

Combined Meeting of the Mayor and Borough Council held on Monday, October 22, 2012, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 6:33 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, Eicher,  
Henry, Novak, Perrette

Absent: None

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

Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES -**

Councilwoman Eicher moved the following Minutes of the Mayor and Borough Council be approved, subject to correction if necessary:

- Combined Meeting - August 27, 2012

Motion seconded by Councilman Buchanan.

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

## **PRESENTATIONS & PROCLAMATIONS**

- **PROCLAMATION**

Proclaiming the Month of October, 2012 as "Breast Cancer Awareness Month"

# **Borough of Sayreville**

## **PROCLAMATION**

**WHEREAS**, October 2012 is National Breast Cancer Awareness Month; and

**WHEREAS**, breast cancer touches the lives of Americans from every background and in every community across our Nation; and

**WHEREAS**, more than 200,000 women will be diagnosed with breast cancer this year, and tens of thousands are expected to lose their lives to the disease; and

**WHEREAS**, though the exact causes of breast cancer are unknown, women who have a personal or family history of breast cancer are among those at greater risk of developing the illness; and

**WHEREAS**, getting recommended screening mammograms can help to detect breast cancer early; and

**WHEREAS**, this month, we stand with the mothers, daughters, sisters, aunts, and friends who have been affected by breast cancer, and we recognize the ongoing efforts of dedicated advocates, researchers, and health care providers who strive each day to defeat this terrible disease.

**NOW, THEREFORE**, I, Kennedy O'Brien, Mayor of the Borough of Sayreville, do hereby proclaim the month of October 2012 as **NATIONAL BREAST CANCER AWARENESS MONTH** in the Borough of Sayreville.

**IN WITNESS WHEREOF**, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 22<sup>nd</sup> day of October, 2012 and the same duly attested by the Municipal Clerk.

/s/ Kennedy O'Brien

Attest:

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

Councilman Buchanan made a motion to approve the mayor's proclamation. Seconded by Councilman Henry.

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

- **PRESENTATION**

Sgt. John Bartlinski addressed the Council regarding commuter parking on borough streets and if there be a need to introduce an ordinance restricting parking on certain streets.

- Kennedy Blvd. is a non issue. 5-8 Cars parked daily, not affecting any businesses.
- Sayreville Blvd. 25-28 cars, all but one are borough residents and from the general area. There are no houses where they are parked.
- Recommended a paid permit parking for those areas or leave it be.

Business Admin. Frankel explained his reasons for the investigation and report.

- **OLD BUSINESS**

a) Public Hearing on the following Ordinance(s):

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #199-12**.

The Ordinance was explained by the Business Administrator and Borough Engineer indicating that this property was on Harding Avenue and being sold after the council has received request to purchase from a contiguous homeowner and that there will be restrictions on the property not to build or subdivide.

Those appearing were:

- Barbara Kilcomons 22 Schmitt Street  
Questioned the price of the lot.  
Borough engineer explained that this is a buildable lot but there will be specific restrictions on the deed that it cannot build on. This property is being sold to the adjacent property owner to expand their yard area. They will not be able to subdivide or build.

Mayor stated that this request was referred to the Open space Committee and was recommended to sell with these restrictions.

Joe Kupsch, Tax Assessor explained that this was a request to purchase from Mr. Olsen the adjacent property owner and was the recommendation of the Open Space Committee to sell with the restrictions. He indicated that this property is on the corner of Harding and Adams.

Councilman Bella questioned if this was a buildable lot previous to this approval to sell.

The engineer described the property and the zone the property is located in.

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

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

**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**

**WHEREAS**, the Borough of Sayreville is the owner of real property identified as Block 356, Lots 51 & 52, on the Tax Map of the Borough of Sayreville (hereinafter collectively the "Properties"); and

**WHEREAS**, the properties are vacant land and remain unused by the Borough; and

**WHEREAS**, the properties are not needed for any purpose by the Borough of Sayreville; and

**WHEREAS**, N.J.S.A. 40A:12-13(a) authorizes a municipality to sell real property owned by the Borough not needed for public use to a private person, if such sale is made to the highest bidder following public auction or the receipt of sealed bids; and

**WHEREAS**, N.J.S.A. 40A:12-13(b)(5) permits a municipality to sell real property not needed for public use to an owner of real property contiguous to the municipally owned property by private sale for not less than the fair market value of the real property, where such property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; and

**WHEREAS**, N.J.S.A. 40A:12-13(b)(5) requires that, when there is more than one owner of real property contiguous to the municipally owned property, the property be sold to the highest bidder from among such owners; and

**WHEREAS**, Lot 51 and 52 are each less than the minimum size required for development under the municipal zoning ordinance and without any capital improvement thereon; and

**WHEREAS**, the Borough has determined to sell the Properties together to one purchaser; and

**WHEREAS**, the Borough has determined that the fair market value of the properties is Eight Thousand (\$8,000.00) Dollars; and

**WHEREAS**, The Borough expended the sum of Nine Hundred Fifty (\$950.00) Dollars on the appraisal of the Properties, which sum the Borough seeks to recoup through the sale of the Properties; and

**NOW, THEREFORE, BE IT ORDAINED**, the Mayor and Council of the Borough of Sayreville, County of Middlesex and State of New Jersey, being the governing body thereof, as follows:

**SECTION I**

**Sale to Adjacent Property Owners Authorized.**

Sale by the Borough of the Properties by private sale to the highest bidder from among the owners of real property contiguous to the Properties, pursuant to N.J.S.A. 40A:12-13(b)(5) is hereby authorized for a sum of not less than Eight Thousand (\$8,000.00) Dollars plus the payment of Nine Hundred Fifty (\$950.00) Dollars to cover the cost of appraising the Properties, for a total minimum bid of Eight Thousand Nine Hundred Fifty (\$8,950.00) Dollars, subject to the conditions set forth in Section 2 of this Ordinance.

**SECTION II**

**Sale Following Public Bid Authorized.**

In the alternative, or if sale to the adjacent property owners is unsuccessful, or if any offers to purchase the Properties for sums greater than the minimum bid set forth in this Ordinance are received in accordance with N.J.S.A. 40A:12-13(b), sale of the Properties in fee simply by public bid to the highest bidder pursuant to N.J.S.A. 40A:12-13(a) is hereby authorized for a sum of not less than Eight Thousand (\$8,000.00) Dollars plus the payment of appraising the properties, for a total minimum bid of Eight Thousand Nine Hundred Fifty (\$8,950.00) Dollars, subject to the conditions set forth in Section 2 of this Ordinance.

**SECTION III**

**Conditions of Sale**

A. Bidders are advised to conduct their due diligence prior to bidding. The Borough makes no representations as to the quality or marketability of its title to the Properties, and shall not be liable for any costs, fees, expenses, labor or time required to quiet title. The Borough will deliver an executed Deed to the purchaser in full satisfaction of the Borough's obligations.

B. The sale of the Properties shall be subject to imposition of deed restrictions prohibiting any and all new improvements on the Properties and prohibiting further subdivision of the Properties.

C. The purchaser shall bear all costs involved in the sale of the Properties, including the Borough's attorney's fees incurred in the negotiation and execution of the sale, and resolution of any issues that may arise between the acceptance of a bid for purchase of the property and the conclusion of the closing, and all closing costs incurred by the Borough.

D. The Borough has not utilized the services of a real estate broker, and shall not be responsible for any portion of any commission alleged to be due any real estate broker or authorized representative. All such costs shall be born exclusively by the purchaser.

E. The Properties shall be sold as is, and the Borough shall accept no responsibility or liability for any costs or expenses resulting from any latent or patent conditions of the Properties. Bidders are advised to conduct their due diligence prior to bidding.

F. The Borough reserves the right to reject all bids where the highest bid is not accepted or as may be in the best interest of the Borough.

G. If the successful bidder does not execute a contract of sale with the Borough within thirty (30) days following presentation of the contract for execution, the bidder's deposit shall be forfeited. Closing shall be scheduled for no later than ninety (90) days from the execution of a contract of sale.

H. All bids pursuant to N.J.S.A. 40A:12-13(a) must be accompanied by cash or certified check payable to the Borough in the amount of ten (10%) percent of the amount bid.

I. The sale shall be subject to the final approval of the governing body.

**SECTION IV**

**Authorization to Take Steps Necessary to Effectuate Sale.**

The Borough Clerk, Borough Administrator, Mayor, and Borough Attorney are hereby authorized to take all steps necessary, and sign all documents required, to effectuate the sale of properties in accordance with the terms and conditions of this Ordinance. Any advertisement for bids shall list all the Conditions of Sale set forth above.

**SECTION V**

**Severability Clause.**

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

**SECTION VI**

**Repealer.**

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION VII**

**Effective Date.**

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

/s/ Councilwoman Lisa Eicher  
Council President

**ATTEST:**

**APPROVED:**

/s/ Theresa A. Farbaniec, RMC

/s/ Kennedy O'Brien, Mayor

**APPROVED AS TO FORM:**

/s/ Michael R. DuPont, Esquire  
Borough Attorney

**ORDINANCE #200-12**

Councilwoman Novak requested **Ordinance #200-12** be tabled until the next meeting. Stating that several council members were not here and they would like more information.

Mayor stated that this is Elyse Barone's initiative.

Councilwoman Novak agreed and explained that Elyse is trying to establish the Green Team as part of the Sustainable New Jersey Certification Program.

Councilman Henry expressed his concern about this program costing the borough money putting these programs together. Be it borough attorneys, borough engineers, planners. It was even told that this could be part of the Shade Tree Commission. So therefore he wanted more time to get further informed about this program. He suggested having the Recycling Coordinator come and explain.

Mayor said that Elyse writes a lot of grants and this team would help. So he asked here for a list of people to be appointed.

Mayor stated that in most cases it is standard procedure when you are applying for these grants you will have to talk to an attorney, planner, or engineer. Or is it an issue of the team of appointments that Elyse put together.

Mayor asked the Clerk to e-mail the list of requested appointments and to have Elyse to come before the next meeting.

Mayor asked if there was a motion to table until next meeting.

Councilwoman Novak moved the motion. Seconded by Councilman Henry

Roll Call: Voice Vote, all Ayes. Carried.

**ORDINANCE #200-12 – Tabled until Nov. 8, 2012**

**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-

Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #201-12.**

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, Eicher, Henry, Novak, Perrette, all Ayes. Carried.

**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 POLICIES**

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

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

**10-4 – WORKING CONDITIONS**

**10-4.1 Hours.** The official hours of the Borough are **8:00 a.m. to 4:00 p.m.**, Monday through Friday **with one (1) late night per month, which late night will be scheduled on the date of the first council meeting of the month, in which the scheduled hours will be 10:00 a.m. to 6:00 p.m. This staffing will be accomplished with various employees being assigned staggered work shifts.**

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter X, Section 10-4.1 Working Conditions** of the Revised General Ordinances of the Borough of Sayreville, shall be amended to reflect such change.

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  
(Admin. & Executive Committee)

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC

**APPROVED:**

/s/ Kennedy O'Brien, Mayor

**APPROVED AS TO FORM:**

/s/ Michael R. DuPont, Esquire  
Borough Attorney

• **NEW BUSINESS:**

a. Introduction of the following Ordinance(s):

b) Mayor recognized that there was a young scout in the audience and asked him to come to the mic and explain the merit badge he was working on. The young man introduced himself as Eddie Petersen from Troop 95 and is working on his communications badge and starting his citizenship badge. Mayor thanked him for his role in the community.

**CONSENT AGENDA/RESOLUTIONS**

• *PUBLIC PORTION ON CONSENT AGENDA ITEMS ONLY*

At this time Mayor O'Brien opened the meeting to the Public on the Consent Agenda Resolutions.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street  
Questioned Resolution #2012-256 and who the owner of the property was where the trailer was to be placed. She asked if they received a C.O. for this property.

Response by the Engineer that he believed that there is an environmental clean-up taking place on this property and this company is involved in the clean-up and are asking for the temporary trailer.

- Eloise Hansen, 61 Price Street  
Questioned the Green Team and Slag clean-up  
Mayor said that the Green Team Ordinance had been tabled and the discussion on the Slag clean-up is forthcoming later in the meeting.

No further questions or comments.

Councilwoman Eicher moved the Public Hearing on Consent Agenda Resolutions be closed and the resolutions be approved on Roll Call vote. Motion seconded by Councilman Buchanan.

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

**RESOLUTION #2012-254**

**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

/s/ Lisa Eicher  
Councilwoman

/s/ Nicholas J. Perrette  
Councilman

**Bill list of October 22, 2012, in the amount of \$6,785,916.46  
(Bill List - See Appendix 2012-A for this date, in a separate Bill List File for 2012).**

***Person to Person Transfer***

**RESOLUTION 2012-255**

**WHEREAS**, an application has been received by the Municipal Clerk for a person to person transfer of Plenary Retail Consumption License #1219-33-020-002, heretofore issued to Deerfield Inn, LLC for premises located at 50 Deerfield Road, Sayreville, P.O. Parlin, New Jersey 08859.

**WHEREAS**, said application is complete in all respects, the transfer fees have been paid, the applicant has disclosed with the issuing authority the source of all funds used in the purchase of said license and business and the license has been properly renewed for the current license term;

**WHEREAS**, the applicant has duly advertised in the Home News Tribune on August 4, 2012 and August 11, 2012, as required by law, and has produced proof of publication as to such advertising; and

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

**WHEREAS**, all other necessary requirements have been fulfilled and proper investigations have been made, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Sayreville does hereby approve, the transfer of Plenary Retail Consumption License #1219-33-020-002 now held by Deerfield Inn, LLC to ***Yenooc 2, LLC for premises known as 50 Deerfield Road, Sayreville, P.O. Parlin, New Jersey 08859*** and that the Municipal Clerk is hereby authorized to endorse the license certificate to the new ownership, subject to all its terms and conditions, ***effective October 23, 2012.***

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2012-256**

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

<b><u>APPLICANT</u></b>	<b><u>#OF TRAILERS</u></b>	<b><u>LOCATION</u></b>
Henkels & McCoy 985 Jolly Road Blue Bell, PA 19422	One (1) Temporary Office Trailer	620 Jernee Mill Rd. Sayreville, NJ 08872

**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  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2012-257**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A CONTRACT WITH JOHN DEERE SHARED SERVICES, INC. TO PURCHASE A JOHN DEERE WHEEL LOADER 624K**

**WHEREAS**, the Borough of Sayreville is in need of certain equipment; namely a John Deere Wheel Loader 624K to be used for snow removal, etc. in the Borough of Sayreville; and

**WHEREAS**, the Borough of Sayreville, being a member of the National Joint Powers Alliance (NJPA) has reviewed the NJPA contractors and have found that a national contract has been given to John Deere Shared Services, Inc., under contract #060311JDC; and

**WHEREAS**, the Governing Body of the Borough of Sayreville, through the due diligence of the Department of Public Works, has ascertained that the contract price of John Deere Shared Services, Inc. under the NJPA contract is the lowest possible price; and

**BE IT AND IT IS HEREBY RESOLVED** that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the necessary documents to award the contract to John Deere Shared Services, Inc., Contract # 060311JDC at the contract price of \$199,715.86.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2012-258**

**BE IT RESOLVED** that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

**NAME OF APPOINTEE:** Allen Hays  
**POSITION:** Water Treatment Plant Operator-Licensed  
**DEPARTMENT:** Water & Sewer  
**EFFECTIVE:** October 23, 2012

**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 of Personnel.

/s/ Dan Buchanan, Councilman  
(Water & Sewer Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION 2012-259**

**WHEREAS**, the Mayor and Council of the Borough of Sayreville seeks approval to submit a grant application and to execute a grant contract with the new Jersey Department of Transportation for the 2012 Highway Safety Fund Safe Corridor Grant Program; and

**WHEREAS**, the governing body of the Borough of Sayreville has reviewed the accompanying application and has approved said request; and

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sayreville that they formally approve the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor and Municipal 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 said agreement.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2012-260**

**RESOLUTION SUPPORTING THE BOROUGH OF SAYREVILLE  
CONTINUING THE MUNICIPAL ALLIANCE COMMITTEE**

**WHEREAS**, the State of NJ has enacted legislation calling for the coordination of alcohol and drug abuse policies on a statewide level through the Governor's Council of Alcoholism and Drug Abuse; and

**WHEREAS**, the Borough of Sayreville desires to participate in the Governor's Council of Alcoholism and Drug Abuse in order to create a comprehensive and coordinated effort to promote and support prevention and educational programs; and

**WHEREAS**, the Municipal Alliance Committee pledges to work toward the following goals as outlined in the guidelines of the Governor's Council of Alcoholism and Drug Abuse and Middlesex County Alliance:

1. Conducting an assessment of their community to determine the needs of the community in regard to drug, alcohol and delinquency prevention issues;
2. Identifying existing strategies, programs, services, activities and resources designed to prevent and reduce alcoholism and drug abuse;
3. Using a risk and protective factors community assessment approach to prioritize the needs of the community;
4. Implementing documented evidence-based programs, or practice-based programs demonstrated to be effective, at the municipal level or participating in regionally developed programs that accomplish the purpose of the Municipal Alliance effort and the purposes of the MAC;
5. Establishing an evaluation process to measure the outcome of programs and practices in order to understand their effectiveness and identify needed changes; evaluation findings should serve as key factor for future prevention program planning and decision making.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2012-261**

**BE IT AND IT IS HEREBY RESOLVED** that the proper borough officials are hereby authorized and directed to execute a contract with Game Time/Marturano Recreation Company, P.O. Box 106, Spring Lake, New Jersey, for the purchase of Playground Equipment and Geo-Textile Fabric through State Contract #A81411 for Kennedy Park and that they be paid at a fee not to exceed \$60,537.78 after a reduction of a 40% matching grant discount.

/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 #2012-262**

**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 in Closeout Contract Change Order No. 2:

- Project: Borough Hall Roof and Cupola Repairs Project
- Contractor: Northeast Roof Maintenance, Inc.  
649 Catherine Street  
Perth Amboy, NJ 08861
- Net Increase: \$3,176.00
- 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 Closeout 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 #2012-263**  
**ACCEPTING FINAL WORK**  
**AND AUTHORIZING FINAL PAYMENT**  
**UPON EXPIRATION OF STATUTORY PERIOD**

**WHEREAS**, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: Borough Hall Roof and Cupola Repairs Project
- Contractor: Northeast Roof Maintenance, Inc.  
649 Catherine Street  
Perth Amboy, NJ 08861
- Balance Due: \$7,324.68

**WHEREAS**, the Borough Engineer has fully issued a certificate certifying to the completion of the work and recommending payment in accordance with the terms thereof; and

**WHEREAS**, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

**WHEREAS**, the Statutes of New Jersey pertaining to the enforcement of mechanic's and materialmen's liens on municipal projects provide that notice thereof may be filed at any time within 45 days of the final acceptance of said work;

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.
2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.
3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.
4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$54,935.40 and the approval of same as to form and sufficiency by the Borough Attorney.

/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 #2012-264**  
**Authorizing Sale of Surplus Property**

**WHEREAS**, the Borough of Sayreville is the owner of certain surplus property which is not needed for public use; and

**WHEREAS**, the Governing Body is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

**NOW THEREFORE**, be it **RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville, County of Middlesex, as follows:

- (1) The sale of the surplus property shall be conducted through Property Room. The terms and conditions of the agreement entered into with Property Room are available from the Borough Clerk of the Borough of Sayreville.
- (2) The sale will be conducted online and the address of the auction site is [www.propertyroom.com](http://www.propertyroom.com).
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is as follows:

	<b>Year</b>	<b>Make</b>	<b>Model</b>	<b>VIN</b>
1	1998	Volvo	WX64	4VMDCLBE4XN763692
2	1998	Volvo	WX6	44VMDCLBE6XN763693
3	1989	Freightliner	SD111	1FVX1UYB6KH408469
4	1995	Volvo	ACM64	4V2SCBJFOSR513971
5	1989	Dodge	D100	2B7GB11X3KK389647
6	1993	Ford	F150	1FTHF25HOPNB12662
7	1999	Ford	Expedition	1FMPU18L3XL878674

8	1996	Chevy	Lumina	2G1WL52M7T9244844
9	2001	Ford	Crown Victoria	2FAFP71W81X179768
10	2003	Ford	Crown Victoria	FAFP71WX3X220498
11	1980	Gallion		S46AWG59912
12		Prismo		OSB200 1076
13	2000	Ford	Crown Victoria	2FAFP71W8XX110184
14	2004	Ford	Crown Victoria	2FAHP71W85X109671
15	2005	Ford	Crown Victoria	2FAHP71W25X177397
16	2004	Ford	Crown Victoria	2FAHP71W55X109675
17	1988	Mack		1M2A152C5JM001284
18	1993	Ford	F450	1FDKF37M7PNB35437
19		Henderson	2yd Spreader	7593
20		Fork Lift	White	MY50B 48500146
21	1988	Ford	LN8000	1FDYR82A1JVA26099
22	1987	Dodge	Van	2B5WBS1WXHK312290
23		Ford	Box Van	1FDKE30L4GH804780
24	2001	Ford	Crown Victoria	2FAFP71W01X179778
25		Jeep		1J4FF48531L580523
26	1997	Chevy	Lumina	2G1WL52K6W9184994
27	1989	Ford	F700	1FDXF70K7VA32811
28		Ford	Crown Victoria	2FAFP71W23X112912
29		Ford	Crown Victoria	2FAFP71W51X179775
30	1997	Jeep	Cherokee	1J4FJ86S2VL602396
31	2001	Ford	Crown Victoria	2FAFP71W91X179777
32	1999	Ford	Expedition	1FMPU18L8XLB39093

- (5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The successful bidder shall be responsible for all costs associated with the removal of purchased items within 10 days of purchase and agree to the terms and conditions outlined on the website of Property Room, a copy of which is available in the Borough Clerk's Office.
- (7) The Borough of Sayreville reserves the right to accept or reject any bid submitted.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

## **BUSINESS SESSION**

### **COMMUNICATIONS/COMMITTEE REPORTS**

#### **ADMINISTRATIVE & FINANCE** – Councilman Perrette

##### **a) Minutes & Departmental Reports:**

Councilman Perrette made a motion to received and file the following minutes and departmental reports:

- Investment Activities Reports for the months of Jan. thru Sept., 2012.
- Municipal Clerk's report for the month of Sept. 2012.

Motion seconded by Councilwoman Novak.

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

- St. Stanislaus Kostka, HSA to conduct an On Premise Draw (pull tab) Raffle on Dec. 2, 2012 (RA:1774).
- Sayreville Leprechauns, to conduct a Bingo on Nov. 9, 2012 at the Sayreville Sr. Center (BA:470).

**- Approved.**

**c) Request for a CDBG Discharge of Mortgage on Block 158, Lot 14, 14 Smith St.**

**- Approved/Resolution.**

**d) Committee Reports:**

1. Women Aware is holding their candlelight vigil this Wednesday at 6PM at the Buchanan Waterfront Park.

2. Reported that Capital One Bank is running promotion to go onto their website and vote for their favorite book that most votes would get the more they would fund for their schools in Sayreville.

• **PLANNING & ZONING** – Councilman Henry

**a) Minutes & Departmental Reports:**

Councilman Henry made a motion to receive and file the following Minutes and or departmental reports:

1. Planning Board - October 3, 2012
2. Construction Official's Report for the month of Sept. 2012.

Motion seconded by Councilman Buchanan.

**b) Request received from Donna Brodzinski, Tax Collector, for a Resolution authorizing the Tax Collector to refund a portion of 2011 taxes in the amount of \$760.40, covering 95 River Road, Block 169.25, Lot 17.01, due to the approval of a 100% Disabled Veteran Tax Exemption by the Tax Assessor effective November 22, 2012.**

**- Approved/Resolution.**

**c) Notice to adjacent property owners** filed by Roesing Property Management, LLC for an application before the Old Bridge Planning Board on Oct. 30, 2012 for an application for Preliminary and Final Site Plan Approval and Variance permit to use said premise for the parking of a tractor trailer and a proposed pole barn garage and bulk variance on Block 5002, Lot 5, 3239 Bordentown Ave.

**- Receive & File.**

**d) Committee Reports:**

1. Asked the engineer for a report on the parking lot at the Melrose Fire House.  
- Engineer said that their office was in the process of preparing plans and specifications which should be done by the end of the month they will then review with the firemen to be sure they have incorporated all their needs then go out to bid.

2. Reported on the repel system the fire departments recently purchased.

• **PUBLIC SAFETY** – Councilman Bella

**a) Minutes & Departmental Reports:**

Councilman Bella made a motion to receive and file the following minutes or departmental reports:

1. Fire Prevention Officer's report for the month of Sept. 2012.
2. Board of Health Minutes – Sept. 6, 2012
3. County Board of Health & Registrar's report for the month of Sept. 2012.

Motion seconded by Councilman Buchanan.

**b) Sayreville Volunteer Fire Department request for authorization to purchase through state contract or through bid quote the following equipment:**

1. Rescue Equipment from Mid-Atlantic Rescue Systems through bid quote not to exceed \$9,614.94.

2. Hurst Rescue Equipment from Tasc Fire Apparatus, Inc. through State Contract #A80968 not to exceed \$16,395.00.
3. Turnout Gear from Skylands Area Fire Equipment & Training LLC, through State Contract #A80949, Not to exceed \$30,000.00.

**- Approved b) 1 - 3**

**- Resolution b) 3.**

c) Application and request for Council approval to accept Timothy Sabin as a full member of the Morgan Hose & Chemical co. No. 1. He was accepted at their April 2012 Meeting.

**-Approved.**

**d) Committee Reports:**

1. Progress.

- **PUBLIC WORKS** – Councilwoman Novak

**a) Minutes & Departmental Reports:**

Councilwoman Novak made a motion to receive and file the following minutes and or departmental reports:

1. Buildings and Grounds Supervisor's reports for the months of Aug. & Sept. 2012
2. Park's Dept. Supervisor's report for the month of Sept. 2012
3. Road Dept. Supervisor's report for the months of Aug. & Sept. 2012
4. Garage Services report for the month of Sept. 2012
5. Sanitation Supervisor's report for the month of Sept. 2012

Motion seconded by Councilman Perrette.

**b) Authorization to purchase the following through the Middlesex County Common Cents purchasing program:**

- 1) One (1) Sr. Citizen Bus, not to exceed \$58,900.00
- 2) One (1) Groundskeeper 7210 with attachments, not to exceed \$30,585.21.

**- Approved/Resolution.**

**c) Authorization to award contract for Snow Plow Services to the following:**

- i) B&W Construction Co., of NJ, Inc, Items 2, Lines 5,6,7 & 8 and Item 3
- ii) T. Marcinczyk & Sons, Inc., Item 2, Lines 1, 2, 3, 4 & 9

**- Approved/Resolution.**

**d) Request to release refundable portion of Road Opening Permit #5209 & 5210 to Cruz Contractors, LLC.**

**- Approved/Resolution.**

**e) Authorization to have Clerk advertise for One (1) Hook Lift Truck.**

**- Approved/Resolution.**

**f) Committee Reports:**

1. Thanked the Fire Department for inviting the governing body to witness their training session on the repel system.

2. Announced that Morgan Hose & Chemical will be selling be Christmas Trees, wreaths and grave blankets.

- **WATER & SEWER** – Councilman Buchanan

**a) Councilman Buchanan made a motion to have the following minutes and departmental reports received and filed:**

1. Water & Sewer Director's report for the month of Sept. 2012.

Motion seconded by Councilman Henry.

**b) Committee Reports:**

1. Questioned where the property is located that was reported on under Planning & Zoning, Notice to Adjacent Property Owners.

Response by the Borough Engineer that it is located in the Twp. of Old Bridge near the "S" curves.

2. Questioned the status on the RFP for the advertising on the recycling containers.

3. Asked what the next step would be regarding the notice the council received about one of the planning board members getting an ethics violation filed against him for improper filing of his Annual Financial Disclosure Statements.

- Response from the borough attorney that he can be removed from that particular board.

4. Water & Sewer Analysis Report given by Councilman Buchanan.

• **RECREATION** – Councilwoman Eicher

**a) Minutes & Departmental Reports:**

Councilwoman Eicher made a motion to receive & file the following minutes and or departmental reports:

1. Recreation Director's report for the month of Sept. 2012.

Motion seconded by Councilwoman Novak.

**b) Committee Reports:**

1. Reported on various upcoming recreation sponsored programs.

• **MAYOR** – Kennedy O'Brien

— ~~1) Initial Appointments to the Green Team Committee~~

-Held off until Nov. 8<sup>th</sup> meeting.

2) Reported on the Library sponsoring a Polish Heritage Festival on Saturday,

Nov. 3, 2012 from 12 Noon – 3PM.

3) Received a letter from the UES thanking Phil Quigley and his team for their help

in landscaping for an event they were having.

4) Received a letter from AEG Live/Starland Ballroom stating that there was an

incident that required the assistance of the police and fire due to an exhaust fire

and the managers wanted to particularly commend Kevin Krushinski and John

McGaw and the rest of the Fire Dept. for their quick response and constant professionalism as well as the police officers but they did not have the police

officer's names.

• **BUSINESS ADMINISTRATOR – Daniel Frankel**

a. Authorization for Clerk to advertise for Professional Services proposals for the year 2013.

**- Approved/Resolution.**

b. Discussion of meeting schedule for the year 2013.

-Please advise if there will be any changes made to the Council meeting schedule for 2013. 2<sup>nd</sup> and 4<sup>th</sup> Monday of each month, except for December which will be the 3<sup>rd</sup> Monday.

**- Approved.**

c. Authorization for CME to prepare a statement to the EPA for a response on the Borough's behalf for the cleanup of the SLAG contaminated site

**- Approved.**

d. Authorization to execute a termination of a Lease Agreement with Nextel of New York Inc. for antenna space at 119 Deerfield Road, effective Dec. 7, 2012 due to obsolete technology at this location and Nextel shall remove the improvements and restore the premises to original condition within 30 days of termination.

**- Approved/Resolution.**

e. Request for authorization for CME to prepare plans and specifications for the leasing of one (1) location of antennae space on the Deerfield Road/Pulaski Avenue Water Tank.

**- Approved/Resolution.**

f. Closed Session Items

i) Personnel –

Permanent Part Time Appointment in the Police Department's Clerical Staff as recommended by the Police Chief.

(See attached confidential recommendation)

ii) Proposal for settlement of Tax Appeals (Joe Kupsch, Tax Assessor)

• **C.F.O.- Wayne Kronowski**

a. Bill List **Resolution**

b. **Transfer Resolution** (possible)

c. Capital Ordinance for the Major Drive Water Improvements in the amount of \$100,000. Improvement will be completely funded by cash from the Water Capital Improvement Fund.

**- Approved/Ordinance.**

• **ENGINEER -Jay Cornell**

a. Red Oak Power LLC – Alternate Gas Line (Report in packet)

- Reported that their gas supply is currently connected to PSE&G and for reasons of economics as well as providing better service they are looking to transfer to New Jersey Natural Gas and order to do this they would need an ordinance from the municipality to the BPU that basically states that the borough is allowing NJ Natural Gas to provide them with service to that facility which would require them to run approx. 1 mile of pipeline along Jernee Mill Road in the vicinity of VFW heading toward their facility in order to do this.

He said that there was a Draft Ordinance in the packets and asked that the Borough Attorney review for introduction at the next meeting.

b. Raritan Bay Slag Site – Proposed Clean-up (Report Attached)

- He stated that the EPA has prepared a report and put together 5 different alternatives for the cleanup. The majority of the problem is located in Old Bridge but there is approx. a one mile stretch that is the old Robert E. Lee Site and the Jetty in Sayreville are part of that operation. They are recommending alternative #2, which is taking out all of the contaminated material trucking it off site, bringing in clean fill. This is the most expensive options around \$78 Million Dollars. But this will allow the borough to go ahead and redevelop that property in the future. He said that the EPA is asking for comments from the municipality as to their alternative. He said that the Environmental Commission reviewed it and recommends alternative #2 also. So as Mr. Frankel mentioned earlier they would go ahead a draft a letter to the EPA with Council's recommendation of Alternative #2.

Mayor thanked Terry Yetzko and the Sayreville Environmental Commission for their representing them at these meetings.

c. Major Drive Water System Improvements (Receipt of Bids) - Need an ordinance to award this contract. Recommended introducing the Ordinance at the next meeting then at the meeting following we will be able to award the bid when the Ordinance is adopted.

d. Purchase of a Rear Load Sanitation Truck – Receipt of Bids  
(Report in Packet) referred to the Borough Attorney for his review and recommendation.

e) Ernston Road/Bordentown Avenue Intersection Improvements  
– Status of Project (Verbal Report).

Mayor asked the Engineer, Police Chief and Sgt. Bartlinski to come up with a plan so we can open this up to traffic and if temporary pedestrian guardrails or barriers are necessary let's see what we can put there and get this open.

• **BOROUGH ATTORNEY - Michael DuPont**

• **PUBLIC PORTION**

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

Those appearing were:

- Ed Strek, 58 Nickel Avenue

Said that in 2013-2014 Motor Vehicle Agency will be requiring all people who hold a CDL will be required to hold it at all times and to produce same to the Motor Vehicle Agency.

He reported on the American Legion's first annual Vietnam Veteran's Memorial Service that was held on Oct. 7<sup>th</sup> in front of borough hall. He thanked DPW Dept and Mr. Quigley for their diligent work.

- Barbara Kilcomons, 22 Schmitt St.

-Said she attended the Slag meeting at the Old Bridge Sr. Center. She asked if Sayreville would be impacted by the cost in any way.

The Borough Engineer said that they made their presentation and recommendations there and now it the comment period and once that is done they will time. When that is done then they will select their option and move forward. He said that because it is a superfund site they will not be looking at the borough but will be looking to go after who potentially could have done the dumping.

- Fran O'Conner, 84 Weber Avenue

-Commented about a problem with sanitary sewer backup on Weber Avenue. The Mayor asked that the Business Admin. look into the matter.

- Gave an up-date on the funding matter with regard to the sheet pile wall on Weber Avenue and the amount of money spend. She said that \$62 million dollars was spent just for the March 2010 flood in Sayreville on damage the borough submitted, it covered the salaries and travel expenses of all FEMA representatives and all the claims that were submitted. She said that she submitted letters on behalf of the Weber Avenue residents and sub-committee to Congressman Pallone and Senator Lautenberg and Menendez stating that although they are very grateful during and after floods how could \$62 million dollars not be a duplication of efforts but the \$10 million to solve the problem is duplication. So she said she is waiting for a response.

- Stated that there is another storm forming in the Caribbean and indicates that it will be coming up the coast and expect to hit this area on Monday with a full moon. She asked that the borough be on high alert.

Mayor asked the Business Admin. to coordinate with the Police Chief and OEM and fire chief.

- Ed Strek, 58 Nickel Avenue  
Thanked the Police Department for always helping the American Legion helping them out will all the Veteran Services.
- Frank Weber, 170 Wesco St., Morgan  
-Asked Mr. DuPont what his response was about the court matter.  
Mr. DuPont stated that he looked at it and the time period in order to appeal the matter has long since lapsed. So there is no right of recourse to appeal to Superior Court.

Remarks made by Councilman Buchanan.

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

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 10 minutes to discuss the following matters:

Personnel  
Litigation – Tax Appeals

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/ Lisa Eicher, Council President

APPROVED:

/s/ Kennedy O'Brien  
Mayor

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

Roll Call: Voice vote, all Ayes. Carried.

Time: 7:50 PM

- **RECONVENE**

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

Roll Call: Voice Vote, all Ayes.

Time: 8:09 P.M.

**ADJOURNMENT**

No further business.

Councilwoman Eicher made a motion to adjourn. Motion seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

Time: 8:09 P.M.

SIGNED:

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

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