adams and it was the recommendation of the Open Space Committee that it be put in the deed of sale that it could not be added or subdivided in the future.

Councilman Perrette moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on October 22, 2012, 2012. Motion seconded by Councilman Henry.

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

ORDINANCE #200-12
**AN ORDINANCE ESTABLISHING A GREEN TEAM ADVISORY COMMITTEE
AS PART OF THE BOROUGH OF SAYREVILLE'S PARTICIPATION IN THE
SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM**

-Resolution #2010-31 from 1/25/10, supporting the borough's participation in the Sustainable Jersey Municipal Certification Program-
(Co. Novak - Public Hearing October 22, 2012)

Program explained by Councilwoman Novak.

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on October 22, 2012. Motion seconded by Councilman Buchanan.

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

Mayor asked that Elyse Barone make recommendation for the appointment of people to the Green Team.

ORDINANCE #201-12
**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER X OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 10-4.1 - PERSONNEL POLICES**

(Co. Perrette, Admin. & Executive - Public Hearing October 22, 2012)

Business Admin. Frankel explained that this Ordinance would officially change the hours of the borough from 8AM-4PM with one late night per month and that the evening hours would be reviewed at the end of the year to see how they are being utilized.

Councilman Perrette moved the Ordinance be approved on first reading, advertised according to law and a public hearing to be held on October 22, 2012. Motion seconded by Councilman Buchanan.

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

- b) Resolution listed to be Read in Full for action tonight:
Authorizing the Borough's participation in Project Medicine Drop in an effort to halt the diversion and abuse of prescription drugs.

Councilman Henry said that he discussed this with Dan and that they would like to see Sayreville become one of the drop box locations. He highlighted the facts as to what this program was for.

CONSENT AGENDA/RESOLUTIONS

PUBLIC PORTION ON CONSENT AGENDA ITEMS ONLY

At this time the Mayor opened the meeting on Consent Agenda Resolutions.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street

Questioned the National Joint Purchasing Powers Alliance and if this would supersede the State requirement for the municipality having to go out for bid.

The Business Admin. explained that that this is a Co-Op Purchasing program through the Federal government and they go out for the bids or RFP's and come back with the lowest price, then we make a comparison.

- Eloise Hansen, 61 Price Street
Questioned what the ultimate goal was for the drug drop off box. She said that pills go down the sink and toilet pretty quickly.

Mayor responded that medication is not supposed to be flushed or otherwise.

Councilman Bella also explained that they now find high concentrations of these medications in the waste water system that is why incineration is the preferred method.

Mayor asked the Business Admin. to have the Environmental Commission put together a school campaign on this issue.

Councilman Henry also said that this is a step from the National Take Back Initiative which is a one day event and they collected over 16,000 pounds in New Jersey alone of drugs that people disposed of. So now they wanted to do is for people to have the ability to drop off their medications at any time and have at least one location in each county for the residents to drop off their drugs.

Mayor asked if there were any other questions or comments on the Consent Agenda Items.

No further appearances.

Councilman Buchanan moved the public portion be closed and the consent agenda resolutions be approved on Roll Call Vote. Motion seconded by Councilwoman Novak.

Councilpersons Bella, Buchanan, Henry, Novak, Perrette, all Ayes.

CONSENT AGENDA/RESOLUTIONS

RESOLUTION #2012-243

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/ Mary J. Novak
Councilwoman

Absent
Lisa Eicher, Councilwoman

/s/ Nicholas J. Perrette
Councilman

Bill list of October 9, 2012, in the amount of \$8,466,272.09
(Bill List - See Appendix 2012-A for this date, in a separate Bill List File for 2012).

RESOLUTION #2012-244

WHEREAS, Amit Kumar Tripathi has applied to the Mayor and Council for approval of a **Beauty Shop License** located at 350 Ernston road, Parlin, NJ; and

WHEREAS, said application has been referred to the proper departments for investigation; and

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

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is hereby authorized and directed to issue a Beauty Shop License to:

Amit Kumar Tripathi t/a Diva Salon,
350 Ernston Road
Parlin, NJ 08859

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-245

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,
SUPPORTING PROPOSED LEGISLATION TO REQUIRE FIRE DISTRICTS, SCHOOL
DISTRICTS AND COUNTY GOVERNMENTS TO PAY
THEIR FAIR SHARE OF TAX APPEAL REFUNDS AND SETTLEMENTS**

WHEREAS, municipalities are presently required to full fund refunds resulting from real property tax appeals despite the fact that fire districts, school districts and county governments all are funded through the tax revenue which is the subject of the appeals; and

WHEREAS, the current real estate market has resulted in an unprecedented number of tax appeals which have created a substantial burden on municipalities who are required to fund the entire cost of defending the appeals and payment of resulting judgments requiring tax refunds; and

WHEREAS, Senator Anthony Bucco has introduced legislation, S-1896, which would require municipal tax collectors to deduct the applicable pro rata share of property tax refunds from the amounts to be paid in a subsequent tax year to the county, school district or fire district; and

WHEREAS, the Mayor and Council of the Borough of Sayreville support the efforts of Senator Bucco and those in the Assembly who have introduced the Assembly version of this legislation, A-1503.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex and State of New Jersey that the Borough of Sayreville supports the proposed legislation to require fire districts, school districts and county governments to pay their fair share of tax appeal refunds and settlements (S-1896 and A-1503) and urges the Legislature to move forward with this important legislation; and

BE IT FURTHER RESOLVED, that a copy of this Resolution also be provided to our State Legislative representatives, Governor's Office, neighboring communities and the New Jersey State League of Municipalities.

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-246

WHEREAS, the following applicant has applied for trailer licenses to be used as a temporary office trailer(s):

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
Quad Construction Company - One (1) Construction Trailer 732 Eayrestown Rd. Lumberton, NJ 08048		Blk 257, Lot 1.01 (MCUA Property)

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby approve the above-captioned application for permission to locate one (1) temporary trailer for office use.

/s/ William Henry, Councilman
(Planning & Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-247

WHEREAS, USA Architects has recommended that certain increases and decreases be included in the following described project as will more fully appear in Contract Change Order No. 1:

- Project: HVAC Upgrades at Borough Hall
- Contractor: Thassian Contracting
641 State Route 36
Belford, NJ 07718
- Net Decrease: \$870.00
- 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:
2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012 -248

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING MEMBERSHIP IN THE NJPA
(NATIONAL JOINT PURCHASING POWERS ALLIANCE)**

WHEREAS, the Governing Body of the Borough of Sayreville, Middlesex County, New Jersey (hereinafter "Borough") has been informed of the benefits of membership in the National Joint Purchasing Powers Alliance (hereinafter "NJPA"); and

WHEREAS, the Governing Body of the Borough of Sayreville has applied for membership in the NJPA in order to purchase services, equipment, etc. from vendors approved by the NJPA thus saving in costs for products and administration time; and

WHEREAS, membership in the NJPA comes at no cost to the Borough of Sayreville but will result in the Borough of Sayreville saving money while purchasing through the approved vendors; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and the Governing Body of the Borough of Sayreville approve the Borough's membership in the NJPA.

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-249

WHEREAS, the Borough engineer has recommended that certain increases and decreases be included in the following described project as will more fully appear in Contract Change Order No. 2:

- Project: Public Works Building Repairs and Alterations, Inc.
- Contractor: JDS General Contracting, Inc.
304 Monmouth Road
Millstone, NJ 08510
- Net Increase: \$6,928.00
- 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:
2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-250

Approval to submit a Grant Application and execute a Grant Agreement with the New Jersey Department of Transportation for the Ernston Road Improvement Improvements Project

WHEREAS, the Borough Engineer has recommended the submission of an application for a grant related to a project within the Borough of Sayreville which would fall into the category of projects covered by the Fiscal Year 2013 Municipal Aid Program promulgated by the NJDOT Transportation Trust Fund; and

WHEREAS, the Borough Council believes that it is in the best interests of its residents to submit applications for possible grant funds from the Transportation Trust Fund for projects recommended by the Borough Engineer;

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council are hereby authorized to submit an electronic grant application identified as MA-2013-Sayreville Borough-00408 to the New Jersey Department of Transportation on behalf of the Borough of Sayreville.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Sayreville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-251

**Approval to submit a Grant Application and execute
a Grant Agreement with the New Jersey Department of Transportation
for the Bordentown Avenue pedestrian Improvement Project**

WHEREAS, the Borough Engineer has recommended the submission of an application for a grant related to a project within the Borough of Sayreville which would fall into the category of projects covered by the Fiscal Year 2013 Municipal Aid Program promulgated by the NJDOT Transportation Trust Fund; and

WHEREAS, the Borough Council believes that it is in the best interests of its residents to submit applications for possible grant funds from the Transportation Trust Fund for projects recommended by the Borough Engineer;

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council are hereby authorized to submit an electronic grant application identified as SST-2013-Sayreville Borough-00060 to the New Jersey Department of Transportation on behalf of the Borough of Sayreville.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Sayreville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012- 252

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, The Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each, municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled "General Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB, to wit:

R.S. 52:27BB-52 "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Sayreville, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

ATTEST

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Municipal Clerk Farbaniec read the following Resolution in full:

RESOLUTION #2012-253

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 Governing Body 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 Borough of Sayreville has applied to participate in **Project Medicine Drop**, which is an initiative of the New Jersey Division of Consumer Affairs and participating law enforcement agencies, and is an important component of the Division's effort to halt the diversion and abuse of prescription drugs; and

WHEREAS, under **Project Medicine Drop**, the Division provides lockable metal boxes similar to curbside mailboxes to the participating police departments. The police department is responsible for keeping the boxes secure, and ensuring they are accessible to the public for the disposal and destruction of the deposited medications.

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

1. The installation of the lockable metal box just outside of the Sayreville police department walk-up window.
2. The governing body of the Borough of Sayreville hereby acknowledges the terms and conditions for administering the New Jersey Division of Consumer Affairs Standard Operation Procedure in order to administer the Project Medicine Drop program.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

At this time the Mayor opened the meeting on Resolution #2012-253.

There being no appearances Councilman Henry moved the public portion be closed resolution be approved on Roll Call Vote. Motion seconded by Councilwoman Novak.

Councilpersons Bella, Buchanan, Henry, Novak, Perrette, all Ayes.

BUSINESS SESSION

COMMUNICATIONS/COMMITTEE REPORTS

- **ADMINISTRATIVE & FINANCE** – Councilman Perrette
 - a) **Minutes & Departmental Reports:**

Councilman Perrette moved the following Minutes be Received & Filed:
- Board of Education - September 18, 2012
Motion seconded by Councilman Buchanan.
 - b) **Received the following application(s) for Bingo/Raffle Licenses:**
 - St. Stanislaus Kostka, HSA to conduct an Off Premise 50/50 on Dec. 2, 2012 – Off premise 50/50 (RA:1773).
 - Approved.
 - c) **Application for Person to Person Transfer** of PRCL #1219-33-020-002 from Deerfield Inn, LLC to Yenooc 2, Inc., t/a Deerfield Inn, 50 Deerfield Road -
- Approved/Resolution
 - d) **Committee Reports:**
 - 1. - Progress.
- **PLANNING & ZONING** – Councilman Henry
 - a) **Minutes-**

Councilman Henry moved the following Minutes be received and filed:
1. Planning Board - September 19, 2012
2. Board of Adjustment - August 22, 2012
Motion seconded by Councilwoman Novak.
 - b) Received application from Henkels & McCoy for the placement of one temporary construction office trailer be located on MCUA property, 620 Jernee Mill Rd.
- Approved/Resolution.
 - c) **Committee Reports:**
 - 1. - Progress.
- **PUBLIC SAFETY** – Councilman Bella
 - a) **Minutes: (none)**
 - b) Request received from **President Park Fire House** to conduct a Coin Toss at the intersection of Washington and Ernston Road on Friday, November 23, 2012 from 10AM-2PM.
- Approved, pending county approval.
 - c) Notice of retirement received from Joan C. Kemble and Debbie Konopka from the Police Department clerical staff, effective December 1, 2012.
- Receive & File
 - d) **Committee Reports:**
 - 1. Progress.
- **PUBLIC WORKS** – Councilwoman Novak
 - a) **Minutes: (none)**
 - b) Authorization to award contract for the purchase of one (1) 624K Front End Loader from the NJPA National Co-op at cost not to exceed \$199,715.86.

- Approved/Resolution.

c) Committee Reports:

1. Progress.

- **WATER & SEWER** – Councilman Buchanan

a) Minutes: None

c) Committee Reports:

1. Thanked Jerry Ust and the Hit the Bricks Committee for a great race as well as the Public works Dept. and Police Dept. for their cooperation.

2. Progress.

d) Committee Reports:

1. Progress.

- **RECREATION** – Councilman Henry

a) Minutes: None

b) Committee Reports:

1. Progress.

- **MAYOR** – Kennedy O'Brien

1. Mayor stated that Jeff Bertrand was very instrumental in getting the Hit the Bricks race going and organized as well as Danielle Maiorana.

2. Mayor requested the Clerk prepare a Proclamation for Breast Cancer Awareness month.

3. Mayor O'Brien then read a letter regarding volunteer background check protocol for all volunteers who interact with the children of our community and the Police Chief suggested that it would be appropriate for the Police Department to conduct a review of the practices of our local youth organizations relating to this issue. The Police Chief requested formal authorization for the police department to begin their review and report with proper suggestions which may expand the current protocol to include training and additional public awareness.

Mayor said that as CEO it is his responsibility to protect the children and then to protect the borough from liability. Our protocol needs to be updated and changed as the times change. So he asked for authorization for the police chief to begin his review and upon its completion report the police department can make their recommendation.

Councilman Henry questioned if there was a policy in place or not.

The Mayor responded that there was but needs to be tightened and apply to all volunteers and organizations.

Councilman Perrette made a motion authorizing the police chief to begin his review. Motion seconded by Councilman Buchanan.

Roll Call: Councilpersons Bella, Buchanan, Henry, Novak, Perrette.

Councilwoman Novak asked that the volunteers of the Sayreville Emergency Squad and Fire Dept. also be included.

- **BUSINESS ADMINISTRATOR – Daniel Frankel**

a. Authorization to refer the recommendations received from the Zoning Review Committee from August, 2011 to the Sayreville Planning Board for their review and

recommendation back to the Council by the close of 2012.

- Referred to the Planning Board for their review and comments back to Council.

- Comments made by Councilman Bella.

- The borough Engineer said that back some time ago this was referred to the planning board and they are reviewing it in conjunction with the Master Plan and that the Master Plan process is not finished at this point but he thinks that they plan on having it done by the end of the year. The Engineer said that this recommendation would reinforce the council's previous action to be sure the planning board is aware that this is a pending issue and that the council wants to see something by the end of the year.

b. Authorization to opt out of the use of Old Bridge's main server for Info Cop Licenses and contract directly with Info Cop which would save the borough approximately \$18,000/annually.

- Approved.

c. Discussion on meeting schedule for the month of November.

- Meeting rescheduled to Thursday, November 8, 2012.

d. Recommending Allen Hays to be permanently placed in the title of Water Treatment Operator, effective October 10, 2012.

- Approved/Resolution.

e. Request for a resolution authorizing the application for the NJ DOT 2012 Highway Safety Fund Safe Corridor Grant Program in the amount of \$40,278.56.

- Approved/Resolution.

f. Discussion of police report regarding commuter parking restrictions on Borough streets.

- Sgt. Bartlinski to appear at next meeting for his recommendation.

g. Resolution establishing the need for *and* appointment to the Mayor's Task Force on Substance Abuse, Sayreville's Alliance for Family Education (S.A.F.E.) (This is a housekeeping item, first appointments made in 1989)

- Approved/Resolution.

h. Closed Session Items

i) Contract Negotiations

ii) Personnel

i. Requested all residents sign up for Nixel to keep residents informed on traffic and emergency issues in the borough.

- **C.F.O.- Wayne Kronowski**

a. Bill List Resolution

- **ENGINEER - Jay Cornell**

a. Borough Hall Roof and Cupola Repairs – Closeout of Contract and Change Order (Report enclosed).

- Approved/Resolution.

b. Update on the Ernston/Bordentown Avenue project.

c. Update on the Morgan bridge.

• **BOROUGH ATTORNEY - Michael DuPont**

• **PUBLIC PORTION**

• **PUBLIC PORTION**

At this time Mayor O'Brien opened the meeting to the public for any and all issues.

Those appearing were:

- John Rucki, Hendricks Court.
-Questioned if purchasing through NJPA was a fast lane for spending and how do we know that we are getting the best price.

The Business Admin. said that the research was done to be sure we are getting the best price.

- Questioned why there have not been any water & sewer analysis reports.

Councilman Buchanan said that he would put one together.

- Ziggy Dombrowski, 32 Weber Avenue
-Thanked the Mayor and Council for their support of the senior groups.
- Asked if there was a way to obtain a Grant to expand the overcrowded parking lot at the senior center.
- Frank Mezzeroni, 40 William Street
- Thanked Councilman Perrette for his help on moving this project and putting the terms into laymen's terms and asked how we proceed from here with the project itself.

The borough engineer explained the bidding process.

No further questions or comments. Councilman Buchanan made a motion to close the public portion. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

• **EXECUTIVE SESSION ITEMS**

Mayor O'Brien announced that the Council will be going into Closed Session and do not expect any action to be taken when we reconvene.

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 5 minutes to discuss the following matters:

Personnel
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/ Dan Buchanan, Councilman

APPROVED:

/s/ Kennedy O'Brien
Mayor

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

Roll Call: Voice vote, all Ayes. Carried.

Time: 8:10 PM

• **RECONVENE**

Councilman Henry moved to reconvene the meeting. Seconded by Councilman Perrette.

Roll Call: Voice Vote, all Ayes.

Time: 8:23 P.M.

• **ADJOURNMENT**

No further business.

Councilwoman Novak made a motion to adjourn. Motion seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

Time: 8:23 P.M.

SIGNED:

Theresa A. Farbaniec,
Municipal Clerk

12/17/12
Date Approved