**CALL TO ORDER**

Regular meeting of the Mayor and Borough Council held on Monday, June 14, 2010, was called to order by Mayor O’Brien at 6:36 P.M. followed by a short prayer and salute to the flag.

**STATEMENT OF NOTICE OF PUBLICATION**

Clerk Farbaniec announced that this Meeting of the Mayor and Council, being held on June 14, 2010, has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and filing with the Municipal Clerk.

**ROLL CALL**

 Roll Call: Councilperson Bella, Eicher, Kaiserman, Kelly, Perrette, iarkiewicz.

Absent: None

 Others Present: Mayor O’Brien

 Business Admin. Bertrand

 Municipal Clerk Farbaniec

 Borough Attorney Nancy Kist

 Engineer Cornell

 C.F.O./Treasurer Kronowski

 Others Absent: None

 **SWEARING IN OF POLICE OFFICERS**

Mayor O’Brien asked Police Chief Burns to call forward each officer, one at a time to be sworn in.

 Municipal Clerk Farbaniec swore in the following to the respective positions:

* **Ronald Batko - Police Captain**
* **Glenn Skarzynski – Police Captain**
* **David Erla - Police Lieutenant**
* **Kevin Connors - Police Sergeant**

**PRESENTATIONS**

Council President Siarkiewicz presented the BIC Organization with a check in the amount of $2,500.00 from the Community Softball Challenge proceeds.

 Comments were made by Recreation Director Ust thanking all of those involved.

 While the Council waited for the rest of the people to arrive for the other presentations, the Mayor called for Old Business.

**OLD BUSINESS**

**6a) ORDINANCES FOR *DISCUSSION***

* **ORDINANCE #136-10**

(for Introduction tonight, as discussed at the May 24th mtg)

**AN ORDINANCE amending CHAPTER III, “FIRE epartment,”**

**of the revised general ordinances of the**

**borough of sayreville, new jersey.**

(Co. Eicher, Public Safety – Public Hearing June 28, 2010)

No Discussion on Ordinance #136-10.

* Composition of the Police Department Ordinance

(Ord. #132-10 was Introduced on May 10 then Tabled after the Public Hearing on May 24, 2010).

Mayor asked Chief Burns to come to the mic and go over the report he submitted on June 2nd.

Chief Burns addressed the Council and explained his report and recommendations.

Councilman Perrette asked how many years of police work does he and the other active officers who worked on this recommendation have.

Chief responded somewhere around 100 years of experience, along with degrees in Criminal Justice, Jurist Doctorate. Stated they have the training, experience and education to make these sound recommendations. Stated they need more people on the road and in administration and are looking to maintain the staff that they have.

Councilwoman Siarkiewicz asked if this had anything to do with the Police Contract or any union issue.

Chief said the union has never approached him regarding this matter, however, the union was brought in at one point and discussed the changes with them. He said that there was very little response from them.

Captain Skarzynski reviewed the numbers with the Council.

Councilwoman asked what the taking away of the SRO’s at the schools would do.

Captain Skarzynski said the primary purpose for having an SRO in the school is to have a link between the students and the police department. This could be done with the Juvenile Bureau making visits, the schools security , and having freed up officers to be on the road.

Councilwoman Eicher asked if the report was given to the PBA.

Councilman Bella questioned police layoffs as opposed to furloughs for police departments.

Business Admin. stated if you furlough essential personnel you would be calling someone in to cover and paying overtime.

Councilman Kelly asked how many supervisors there were in the rank and file.

Police Chief said that it was around 2.8.

Further discussion regarding the number of officers and supervisors, if this was their only resort, and if the command staff was on board with the recommendation.

Response by Chief Burns that this was the most fiscally sound and responsible one and that the command staff participated in this management plan.

Councilwoman Eicher asked that as a professional courtesy, inasmuch as the PBA did not have time to review this, this matter be held over until next meeting for introduction.

Comments from Councilman Kaiserman that both sides of any issue get to hear information. Feels it is wrong to introduce without hearing officially from the PBA.

Councilwoman Siarkiewicz commented on a letter the Council received from the PBA. Response by PBA President David Sivilli.

Mayor said on June 28th this Ordinance will be listed for Introduction. Asked that with professional respect and courtesy, the PBA work with Management to make this budget work. He stated the Borough is a service business and we have our revenue greatly decreased and can’t increase the revenue. He thanked and commended the Chief and his Captains for the tremendous job they did with this difficult task as they are just stepping up in rank.

* Bruce Marcinczyk.

He said that before he retired as Police Captain he was not on board with this recommendation.

 **PRESENTATIONS**

Mayor O’Brien recognized the Boy Scouts in the audience and called them forward for their presentations:

**PRESENTATIONS MADE BY THE COUNCIL TO BOY SCOUT TROOP #97 FOR PARTICIPATION IN FIRST OVERALL IN THE 47TH ANNUAL SNUFFY HOLLOW CAMPOREE COMPETITION.**

**BOY SCOUTS:**

|  |  |  |
| --- | --- | --- |
| * **Errol Beutell**
 | * **Arthur DeSarno**
 | * **Ray Drill**
 |
| * **Kyle Ferlita**
 | * **Mike Ferlita**
 | * **Andrew Florio**
 |
| * **Mike Jarusiewicz**
 | * **Tom Lopez**
 | * **James McAuley**
 |
| * **Justin McCall**
 | * **Robbie McCall**
 | * **Brandon McCoy**
 |
| * **Joe McCoy**
 | * **Sean McIntosh**
 | * **Kyle O’Connell**
 |
| * **Nick Osowski**
 | * **Nick Panayi**
 | * **Mike Pillar**
 |
| * **Mick Pillar**
 | * **Clinton Rowe**
 | * **Andrew Ruzicki**
 |
| * **Alexander Strika**
 | * **Dan Zack**
 |  |

 **ADULT TROOP LEADERS:**

|  |  |  |
| --- | --- | --- |
| * **Bob Abramski**
 | * **Curtis Clark**
 | * **Paul DeSarno**
 |
| * **Ray Drill**
 | * **Pete Ferlita**
 | * **Bob Havens**
 |
| * **Rob McCall**
 | * **Joe McCoy**
 | * **Rich Perkins**
 |
| * **Tom Tighe**
 | * **Dennis Zack**
 |  |

 Clerk to

**WO**

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b) , naftc

a-b) Refer to Borough Attorney for the necessary Resolutions.

- Approved.

 Mayor O’Brien then recognized the Shade Tree Commission members present for the Presentation of the Essay Contest Winners.

 Comments by Councilman Kaiserman to the Essay Contest winners and to the Shade Tree Commission for their hard work. He then presented to following winners with certificates.

 **I) SHADE TREE COMMISSION TO HONOR THREE ESSAY CONTEST WINNERS**

* **3rd Place – Demetrios Thoresen**
* **2nd Place – Sara Osowski**
* **1ST Place - Ankitha Dindigal**

Councilman Kaiserman congratulated the officers on their promotions. He then explained Resolutions 2010-125 and 2010-126 and thanked the Mayor and council for their support of the Resolution.

 Councilman Kaiserman recommended the property be included in the Waterfront Redevelopment Plan.

 Councilman Kaiserman requested a Public Hearing be held at the next meeting.

 Mayor responded that there have already been town meetings on this topic.

 Engineer explained the following issues:

5a) He said the planning board had a public hearing and that the National Amusement Property (approx. 21 acres.) met the criteria for redevelopment. What typically happens is that it gets referred back to the Mayor and Council, the Mayor and Council would adopt a resolution but they are also asking that they do a separate redevelopment study for that property.

5b) He said the Planning Board concurred with all but two of those recommendations and that is the document you have in front of you.

 Mayor then stated that no action is then required on that.

 Engineer said that a Resolution is needed for 5a but 5b was Council decision.

 Clerk then asked for Council direction for 5b.

 Councilman Kaiserman responded to receive & file.

 Clerk said there should be some response back to the planning as to the council’s response.

 Mayor asked that it be referred to the Borough Attorney for an opinion on the course of action.

 Councilman Kaiserman then recommended that since there was a video camera in Council Chambers that all meetings held in Council Chambers be televised and aired on Cable and Sayreville.com.

 Response by Business Admin. Bertrand that both the Board of Adjustment and Planning Board are working toward being televised.

 Progress.

 Councilwoman Eicher questioned if anyone knew why the exclusions were in 5b.

 Mayor said she would have to ask the Planning Board or review their minutes.

 Councilman Kaiserman made further comments.

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 Councilwoman Eicher questioned where we were with the RFP for Animal Shelters.

Business Admin. stated that they have not come in yet and action may be in July.

Councilwoman Eicher said she received a letter from former Councilman Grobelny requesting a resolution “Urging Override of the Governor’s Veto of the Millionaire’s Tax.

 **Approved /** Borough Attorney to prepare a resolution.

Councilwoman Eicher asked if the Police Auxiliary could be sworn in at the next meeting.

 Approved.

She said the tent was still up at the Temple.

 Response given by Business Admin. said they received 180 day approval from the Fire Marshall not knowing the Council approved it for a few weeks. He suggested the Governing Body put together a policy or ordinance putting tent requirements in place for larger facilities.

She questioned the study for the one-way road she asked for and would like to include Tanbark.

She congratulated the officers on their promotions.

Progress.

Councilman Kelly recognized the men and women in the Public Works Department for doing a fine job with being short staffed. He thanked them.

Progress.

Councilwoman Siarkiewicz reported on the various events in Sayreville.

Progress.

1. (Put Resolution on hold.)

Reso. #2010-136

Public Hearing on the 2010 Budget Amendment

2. #2010-124

3. #2010-137

None

Mayor asked the Engineer to hold off on his Weber Avenue Report until the public portion, seeing there are many of the area residents in attendance tonight.

All agreed.

2. Towne Lake Performance Bond – (Requesting council’s direction)

He reported on Towne Lake Development Performance Bonds. He stated that approximately 90% of the development has been completed but there are 27 spot lots that have not yet been constructed. The developer is requesting that the bonds he currently has posted be released and be allowed to post supplemental bonds for the work that remains. Typically the borough will not release bonds and accept the project until the work is 100% complete. The developer is asking that due to economic times and not knowing when these will be completed, that the borough release these bonds, the borough accept the roadways, start to assume the maintenance responsibilities, which would include snow plowing, and in return he would post bonds to cover the outstanding spot lots as well as the final paving of the streets.

Attorney Kist stated that there is no legal requirement for the council to release the bonds until the work is complete. After further report she stated that it was the council’s discretion to do this, but they do not have to.

After council discussion no one was in favor of releasing or reducing the bonds.

*FOR YOUR INFORMATION*

* **ADMIN. & FINANCE**

**#1 TOWNSHIP OF EDISON**

Received a copy of a Resolution expressing their desire for the New Jersey Legislature and Governor to revise the real estate property tax assessment and appeal procedures and laws.

* Receive & File
* **PLANNING & ZONING**

**# 2 NOTICE TO ADJACENT PROPERTY OWNERS**

Received notice regarding Kaplan Companies – Westlake at Sayreville’s Application for Flood Hazard Individual Permit & FHA Verification.

#3

**PLANNING BOARD OF THE BOROUGH OF SAYREVILLE**

Giving notice of a Public Hearing on June 16, 2010 to determine if the following property meets the criteria for redevelopment:

Sayreville Landfill #3 Parcels and Melrose Pump Station.

* **PUBLIC WORKS**

* **PUBLIC SAFETY**
* **RECREATION**

**#4\_**

**MINUTES Rec. & File**

Board of Adjustment - April 28, 2010

Board of Health - April 1, 2010

Board of Education - February 16, 2010; March 2, 16, 20 & 22;

 April 13 & 27, 2010

Environmental Commission - April 6, 2010

Main Street By-Pass Committee - March 25, 2010

Main Street By-Pass Committee - April 29, 2010

Main Street By-Pass Committee - April 29, 2010 Town Hall Meeting

Middlesex County Planning Board - May 11, 2010

Planning Board - May 19, 2010

Rent Leveling board - June 8, 2010

Sayreville Housing Authority - May 11, 2010

**NEW BUSINESS**

Councilman Perrette asked if an ordinance could be drawn up for the Cable TV Advisory Board allowing them to sell products, such as T-shirts, mugs, etc., as a fund raising effort to help with the cuts to their budget and to supplement their budget going forward. Possibly solicit businesses in order to support their taping efforts for broadcast on Sayreville TV.

 Councilman Kaiserman commented that certain PPG channels prohibit receiving money.

 Councilman Perrette said the issue is being looked into.

 Item referred to the Borough Attorney for their review.

***RECESS***

 Mayor O’Brien called for a 20 minute recess in order for the clerk to prepare a list of action items to be added to the agenda.

 Time: 8:02 P.M.

 Councilwoman Siarkiewicz made a motion to recess the meeting. Seconded by Councilman Kelly.

 Roll Call: Voice vote, all Ayes.

**RECONVENE - Time 8:30 P.M.**

Councilwoman Siarkiewicz made a motion to reconvene the meeting. Seconded by Councilman Kelly.

 Roll Call: Voice Vote, all Ayes.

Present: Councilpersons Bella, Eicher, Kaiserman, Kelly, Perrette, Siarkiewicz.

Absent: None.

 Others Present: Mayor O’Brien

 Business Admin. Bertrand

 Municipal Clerk Farbaniec

 Borough Attorney Kist

 Engineer Cornell

 C.F.O./Treasurer Kronowski

 Others Absent: None

**ACTION ITEMS:**

 **APPROVAL OF MINUTES OF THE MAYOR AND COUNCIL**

* (None)

 **CONSENT AGENDA COMMUNICATIONS** (Motion & Roll Call)

 Councilwoman Siarkiewicz moved that Consent Agenda Communications discussed earlier be received on Roll Call Vote. Seconded by Councilman Perrette.

 Roll Call: Councilpersons Bella, Eicher, Kaiserman, Kelly, Perrette, Siarkiewicz, all Ayes.

**CONSENT AGENDA RESOLUTIONS**

Mayor O’Brien opened the meeting to the public for questions or comments on the Consent Agenda Resolutions.

No one appeared.

 Councilwoman Siarkiewicz moved the Public Hearing be closed and the Consent Agenda Resolutions be approved on Roll Call Vote. Seconded by Councilman Perrette.

 Roll Call: Councilpersons Bella, Eicher, Kaiserman, Kelly, Perrette, Siarkiewicz, all Ayes.

**RESOLUTION #2010-125**

 **WHEREAS,** the South River often floods after storm events, and heavy flooding has occurred particularly in Sayreville since the early 1990s and most recently in March 2010; and

 **WHEREAS,** this flooding has caused considerable property damage in the community and constant consternation for those living and working in the river’s flood hazard area; and

 **WHEREAS,** heretofore, efforts by Congressman Frank Pallone and other to obtain federal funding to address this very serious problem have been frustrated in large measure by the long funding horizon of five to 10 years often needed for the U.S. Army Corps of Engineers to commence and complete a federal flood control project such as that required for the South River; and

 **WHEREAS,** given the continuing threat of serious flooding of the South River, such a timeline is not acceptable to the citizens of Sayreville and nearby communities, and therefore it is appropriate to search for other sources of funding, particularly at the State level; and

 **WHEREAS,** Assembly John S. Wisniewski of the 19th Legislative District, who represents Sayreville in Trenton in the General Assembly, has promised to help secure State or other sources of funding for a South River flood control project, particularly for the people of Sayreville, and to help secure a commitment from State officials to complete the project in a much more timely manner than that typically seen for a federally-funded flood control project,

 **NOW THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sayreville urges Assembly Wisniewski, along with Congressman Pallone, to garner any and all possible funding and to dedicate such funds to support those residents affected by the flooding of the South River.

 /s/ David M. Kaiserman, Councilman

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

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

 Municipal Clerk Mayor

**RESOLUTION #2010-126**

 **WHEREAS,** Assemblyman John S. Wisniewski of the 19th Legislative District, who represents Sayreville in Trenton in the General Assembly, has sponsored a bill, A-2592, known as Sara’s Law in memory of Sara Dubinin, a 19-year-old Sayreville woman who tragically died on September 25, 2007 from injuries resulting from a motor vehicle accident; and

 **WHEREAS,** A2592 requires the Chief Administrator of the Motor Vehicle Commission (MVC) to develop an internet emergency contact information registry program to maintain an automated statewide internet registry to be known as the “Next-of-Kin Registry, which would be capable of storing emergency contact information to be accessible by law enforcement officials for the sole purpose of notifying the next-of-kin when a motor vehicle accident results in the serious bodily injury, death or incapacitation of a drive or any passenger; and

 **WHEREAS,** the holder of a validated examination or special learner’s permit or probationary driver’s license (novice drivers subject to the State’s graduated driver’s license (GDL) law) or any basic driver’s license, or non-driver identification card may electronically sign onto the MVC website using the number assigned to these documents; and

 **WHEREAS,** A2592 lowers the age requirement to receive a non-driver identification card, allowing persons between the ages of 14 and 17 years to receive such card for identification purposes with parental consent; and

 **WHEREAS,** any emergency contact information submitted to the MVC is not subject to public disclosure under the Open Public Records Act or the common law access to public records and is not discoverable by any person, entity, or governmental agency except upon a subpoena issued by a grand jury or by court order in a criminal matter; and

 **WHEREAS,** information submitted to the “Next-of-Kin Registry” is available for the exclusive use of law enforcement officials and employees of the MVC, as designated by the Chief Administrator, for the purposes of discharging their duties pursuant to the bill,

 **NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sayreville urges the New Jersey General Assembly and the Senate to support this important bill by its full passage, and applauds Assemblyman Wisniewski for his sponsorship of Sara’s Law in honor of the memory and life of Sara Dubinin.

 /s/ David M. Kaiserman, Councilman

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

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

 Municipal Clerk Mayor

**RESOLUTION #2010-127**

**RESOLUTION DENYING APPLICATION FOR PLACE TO PLACE TRANSFER**

 **OF LICENSE NO. 1219-33-022-003 (STOCK ENTERPRISES, INC.)**

 **WHEREAS,** Stock Enterprises, Inc., (the “Licensee”) is the holder of Liquor License No. 1219-33-022-003, (the “License”) which is currently in “pocket” status and remains in inactive status and subject to the requirement set forth in Resolution No. 2008-74 (which, among other things, requires the Licensee to serve a 60 day suspension in satisfaction of prior disciplinary action thirty days after the License becomes active); and

 **WHEREAS,** the Licensee made an application on February 18, 2010 for a place to place transfer of the License from “pocket” status to the second floor only of 7090 Route 35 North (the “Premises”) and said transfer would require a waiver of the 2,000 foot restriction found in Section 6-5.8 of the Borough Code; and

 **WHEREAS,** by letter dated March 18, 2010, the Sayreville Police Department advised the Mayor and Borough Council that the Police Department objected to the transfer of the License to the Premises; and

 **WHEREAS,** by letter dated April 5, 2010, Gregory W. Vella, Esq., attorney for the Licensee wrote to the Borough providing the Licensee’s position that the waiver of the provisions of Section 6-5.8 of the Borough Code should be granted; and

 **WHEREAS,** in accordance with the provisions of N.J.A.C. 13:2-7.5 the Borough Clerk scheduled a hearing before the Borough Council on May 25, 2010 at 6:30 p.m. to provide the parties with an opportunity to be heard concerning the application and the objections to same; and

 **WHEREAS,** at the hearing the Borough Council was made aware of the following:

1. That the Licensee intended to occupy the 2nd floor only of 7090 Route 35 North, while the 1st floor of 7090 Route 35 North would continue to be operated as a sexually oriented business known as “Club 35” (the Unlicensed Premises”). Club 35 has been found guilty of violating 2C:34-7, which prohibits a sexually oriented business from being located within 1000 feet of certain places and Club 35 and the Borough are currently before the Superior Court, Appellate Division regarding the matter.
2. That one of the means of ingress to the Premises would be through the common entrance it shares with the Unlicensed Premises, and the ownership of the License is related to the ownership of the Unlicensed Premises.
3. That the Licensee believed it could prevent the passage of alcoholic beverages from the Premises to the Unlicensed Premises by the posting of a security guard.
4. That the Licensee believed that allowing the Premises and the Unlicensed Premises to operate in the same building was akin to the operation of a strip mall or to a patron walking along a public sidewalk to get to the Premises.
5. That the Police Chief was unaware of any similar circumstance where a business that sells alcoholic beverages was located within the same building as a sexually oriented business.
6. That the Police Department objected to the transfer of the License to the Premises because the law prohibits the Premises from having indecent matter upon the Premises (see N.J.A.C. 13:2-23.14) and the Premises has a common entrance with the Unlicensed Premises and the Police believed that is was only common sense that a liquor license should not be in the same building as a sexually oriented business.
7. That the Police Department believed that if the security guard posted at the common entrance became distracted, that alcohol could be brought from the Premises to the Unlicensed Premises.
8. That the Police Department was concerned with intoxicated persons leaving the Premises to go to the Unlicensed Premises.
9. That there were concerns that in the event that Police responded to a call at the Premises which resulted in an arrest, or the need to escort intoxicated persons from the premises, that there was a risk of injury to the Police in having to escort an intoxicated person down a flight of stairs.
10. That the Police Department would be required to go through the Unlicensed Premises in order to conduct ABC inspections.
11. That previously, the entire building (including the Premises and the Unlicensed Premises) was a licensed establishment and that there was a reported history of fights, gunfire and noise associated with activities at the previously licensed establishment.
12. That it was reported that the Unlicensed Premises was the site of recent arrests that alleged prostitution related activities, as well as alleged ordinance violations for violating the Borough’s BYOB ordinance, and allowing the consumption of alcoholic beverages on the Unlicensed Premises during hours of the day when such consumption is prohibited.
13. That the Police objected to the Licensee’s plan to use a fire exit from the 2nd floor as a means of ingress and egress to the Premises because of safety concerns.
14. That the Premises and the Unlicensed Premises presented two totally incompatible uses occurring in the same building which would create unmanageable situations; and

 **WHEREAS,** the Licensee’s attorney agreed that if the Borough Council was not inclined to authorize the place to place transfer of the License that the Borough Council would not need to reach the issue of whether a waiver from the provisions of Section 6-5.8 of the Borough Code was warranted; and

 **WHEREAS,** the Borough Council having reviewed the application of the Licensee, the objections of the Police Department, and having considered the merits of the information brought before it at the hearing held on May 25, 2010 and having voted that evening to deny the application of the Licensee for a place to place transfer of the License.

 **NOW, THEREFORE, BE IT RESOLVED,** that the Borough Council of the Borough of Sayreville in the County of Middlesex, State of New Jersey does hereby confirm the actions taken on May 25, 2010 to deny the application of the Licensee for a place to place transfer of the License from pocket status to the 2nd floor of 7090 Route 35 North, finding that based upon the information placed before it that the transfer of the License to the Premises is not in the best interests of the public health, safety, welfare and morals of the Borough and its citizens.

 **BE IT FURTHER RESOLVED,** that the Borough Council, having determined to deny the place to place transfer of the License for the reasons noted above that there was no reason to reach the request for a waiver from the provisions of Section 6-8.5 of the Borough Code.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**RESOLUTION #2010-128**

APPROVING LIQUOR LICENSES

 FOR THE CALENDAR YEAR 2010-2011

 **WHEREAS,** applications have been duly filed for renewal of certain liquor licenses in the Borough of Sayreville for the license year July 1, 2010 to June 30, 2011; and

 **WHEREAS,** all of said applicants have complied with the necessary requirements, including filing of applications, payment of fees, etc.

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

 1. That Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses be and they are hereby approved and authorized to be issued by the Borough Clerk to all parties listed in schedule “A” annexed hereto and made a part hereof, with the following ***exceptions****:*

 1219-33-001-012 Sting Ray’s, Inc., t/a Deko Lounge

 ***(Conditions)***

 1219-33-002-007 439 Corporation., Bourbon Street

 ***(Conditions)***

 1219-33-010-004 219 Washington Road, LLC, t/a Big Shots ***(Conditions)***

 1219-33-007-005 Pat’s Pub, Inc. ***(Conditions)***

 1219-33-011-008 Ethan H. LLC, t/a Prime Time Sports Bar **(Conditions)**

 1219-33-012-007 Pub 35, LLC

 ***(Hearing placing Conditions on License)***

1219-33-018-008 Marullo 2, LLC, (Pocket License)

 ***(Needs Special Ruling)***

1219-33-014-007 O & S, Inc.- Pocket License

 ***(Application, Fees, Special Ruling, Conditions)***

 1219-33-018-008 Jai Narayan, Inc., t/a Main Street Bar & Liquors

 ***(Condition’s/Special Ruling Required)***

1219-33-021-009 Gianna’s, Inc., t/a Cagney’s Pub & Restaurant

 ***(Application, Fees, Tax Clearance, Conditions)***

 1219-33-022-003 Stock Enterprise, Inc. ***(Conditions)***

 ***(Schedule Hearing – Objection received to the Renewal)***

1219-33-024-005 Tappan Liquors, LLC – Express Liquors

 ***(Conditions)***

1219-33-037-002 Peterpank Diner

 ***(Tax Clearance)***

1219-33-028-008 Victory Entertainment, Inc. – Pocket License

 ***(Application, Fees, Conditions, Special Ruling Required)***

1219-33-030-005 Mayerboys, Inc.,

 (Need Tax Clearance)

1219-33-031-004 Ocean Blue, Inc., t/a Ocean Blue Grill & Bar – Inactive

 ***(Special Ruling Required)***

1219-33-033-007 AC & VC, Inc. (Anna Covello)

 ***(Conditions)***

1219-33-036-004 Ben’s Tavern, Inc., t/a Johnny G’s

 ***(Application, Fees, Need Tax Clearance, Conditions)***

1219-33-040-002 Karen E. Benzer, Eaq. Chapter 7 Trustee for the Debtor

 Sayreville Bar, LLC **(Separate Resolution)**

 1219-33-044-005 Six Furlongs, LLC, t/a Starland Ballroom ***(Conditions)***

 ***(Hearing placing additional Conditions on License)***

1219-33-045-006 PSP Pride Corporation, t/a Last Call

 ***(Hearing placing Conditions on License)***

1219-33-046-005 Three P’s, Inc., t/a O’Garrafao Restaurant & Cervejaria ***(Conditions)***

 1219-33-052-005 Flamingo Liquor, LLC, t/a Cabanas Bar & Restaurante

  ***(Application, Fees, Tax Clearance/Conditions)***

1219-33-054-005 Bello’s Sports Pub, Inc.

 **(Tax Clearance)**

1219-33-056-007 Chingari Fine Dining

 ***(Special Ruling Required)***

 1219-33-058-007 Shooters, Inc., t/a Club Abyss **(C*onditions)***

1219-31-065 VFW Old Bridge Post #7508

 ***(Tax Clearance)***

 1219-33-067-006 Marcantino Palmieri, t/a Paramount Diner

 **(Need Tax Clearance 2008-2009 & 2009-2010/**

 **Not renewed for 2008-2009/Need application & fees 2009-2010)**

2. That the proper Municipal Officials be and they are hereby authorized to execute any and all other instruments necessary to carry out the intent and purpose of this resolution.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**2010/2011 LIQUOR LICENSES RENEWAL LIST**

**Resolution #2010-128 - Attachment “A”**

|  |  |  |
| --- | --- | --- |
| LICENSE # | LICENSEE | LOCATION |
| 1219-44-003-007 | Fancy Corner Caterers | 508-510 Raritan St.Sayreville |
| 1219-33-004-002 | Bailey’s Tavern, Inc.Buddies Tavern | 277 Johnsons LnParlin 08859 |
| 1219-33-006-008 | Ayush & Chandni Corp.Main St. Liquors | 881 Main St.Sayreville |
| 1219-33-013-007 | Highway Corp., t/aRoad House Bar & Grill | 1 Melrose AveSouth Amboy 08879 |
| 1219-33-019-009 | Costa Verde Corp.Costa Verde Restaurant | U.S. Rt. 9 & 35South Amboy  |
| 1219-33-020-003 | Deerfield Inn, LLC | 50 Deerfield Rd.Parlin 08859 |
| 1219-33-023-004 | Teddy’s Bar Inc., t/aTeddy's Bar | 378-381 So. Pine Ave.So. Amboy 08879 |
| 1219-33-024-006 | Tapan Liquors, LLCt/a Express Liquors | 404 Washington RoadSayreville 08872 |
|  |  |  |
| 1219-33-025-008 | Masaniello, LLCt/a Pulcinella Rest & Pizza | 3067 Bordentown AveParlin 08859 |
| 1219-33-032-006 | Black Betty’s Saloon, Inc. | 6290 Route #35, NoSouth Amboy 08879 |
| 1219-33-034-009 | Camillo's Restaurant & Pizza, Inc., | 31 MacArthur AvenueSayreville, NJ 08872 |
| 1219-44-035-003 | Mitthu, Inc. | 467 South Pine AveSouth Amboy 08879 |
| 1219-33-038-002 | Rondesko Properties Inc., t/a Brick House Bar & Grill  | 267 Washington RoadSayreville 08872 |
| 1219-33-039-003 | Norman's Tavern, LLC | 363 Main St., Say |
| 1219-44-041-004 | MA Management LLC, t/a Sayreville Bridge Liquors | 32 Washington Rd.Sayreville 08872 |
| 1219-44-042-005 | Kushal Corporation, t/a Express Liquors | 499 Ernston Rd.Parlin 08859 |
| 1219-44-047-007 | P.T. Waterfront, Inc. t/aSayreville Plaza Wines & Liquors | 960 Rt. 9 So.Sayreville Plaza, Unit 111B & 113South Amboy 08879 |
| 1219-33-048-005 | Columbian Club Inc | 775 Washington RoadParlin, 08859 |
| 1219-33-051-004 | K & K Beverage, Inc. | 17 Thomas St.Sayreville 08872 |
| 1219-33-055-003 | Fidelity Funding Corp, t/a Brass Monkey Pub | 4500 Bordentown AvenueSayreville 08872 |
| 1219-33-056-007 | Chingari Fine Dining | Pocket Lic.Special Ruling approved by director granting renewal of 09/10-10/11 |
| 1219-33-057-009 | 986 Restaurant CorpArirang Hibachi Steakhouse & Sushi Bar | 986 Route 9 So.Parlin 08859 |
| 1219-33-059-004 | Sayreville Memorial Post 4699 VFW of the United States, Inc. | Jernee Mill roadPO Box 1059, Sayreville 08872 |
|  1219-33-060-005 | LaMarina, LLC, t/a LaMarina | 1776 Hwy. #35South Amboy 08879 |
| 1219-44-061-005 | Devta LLC, t/aHouse of Liquors | 2909 Washington RoadParlin 08859 |
| 1219-31-063-001 | American Legion Lenape Post 211  | 240 MacArthur AveSayreville 08872 |
| 1219-31-064-001 | Columbus Club Inc | 775 Washington RoadParlin 08859 |
| 1219-31-066-001 | Sayreville Memorial Post 4699 VFW Inc. | Jernee Mill roadSayreville 08872 |

**RESOLUTION #2010-129**

**RESOLUTION OF THE COUNCIL OF THE**

**BOROUGH OF SAYREVILLE TO RENEW**

 **P.R.C.L. # 1219-33-001-012, STING RAYS, INC.**

 **T/A DEKO LOUNGE WITH CONDITIONS FOR THE**

**2010-2011 LICENSE YEAR**

 **WHEREAS**, Sting Rays, Inc. t/a Deko Lounge (“Sting Rays” or “Licensee”) is the holder of plenary retail consumption license number 1219-33-001-012 (the “License”), issued by the Council of the Borough of Sayreville as the Issuing Authority (the “Issuing Authority”), for premises located at 1979 Highway #35 South, Sayreville, New Jersey (the “Licensed Premises”) for license year 2010-2011; and

**WHEREAS*,*** said applicant has complied with the necessary requirements including payment of fees, etc.

 **BE IT FURTHER RESOLVED THAT** Plenary Retail Consumption License #1219-33-001-012, Sting Rays, Inc. t/a Deko Lounge, is hereby renewed for the 2010-2011 license year, subject to the following conditions remaining on the license:

1. Licensee shall continue to implement and provide valet parking for its patrons on all nights of operation. The Chief of Police may grant a waiver, on occasion, of the requirement that valet parking be provided if the Licensee demonstrates, to the reasonable satisfaction of the Chief of Police, that Licensee’s level of occupancy on such specific occasion is anticipated to be significantly less than the legal occupancy so as to satisfy the Chief that valet parking will not be necessary on such specific occasion. The granting of any such waiver on one occasion shall not entitle Licensee to such a waiver on any other occasion.

2. The above-described valet parking requirement shall remain in effect unless and until a recommendation for other appropriate traffic control procedures, developed by a licensed traffic or civil engineer or consultant at Licensee’s expense, is received and approved by the Mayor and Council as a substitute measure.

3. Licensee shall institute a policy and instruct its parking lot attendants and employees to abide by a policy that requires that, when the parking facilities used by the Licensed Premises are at full capacity, any additional cars seeking to enter the parking lots shall be “waved off” by parking lot attendants in order to insure that traffic jams do not occur but that such traffic continues to move through and out of the area of the Licensed Premises when there are no legal spaces available in the Licensed Premises parking lots to accommodate additional cars.

4. Licensee shall strictly enforce a policy that patrons who have been admitted to enter the Licensed Premises who subsequently exit the Licensed Premises will not be permitted to re-enter the Licensed Premises on the same day/evening. This measure is intended to address the Mayor and Council’s previous finding that drug activity was noted on the Licensed Premises and in recognition of the fact that a practice of allowing patrons to exit and then re-enter the Licensed Premises facilitates drug activities by providing an opportunity for such persons to retrieve contraband from their vehicles for use and/or distribution inside and adjacent to the Licensed Premises. Additionally, this measure is intended to alleviate the problem of patrons loitering in and around the parking lot during Licensee’s operating hours and engaging in illegal, disorderly or nuisance causing behaviors.

5. Licensee’s security staff shall be required to obtain photo identification cards, prepared by the Sayreville Police Department, that must be kept on their persons at all times while employed at or located on Licensee’s property. This measure is intended to alleviate difficulties encountered by police investigating complaints on the premises, in which members of the security staff are identified as either potential witnesses or suspects and is also designed in response to the findings of a previous ABC investigation in which it was discovered that some of the employees found on-site during the investigation were not properly entered in Licensee’s employee records.

6. Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee’s parking lots and outside premises, as well as all residential areas within a five hundred (500) foot radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o’clock in the morning (10:00 a.m.) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with Licensee’s operation. To the extent that residents within such five hundred (500) foot radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee’s sole cost. This measure is designed to alleviate any problem associated with the accumulation of empty beverage containers, cans, bottles and other debris that results from the operation of the Licensed Premises.

7. Licensee shall install “zero tolerance” signs inside the Licensed Premises, at or adjacent to the entry to the premises, containing language indicating that patrons will be prosecuted to the fullest extent of the law for any possession, sale or distribution of any drug, controlled substance or drug paraphernalia. This measure is designed to discourage drug activity occurring at or on the Licensed Premises.

8. Licensee shall install soundproofing equipment and/or take any other necessary steps to limit the escape of sound and vibration from the Licensed Premises, sufficient to ensure that no audible sound is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaints received by members of the Council pertaining to the Licensed Premises.

9. Licensee shall cease all sales of alcohol at 1:30 a.m. and shall cease the playing of all music at 1:45 a.m. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed Premises at the same time, resulting in loitering around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area.

10. Licensee shall institute a policy that on nights where patrons aged eighteen (18) through twenty (20) may be admitted to the premises along with patrons aged twenty-one (21) and over, such patrons over the age of twenty-one (21) shall be required to wear secure wristbands of a color differentiated from any wristbands required to be worn by patrons under the age of twenty-one (21). All such wristbands shall be incapable of being re-attached once removed, in order to prevent violations of laws prohibiting sales of alcohol to persons under twenty-one (21). This measure is designed to prevent violations of drinking age laws, as noted by the Council in previous findings of fact related to a prior disciplinary action.

11. Licensee shall securely stow all alcoholic beverages and shall not serve any alcohol whatsoever on those occasions that Licensee provides access to teenagers under the legal drinking age at events commonly referred to as “Teen Nights”. During such events, all alcoholic beverages shall be removed from the bar areas and secured. This measure is designed to prevent violations of drinking age laws as noted by the Council in previous findings related to a prior disciplinary action.

12. Licensee shall require all security staff, except for undercover security staff employed by Licensee, to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block letters stating “SECURITY”. This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot to further assist police in identifying security personnel when patrolling or responding to complaints or calls.

13. Licensee shall institute a policy of providing security staff in a ratio of one (1) security employee for each fifty (50) patrons, and that such security personnel be stationed in the parking lot area of the premises at all times during the hours of operation to control and supervise the parking lot area, not only with regard to parking, but with regard to the conduct and behavior of the patrons while on the Licensed Premises. Parking attendants and valet parking staff shall not count as “security staff” in calculating the proper ratio of security staff to patrons. The ratio of one (1) security employee for every fifty (50) patrons is only for those security personnel who are being identified and/or are in uniform. Any undercover personnel that Licensee wishes to employ are in addition to the one per fifty patron security ratio. This measure is designed to ensure that the security staff employed by Licensee is sufficient to handle the numbers of patrons in attendance on a given night so as to constitute a visible, identifiable and adequate security presence, to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot.

14. On promotional evenings, when a large crowd is expected, Licensee will coordinate with the police.

15. Licensee shall strictly enforce a policy to bar admittance to any patron who is not wearing a non removable wristband, that has been provided to such patron by Licensee’s valet parking attendant or parking supervisor, as evidence that the vehicle in which such patron arrived at the Licensed Premises has been parked in Licensee’s parking lot. The only exception to this policy shall be for those patrons who demonstrate to Licensee before admittance that they hold a valid New Jersey motor vehicle license indicating that they reside within five hundred (500) feet of the Licensed Premises and have not arrived at the Licensed Premises in a motor vehicle. This condition is intended to restrict admittance to the Licensed Premises to only those patrons whose vehicles, as a driver or occupant thereof, are lawfully parked in Licensee’s parking lot, in order to address issues raised by an Objector and her witnesses regarding illegal parking, property trespass, loitering and related nuisances.

16. Licensee shall institute a policy requiring its security staff to immediately report to the Sayreville Police Department any violations of Title 39 observed by such staff in and around the Licensed Premises, and to provide the Borough clerk, on a monthly basis, with a list of all such reports made by Licensee’s security staff to police within the prior month.

17. On a weekly basis, Licensee will deliver in person, mail, or fax a copy of the E-141-A list, commonly known as the employee list, to the Police Department. DJs, dancers, and other entertainers are to be included as employees, as per ABC rules.

18. Licensee shall provide a list of entertainers who are booked prior to the scheduled date. The information shall be delivered to the Sayreville Police Department at the time a contract is executed and signed and the information shall be delivered to the Sayreville Police Department as to the name of the outside entertainer employees.

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately and/or as required by law.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**RESOLUTION #2010-130**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SAYREVILLE TO RENEW P.R.C.L. # 1219-33-002-007, 439 CORPORATION, t/a BOURBON STREET WITH CONDITIONS FOR THE 2010-2011 LICENSE YEAR**

 **WHEREAS**, 439 Corporation t/a Bourbon Street (“Bourbon Street” or “Licensee”) is the holder of plenary retail consumption license number 1219-33-002-007 (the “License”), issued by the Council of the Borough of Sayreville as the Issuing Authority (the “Issuing Authority”), for premises located at 1979 Highway #35 South, Sayreville, New Jersey (the “Licensed Premises”) for license year 2010-2011; and

**WHEREAS*,*** said applicant has complied with the necessary requirements including payment of fees, etc.

 **BE IT FURTHER RESOLVED THAT** Plenary Retail Consumption License #1219-33-002-007, 439 Corporation, t/a Bourbon Street, is hereby renewed for the 2010-2011 license year, subject to the following conditions remaining on the license:

1. Licensee shall require all security staff, except for undercover security staff employed by Licensee, to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block letters stating “SECURITY”. This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot to further assist police in identifying security personnel when patrolling or responding to complaints or calls.

2. “Security surveillance videos shall be made available to the Sayreville Police Department within three (3) business days of the Police Department’s request for same.”

**WHEREAS,** the Mayor and Council of the Borough of Sayreville deem the above conditions necessary and proper to accomplish the objectives of Title 33 of New Jersey’s Revised Statutes;

**NOW THEREFORE BE IT FURTHER RESOLVED** that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

 a. Licensing Bureau

Division of Alcohol Beverage Control

 140 East Front Street

P. O. Box 087

Trenton, New Jersey 08625-0087

 b. Chief, Sayreville Police Department

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately and/or as required by law.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**RESOLUTION #2010-131**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SAYREVILLE TO RENEW**

 **P.R.C.L. #1219-33-007-005, PAT’S PUB, WITH CONDITIONS FOR THE**

**2010-2011 LICENSE YEAR**

 **WHEREAS**, Pat’s Pub, LLC is the holder of plenary retail consumption license number 1219-33-007-005 (the “License”), issued by the Council of the Borough of Sayreville as the Issuing Authority (the “Issuing Authority”), for premises located at 367 Washington Road, Sayreville, New Jersey (the “Licensed Premises”) for license year 2010-2011; and

 **WHEREAS*,*** said applicant has complied with the necessary requirements including payment of fees, etc.

 **BE IT FURTHER RESOLVED THAT** plenary retail consumption license number 1219-33-007-005, Pat’s Pub, LLC is hereby renewed for the 2010-2011 license year, subject to the following conditions as contained in the Stipulation of Settlement Agreement approved by Resolution #2008-132, adopted on May 27, 2008 and remaining on the license:

1. At least at ½ hourly intervals between the hours of 6:00 PM and closing time (currently 2:00 AM under municipal ordinance), Licensee shall monitor and supervise its patrons as they exit the licensed premises to insure against littering and disorderly conduct, including but not limited to littering on and disorderly conduct affecting neighboring properties . After the licensed Premises closes each night under its regulated hours of operation, Licensee shall have at least one employee or agent inspect the surrounding premises and nearby parcels of property for any refuse, litter, or debris left behind by Licensee’s patrons and shall remove all such refuse, litter or debris. Licensee, prior to opening for business on a daily basis, shall inspect the immediate vicinity of the Licensed Premises and remove all litter found in the immediate vicinity.

2. In order to avoid excessive noise emanating from the building, and with the goal of avoiding nuisance to the surrounding neighbors, the Licensee shall take appropriate care to:

* + Keep its windows and doors closed at all times when open for business, especially when music is being played inside the licensed premises.
	+ Set and maintain any jukeboxes, sound systems, or any other audio enhancement devices (audio devices) on a low to moderate level.
	+ Use available consumer electronic decibel meters, electronic noise limiters or any other sound volume filters in order to measure and limit the audio device sound volume emanating from the Licensed Premises.

 3. The Licensee shall make periodic observations of the location of vehicles parked in the immediate vicinity of the licensed premises and announce to and advise its patrons of any vehicles which are improperly parked, giving patrons notice and opportunity to move such vehicles.

 4. Licensee will use its reasonable efforts to avoid patrons from loitering on or about the Licensed Premises and/or on nearby residential properties immediately surrounding the Licensed premises. Licensee will not allow patrons to congregate or loiter in front of its establishment and, if necessary to accomplish that goal, shall post signs indicating “No Loitering” “Loitering” shall not include patrons standing outside the bar for the purposes of smoking, but will include any patrons standing outside the bar, for any purpose, after closing time.

**NOW THEREFORE BE IT FURTHER RESOLVED** that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

 a. Licensing Bureau

Division of Alcohol Beverage Control

 140 East Front Street

P. O. Box 087

Trenton, New Jersey 08625-0087

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately and/or as required by law.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

#### RESOLUTION #2010-132

 **WHEREAS,** application has been made for the renewal of Plenary Retail Consumption License No. 1219-33-033-007, AC & VC, Inc.; and

 **WHEREAS,** said applicant has complied with the necessary requirements including payment of fees, etc.:

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

 1. That Plenary Retail Consumption License No 1219-33-033-007,AC & VC, Inc., is hereby renewed for the 2010-2011 license term, subject to the following terms and conditions as hereinbefore imposed and re-stated as follows:

* Licensee shall not engage in the operation of having live dancers or “go-go” dancers.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**RESOLUTION #2010-133**

 **WHEREAS,** an application has been filed for the renewal of Plenary Retain Consumption License #1219-33-040-005, extension of License to Karen E. Bezner, to serve as interim Chapter 7 Trustee for the Debtor Sayreville Bar Enterprises, LLC,

 **WHEREAS** the submitted application form is complete in all respects, including proof of appointment to act as Trustee;

 **NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Sayreville does hereby approve the renewal for the 2010-2011 license term and for the extension of the aforesaid Plenary Retail Consumption License to Karen E. Benzer, Esq., Chapter 7 Trustee for the Debtor of Sayreville Bar Enterprise, LLC authorizing said Trustee Karen E. Benzer to conduct business under the privileges, terms and conditions of the license.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

#### RESOLUTION #2010-134

 **WHEREAS,** an application has been made for the 2010-2011 renewal of Plenary Retail Consumption License No. 1219-33-046-005, Three P’s, Inc., t/a O’Garrafao Rest. & Cervejaria; and

 **WHEREAS,** said applicant has complied with the necessary requirements including payment of fees, etc.;

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

 1. That Plenary Retail Consumption License No. 1219-33-046-005, Three P’s, Inc., t/a O’Garrafao Rest. & Cervejaria, is hereby renewed for the 2010-2011 license term, subject to the following terms and conditions as hereinbefore imposed and re-stated as follows:

(a) During hours of operation, the windows and doors of the premises are to be kept closed, provided that music, whether it be from a juke box or radio is in use inside the license premises and that the doors to the establishment may be opened and closed to allow ingress and egress;

(b) At or about the time at which the licensed premises is opened for business in the morning and at or about the time of closing, the licensee shall cause for the property and both sides of Main Street from Boehmhurst Avenue to Marsh Avenue to be cleaned of all discarded liquor bottles, packages, recyclables and such other litter as may have been generated by patrons of the licensed premises; and

(c) A sign shall be prominently displayed to prohibit parking of any vehicles on the sidewalk near the premises.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**RESOLUTION #2010-135\_**

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SAYREVILLE**

 **TO RENEW LIQUOR LICENSE NO. 1219-33-058-007,**

 **SHOOTERS, INC. T/A CLUB ABYSS WITH CONDITIONS FOR**

**THE 2010-2011 LICENSE YEAR**

 **WHEREAS**, Shooters, Inc. t/a Club Abyss (“Shooters” or “Licensee”) is the holder of plenary retail consumption license number 1219-33-058-007 (the “License”), issued by the Council of the Borough of Sayreville as the Issuing Authority (the “Issuing Authority”), for premises located at 1970 Route 35 North, Sayreville, New Jersey (the “Licensed Premises”) for license year 2010-2011; and

 **WHEREAS*,*** said applicant has complied with the necessary requirements including payment of fees, etc.

 **BE IT FURTHER RESOLVED THAT** plenary retail consumption license number 1219-33-058-007,Shooters, Inc., t/a Club Abyss is hereby renewed for the 2010-2011 license year, subject to the following conditions remaining on the license:

1. Licensee shall continue to implement and provide valet parking for its patrons on all nights of operation. The Chief of Police may grant a waiver, on occasion, of the requirement that valet parking be provided if the Licensee demonstrates, to the reasonable satisfaction of the Chief of Police, that Licensee’s level of occupancy on such specific occasion is anticipated to be significantly less than the legal occupancy so as to satisfy the Chief that valet parking will not be necessary on such specific occasion. The granting of any such waiver on one occasion shall not entitle Licensee to such a waiver on any other occasion.
2. The above-described valet parking requirement shall remain in effect unless and until a recommendation for other appropriate traffic control procedures, developed by a licensed traffic or civil engineer or consultant at Licensee’s expense, is received and approved by the Mayor and Council as a substitute measure.
3. Licensee shall institute a policy and instruct its parking lot attendants and employees to abide by a policy that requires that, when the parking facilities used by the Licensed Premises are at full capacity, any additional cars seeking to enter the parking lots shall be “waved off” by parking lot attendants in order to insure that traffic jams do not occur but that such traffic continues to move through and out of the area of the Licensed Premises when there are no legal spaces available in the Licensed Premises parking lots to accommodate additional cars.
4. Licensee shall strictly enforce a policy that patrons who have been admitted to enter the Licensed Premises who subsequently exit the Licensed Premises will not be permitted to re-enter the Licensed Premises on the same day/evening. This measure is intended to address the Mayor and Council’s previous finding that drug activity was noted on the Licensed Premises and in recognition of the fact that a practice of allowing patrons to exit and then re-enter the Licensed Premises facilitates drug activities by providing an opportunity for such persons to retrieve contraband from their vehicles for use and/or distribution inside and adjacent to the Licensed Premises. Additionally, this measure is intended to alleviate the problem of patrons loitering in and around the parking lot during Licensee’s operating hours and engaging in illegal, disorderly or nuisance causing behaviors.
5. Licensee’s security staff shall be required to obtain photo identification cards, prepared by the Sayreville Police Department, that must be kept on their persons at all times while employed at or located on Licensee’s property. This measure is intended to alleviate difficulties encountered by police investigating complaints on the premises, in which members of the security staff are identified as either potential witnesses or suspects and is also designed in response to the findings of a previous ABC investigation in which it was discovered that some of the employees found on-site during the investigation were not properly entered in Licensee’s employee records.
6. Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee’s parking lots and outside premises, as well as all residential areas within a five hundred (500) foot radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o’clock in the morning (10:00 a.m.) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with Licensee’s operation. To the extent that residents within such five hundred (500) foot radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee’s sole cost. This measure is designed to alleviate any problem associated with the accumulation of empty beverage containers, cans, bottles and other debris that results from the operation of the Licensed Premises.
7. Licensee shall install “zero tolerance” signs inside the Licensed Premises, at or adjacent to the entry to the premises, containing language indicating that patrons will be prosecuted to the fullest extent of the law for any possession, sale or distribution of any drug, controlled substance or drug paraphernalia. This measure is designed to discourage drug activity occurring at or on the Licensed Premises.
8. Licensee shall install soundproofing equipment and/or take any other necessary steps to limit the escape of sound and vibration from the Licensed Premises, sufficient to ensure that no audible sound is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaints received by members of the Council pertaining to the Licensed Premises.
9. Licensee shall cease all sales of alcohol at 1:30 a.m. and shall cease the playing of all music at 1:45 a.m. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed Premises at the same time, resulting in loitering around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area.
10. Licensee shall institute a policy that on nights where patrons aged eighteen (18) through twenty (20) may be admitted to the premises along with patrons aged twenty-one (21) and over, such patrons over the age of twenty-one (21) shall be required to wear secure wristbands of a color differentiated from any wristbands required to be worn by patrons under the age of twenty-one (21). All such wristbands shall be incapable of being re-attached once removed, in order to prevent violations of laws prohibiting sales of alcohol to persons under twenty-one (21). This measure is designed to prevent violations of drinking age laws, as noted by the Council in previous findings of fact related to a prior disciplinary action.
11. Licensee shall securely stow all alcoholic beverages and shall not serve any alcohol whatsoever on those occasions that Licensee provides access to teenagers under the legal drinking age at events commonly referred to as “Teen Nights”. During such events, all alcoholic beverages shall be removed from the bar areas and secured. This measure is designed to prevent violations of drinking age laws as noted by the Council in previous findings related to a prior disciplinary action.
12. Licensee shall require all security staff, except for undercover security staff employed by Licensee, to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block letters stating “SECURITY”. This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot to further assist police in identifying security personnel when patrolling or responding to complaints or calls.
13. Licensee shall institute a policy of providing security staff in a ratio of one (1) security employee for each fifty (50) patrons, and that such security personnel be stationed in the parking lot area of the premises at all times during the hours of operation to control and supervise the parking lot area, not only with regard to parking, but with regard to the conduct and behavior of the patrons while on the Licensed Premises. Parking attendants and valet parking staff shall not count as “security staff” in calculating the proper ratio of security staff to patrons. The ratio of one (1) security employee for every fifty (50) patrons is only for those security personnel who are being identified and/or are in uniform. Any undercover personnel that Licensee wishes to employ are in addition to the one per fifty patron security ratio. This measure is designed to ensure that the security staff employed by Licensee is sufficient to handle the numbers of patrons in attendance on a given night so as to constitute a visible, identifiable and adequate security presence, to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot.
14. On promotional evenings, when a large crowd is expected, Licensee will coordinate with the police.
15. Licensee shall strictly enforce a policy to bar admittance to any patron who is not wearing a non removable wristband, that has been provided to such patron by Licensee’s valet parking attendant or parking supervisor, as evidence that the vehicle in which such patron arrived at the Licensed Premises has been parked in Licensee’s parking lot. The only exception to this policy shall be for those patrons who demonstrate to Licensee before admittance that they hold a valid New Jersey motor vehicle license indicating that they reside within five hundred (500) feet of the Licensed Premises and have not arrived at the Licensed Premises in a motor vehicle. This condition is intended to restrict admittance to the Licensed Premises to only those patrons whose vehicles, as a driver or occupant thereof, are lawfully parked in Licensee’s parking lot, in order to address issues raised by an Objector and her witnesses regarding illegal parking, property trespass, loitering and related nuisances.
16. Licensee shall institute a policy requiring its security staff to immediately report to the Sayreville Police Department any violations of Title 39 observed by such staff in and around the Licensed Premises, and to provide the Borough Clerk, on a monthly basis, with a list of all such reports made by Licensee’s security staff to police within the prior month.
17. On a weekly basis, Licensee will deliver in person, mail, or fax a copy of the E-141-A list, commonly known as the employee list, to the Police Department. DJs, dancers, and other entertainers are to be included as employees, as per ABC rules.
18. Licensee shall provide a list of entertainers who are booked prior to the scheduled date. The information shall be delivered to the Sayreville Police Department at the time a contract is executed and signed and the information shall be delivered to the Sayreville Police Department as to the name of the outside entertainer employees.

**BE IT FURTHER RESOLVED THAT** this Resolution shall take effect immediately and/or as required by law.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**RESOLUTION #2010-136**

 **BE IT AND IT IS HEREBY RESOLVED** that the waiver of the routine permits for the Independence Day Celebration for participating vendors is authorized and approved in lieu of a “Special Permit” for this event in the amount of $300.00.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**RESOLUTION #2010-137**

 **WHEREAS,** all bills submitted to the Borough of Sayreville covering services, work, labor and material furnished the Borough of Sayreville have been duly audited by the appropriate committee;

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

That all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

/s/ Kennedy O’Brien

Mayor

 /s/ Councilman Frank Bella\_\_ /s/ Councilman Kenneth P. Kelly, Sr.

 /s/ Councilwoman Lisa Eicher /s/ Councilman Nicholas J. Perrette

 /s/ Councilman David Kaiserman /s/ Councilwoman Paula Siarkiewicz

 **Bill list of June 14, 2010 in the amount of $7,671,906.95**

 **(Bill List – See Appendix A for this date, in a separate Bill List File for 2010)**

* **PUBLIC HEARING ON THE BUDGET AMENDMENT**

C.F.O. read the Budget Amendment into record as was adopted by the Mayor and Council a special meeting held on June 7, 2010 and advertised according to law.

Mayor O’Brien opened the meeting to the public for any or comments on the Budget Amendment.

Those appearing were:

* Kathy Makowski, Creamer Drive

 Commented on the salaries of the Mayor and Council asking that they consider a decrease.

 Questioned the Planning Board Salaries & Wages.

 Response by CFO Kronowski explaining what was restored appeared in the original budget.

* Barbara Kilcomons, 22 Schmitt Street

Requested, as in the past, a freeze on expenditures and capital projects.

 Response by CFO Kronowski that the Capital part of the budget is a plan that requires financing in place first.

 Mrs. Kilcomons asked for an explanation on the Capital Lease Program and the Municipal Stormwater Regulation Program and if there was a portion in the budget to help the Weber Avenue Residents.

 Capital Budget and Lease program explained by CFO Kronowski. He also explained the total tax bill will be going up 1.3% covering the school, county and municipal taxes.

 Business Admin. Bertrand said the Weber Avenue Issue would be discussed by the engineer later in the meeting.

 Mrs. Kilcomons commented on the young and old alike struggling to pay their bills and keep their homes.

 No further questions.

Councilman Perrette moved to close the public portion. Seconded by Councilwoman Siarkiewicz.

 Roll Call: Voice Vote, all Ayes.

 Before the vote on the budget, Councilman Kaiserman made a motion to:

1) Eliminate the salaries for the council for twelve months;

2) Reduce the salaries for all non union/management by 5%;

3) Remove the Borough Engineer’s retainer for the next 12 months.

 Seconded by Councilwoman Eicher.

 Ayes Nays

 Roll Call: Councilperson Bella X

 Eicher X

 Kaiserman X

 Kelly X

 Perrette X

 Siarkiewicz X

 4 2 - Pass

Mayor said the salary reduction was an ordinance and asked the Borough Attorney to prepare the necessary documents.

* **ADOPTION OF 2010 MUNICIPAL BUDGET - RESOLUTION #2010-124**

 **(did not pass)**

Mayor called for a Motion to adopt the 2010 Municipal Budget.

Councilman Perrette moved to adopt the 2010 Municipal Budget. Seconded by Councilman Kelly.

Comments made by Councilwoman Siarkiewicz with regard to Councilman Kaiserman’s motion.

Mayor called for a Roll Call.

Councilman Bella explained his feelings on the budget and why he will be voting the way he will be. He said that he wanted to go on record saying that if this budget fails to pass tonight, any additional reduction needs to go to tax relief. He does not support the elimination of any furlough days.

Councilwoman Eicher explained that she was in a real conundrum. Stated that if she votes yes, she would be voting for a budget she does not believe in, because if the voters could they would vote it down like they voted down the school board’s. Would like to see an independent auditor come in an review the borough’s budget as another set of eyes. She said if she were to vote no, which is what she wants to do, someone in this borough would lose their job. She feels it is an ultimatum.

After this statement she asked for legal advise.

Attorney Kist stated that not knowing any particular circumstances she would prefer not to give legal advice from the dais. You may want to take a few minutes aside and you and I can discuss your particular circumstances, but at this time I can not give you legal advice.

Councilwoman Eicher then stated that she would have to abstain from this vote.

Councilman Kaiserman said his vote would be for the People’s Party not the Republican or Democratic Party. He asked that this borough budget gets place on the ballot for referendum vote next year. For the past three years he has asked for an independent auditor to review the books, here along with having a citizen’s panel on all future budgets. He made further comments that the attorney retainer stating that the Attorney’s retainer should be reduced because she is only attending two meetings per month as opposed to four. He then went onto other topics on the budget. He also claimed the Mayor told him how to vote on the 2008 budget and that he would prove it. He would be voting No.

Councilman Perrette said he has been working on this budget with Ken Kelly and Paula Siarkiewicz for the past 6 months, then having Governor Christie slash us with 2.4 million dollars. He said that Co. Kaiserman has never voted yes on any budget since he [councilman Perrette] was elected. Now he has this great plan while saying nothing in April or May and that he [Councilman Kaiserman] has no financial idea and simply says that he needs to study the issues. He said he respected Councilwoman Eicher for taking a stand, saying she was confused, but couldn’t understand Councilman Kaiserman.

 Ayes Nays Abstain

 Roll Call: Councilperson Bella X

 Eicher X

 Kaiserman X

 Kelly X

 Perrette X

 Siarkiewicz X

 2 3 1

 Clerk stated that with the Budget being voted down she would need to read the following resolution into record.

**RESOLUTION #2010-138**

 **WHEREAS,** the Borough of Sayreville has not adopted the 2010 Local Municipal Budget; and

 **WHEREAS,** the total tax levy cannot be certified by the County Board of Taxation until the State of New Jersey Division of Local Government Services certifies the Amount to be Raised by Taxation for Local Municipal Purposes from the adopted 2010 Local Municipal Budget; and

 **WHEREAS,** the Borough of Sayreville has obligations that have to be met during the months of August and September; and

 **WHEREAS,** in order to meet such obligations the Borough of Sayreville must raise revenue by either issuing tax anticipation notes or issue an estimated third quarter tax bill; and

 **WHEREAS,** it would be more economical for the Borough to issue an estimated third quarter tax bill; and

 **WHEREAS,** the Chief Financial Officer has determined that the following rates should be used for an estimated third quarter tax bill:

 Municipal Tax $1.120

 Municipal Open Space $0.020

 County Tax $0.653

 County Open Space $0.047

 School Tax $2.409

 **NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Tax Collector be hereby authorized to issue third quarter tax bills based upon the aforementioned rates; and

 **BE IT FURTHER RESOLVED,** that this resolution shall take effect immediately.

 /s/ Nicholas J. Perrette, Councilman

 Admin. & Finance Committee

**ATTEST: BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

Councilwoman Siarkiewicz moved the Resolution be adopted. Seconded by Councilman Perrette.

 Roll Call: Councilpersons Bella, Eicher, Kaiserman, Kelly, Perrette, Siarkiewicz, all Ayes.

* **Public Hearing on Ordinances:**

Mayor O’Brien opened the meeting to the Public for questions or comments on **Ordinance #131-10.**

**ORDINANCE #131-10**

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE EXPANSION OF THE BORDENTOWN AVENUE WATER TREATMENT PLANT AND APPROPRIATING $16,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $16,500,000 BONDS OR NOTES OF THE BOROUGH OF SAYREVILLE TO FINANCE THE COST THEREOF**

(Co. Perrette, Admin. & Finance Committee - Public Hearing June 14, 2010)

Those appearing were:

* Ken Olchaskey, 108 North Edward Street

Commented on the water rate increase earlier this year, and the basis for the increase being the lack of water being used by residents and businesses.

Response by Mayor O’Brien regarding Middlesex Water Companies agreement which was signed back some time ago. Now that is coming to an end and we do not wish to renew their contract and purchase two million gallons of water per day, whether we need it or not. The reason for purchasing Duhernal in the first place was to be independent of that and the contract also read that we were not allowed to sell any water outside the Borough of Sayreville. This expansion will allow us to sell water outside the borough, except that our current plant does not have the capacity to do so. We do not want another contract with Middlesex Water for another 15-20 years. The water company in the borough of Sayreville is entirely owned by the Sayreville taxpayers with a low water rate in Central New Jersey. The purpose of this expansion is so we do not have to renew, we will become self sufficient, and would like the ability to be able to sell the water outside of the borough. This can happen through long term planning and long term investing.

Questions and comments back from Ken Olchaskey about the Middlesex Water Company water contract and purchase of Duhernal.

Response from CFO Kronowski with regard to the cost factor comparison in paying Middlesex Water Company and paying the Debt service.

* Bob Foley

Asked someone to explain what just happened to the budget, because he does not understand.

Mayor asked Bob to sit down because this was the public hearing on Ordinance #131-10.

No further questions or comments.

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

 Councilman Bella asked if we could meet with Middlesex and try to negotiate a better contract with them. Without that knowledge, he cannot support this ordinance.

 Councilman Kaiserman said the borough cannot afford this bond.

 Councilwoman Siarkiewicz said we would be saving as opposed to purchasing the water.

 Ayes Nays

 Roll Call: Councilpersons Bella X

 Eicher X

 Kaiserman X

 Kelly X

 Perrette X

 Siarkiewicz X

 Clerk Farbaniec announced tie vote, 3 Ayes, 3 Nays.

 Mayor votes Ayes in favor of the ordinance.

 Ordinance Passes.

**ORDINANCE #131-10**

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR THE EXPANSION OF THE BORDENTOWN AVENUE WATER TREATMENT PLANT AND APPROPRIATING $16,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $16,500,000 BONDS OR NOTES OF THE BOROUGH OF SAYREVILLE TO FINANCE THE COST THEREOF**

**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 members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Sayreville, in the County of Middlesex, New Jersey (the "Borough"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $16,500,000. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations in accordance with N.J.S.A. 40A:2-7(d), as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of $16,500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is for the expansion of the Bordentown Avenue water treatment plant in the Borough and the closure of the water treatment plant in the Morgan section of the Borough, and including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Borough may lawfully undertake as an improvement of a municipal public utility, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared 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 of the State of New Jersey. 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 in this bond ordinance by $16,500,000 and the issuance of the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An aggregate amount not exceeding $3,725,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the Borough. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(f) The Borough reasonably expects to commence acquisition and/or construction of the improvement described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

 /s/ Nicholas Perrette, Councilman

 (Admin. & Finance Committee)

**ATTEST: APPROVED:**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**APPROVED AS TO FORM:**

/s/ Judy A. Verrone, Esq.

 Mayor O’Brien opened the meeting to the Public for questions or comments on **Ordinance #135-10.**

No One appeared.

 Councilwoman Siarkiewicz moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised accorging to law.

Seconded by Councilman Kelly.

 Roll Call: Councilpersons Bella, Eicher, Kaiserman, Kelly, Perrette, Siarkiewicz, all Ayes.

**ORDINANCE #135-10**

**AN ORDINANCE AMENDING AND SUPPLEMENTING**

**SECTION 2-15.6, “CRIMINAL HISTORY CHECKS FOR**

**ALL RECREATIONAL PROGRAM VOLUNTEERS,” AND**

 **SECTION 17-6.3, “LEAGUE APPLICANTS,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE, NEW JERSEY, TO BROADEN THE BOROUGH’S BACKGROUND CHECK REQUIREMENTS FOR YOUTH PROGRAMS**

(Co. Siarkiewicz, Recreation Committee- Public Hearing June 14, 2010)

**ORDINANCE #135-10**

**AN ORDINANCE AMENDING AND SUPPLEMENTING**

**SECTION 2-15.6, “CRIMINAL HISTORY CHECKS FOR ALL RECREATIONAL PROGRAM VOLUNTEERS,” AND SECTION 17-6.3, “LEAGUE APPLICANTS,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE, NEW JERSEY, TO BROADEN THE BOROUGH’S BACKGROUND CHECK REQUIREMENTS FOR YOUTH PROGRAMS**

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

 **SECTION 1.** Section 2-15.6, “Criminal History Checks for All Recreational Program Volunteers,” of the Revised General Ordinances of the Borough of Sayreville, is hereby amended by deleting the text **[marked in bold and enclosed in brackets]** and inserting text **underlined and marked in bold,** to read as follows:

2-15.6 Criminal History **Background** Checks for All **[Recreational Program Volunteers] Youth** Programs.

a. *Purpose.* The purpose of this subsection is to require that **[, effective January 1, 2001,]** all persons who volunteer their services in Sayreville Recreational Programs, **[and** **all employees and volunteers of Sayreville recreational, athletic, cultural, social or other activities** who have contact with children and teenagers as a result of such **[****volunteer services, shall be requested to consent****] activities, be subject** to a criminal history record check prior to performing any such **[volunteer]** services. Applicants for volunteer **or employee** positions, **and all individuals associated with youth programs who use Sayreville recreational facilities** will be disqualified from performing **[volunteer services]** **such activities** if: (1) any such **[applicant] individual** shall refuse to consent to a criminal history record check or (2) if a criminal history record check to which **[an applicant]** **such individual** has consented discloses a conviction for any offense which would disqualify an individual for paid public school employment as defined in Section 1 of P.L. 1986, c. 116 (N.J.S.A. 18A:6-7.1).  **In addition, it is the purpose of this subsection to require any club or organization using municipally-owned facilities to ensure that its employees and volunteers having contact with children or teenagers shall have been subject to criminal history background checks.**

b. [***Consent*****] *Definitions.* As used in this Section 2-15.6, the following terms shall have the meanings indicated:**

**"Criminal history background check" - means a determination of whether a person has a criminal record by cross-referencing that person's name and other requested identifying information and with those on file with the Federal Bureau of Investigation, Identification Division and/or the New Jersey State Bureau of Identification in the Division of State Police.**

**"Municipally sponsored youth program" - means any youth program sponsored by the Borough of Sayreville, including programs utilizing Borough employees; volunteer organizations created by the municipality; and all leagues, boards, committees and commissions affiliated with, falling within the purview, or acting for or on behalf of the Borough of Sayreville, which would be classified as youth programs.**

**"Non-sponsored youth program" - means any youth program not sponsored by the municipality of the Borough of Sayreville, but that utilizes municipal facilities or is affiliated with a municipally sponsored youth program.**

**"Youth program" - means any program that allows for participation in activities by those persons less than 18 years of age. Activities may include, but are not limited to, sporting or athletic activities, passive recreation groups, clubs or camps and trips or other activities whereby some control and responsibility for children is assigned to some person acting for or on behalf of a municipally sponsored youth program or non-sponsored youth program, other than a parent or caregiver.**

***c. Responsibility for roster.* All league officers and/or those individuals in charge of each municipally-sponsored or non-sponsored youth program shall be required to ensure compliance with this Section for the league or program. The President or leader of each league or program shall file an annual roster of individuals that are subject to this Section 2-15.6, as well as the date of the most recent criminal history background check for each individual. The roster shall be on forms supplied by the Borough and shall contain a certification as to the accuracy and completeness of the roster and individual names. Any person who knowingly certifies such a roster that excludes an individual subject to the background check requirements of this Section shall be in violation of this Section and may also be subject to prosecution for falsely swearing.**

**d. *Employees and Recreation Advisory Board Members.*** Prior to performing any **[volunteer]** services, all **applicants for membership on the Sayreville Recreation Advisory Board and all** applicants for **[volunteer]** **employee** positions **[in****]** with the Borough of Sayreville Recreation Department shall be requested to provide a written consent, on forms to be furnished by the Borough, allowing the Borough of Sayreville to perform criminal history **[record]** **background** checks on the applicant, and authorizing the Borough of Sayreville to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations to be made under this subsection. Any applicant who refuses to consent to such a background check will not be **hired, or permitted to serve on the Sayreville Recreation Advisory Board, or** permitted to provide **[volunteer services and the Borough shall decline to accept such volunteer services****]** **services on behalf of a youth program****.**

**(1)** *Submission of Identification Information.* **[A]** **An applicant for membership on the Sayreville Recreation Advisory Board or** an applicant **[for volunteer** **services]** **seeking employment with the Sayreville Recreation Department** shall submit to the Borough of Sayreville **sufficient information for the Borough of Sayreville to perform a criminal history background check, including** his or her name and address, and fingerprints taken on standard fingerprint cards **or electronically** by the Sayreville Police Department, or other **[law enforcement****]** agency **selected by the Borough of Sayreville**.

*e.* ***Youth programs******.***

**(1) Prior to any youth program, whether municipally-sponsored or non-sponsored, being authorized to use municipally-owned facilities for functions in which children or teenagers participate, the findings of a criminal history background check must be provided to the Borough of Sayreville for all persons 18 years of age or older serving in any capacity where such persons may interact with participants under the age of 18, including but not limited to coaches, assistant coaches, umpires, or similar positions. The findings must be obtained from a nationally-recognized background investigation company associated with the league, and complying with the league’s national standard. In the absence of a league national standard, the youth program shall be required to ensure that, at a minimum, the criminal history background check complies with the league standard of Little League Baseball, Incorporated.**

**(2) The submission of background check findings must be based upon a check performed within three (3) years of the start of use of the municipally-owned facility. In the case of coaches performing duties as employees of a school district, the policy of background checks adopted by the individual school district shall be used to establish eligibility for use of municipally-owned facilities. In all cases the background check must comply with the provisions of any applicable laws regarding same, but the background check shall be no less detailed than those performed by the Borough for individuals involved in youth programs. All criminal history background check fees for individuals associated with a youth program shall be borne by the individual or program in which they are participating.**

*f**. Notice of Qualification or Disqualification.* Upon receipt of the criminal history record information **[for an applicant]** from the Federal Bureau of Investigation **[and]****,** the Division of State Police**, or the nationally recognized background investigation company associated with the league or national organization,** the Borough of Sayreville **or the youth program****, as the case may be** shall notify the **individual** **[applicant],** in writing, of the **[applicant's] individual’s** qualification or disqualification **[as a recreational volunteer****]** **for employment, membership on the Recreation Advisory Board, or to provide services for a youth program****.** If the **[applicant]** **individual** is disqualified, the convictions which constitute the basis for the disqualification shall be identified in the written notice to the **[applicant] individual**.

*g**. Accuracy of the Criminal History Record Check.* An **[applicant] individual** shall have fourteen (14) days from the date of the written notice of disqualification to challenge the accuracy of the criminal history record information. No **[applicant] individual** **[for volunteer services****]** shall be disqualified **[from providing volunteer services****]** without first having an opportunity to challenge the accuracy of the disqualifying criminal history record.

***h****. Offenses Constituting Grounds for Disqualification.* **[A volunteer****] An** **[applicant]** **individual** shall be **[permanently****]** disqualified from **[volunteer services****]** **employment, membership on the Recreation Advisory Board, or participation in municipally- sponsored or non-sponsored youth program****s** if the individual's criminal history **background check** **[record]** reveals a record of conviction for a crime or any other offense for which public school employment candidates are disqualified pursuant to Section 1 of P.L. 1986, c. 116 (N.J.S.A. 18A:6-7.1), **[as follows****] including but not limited to the following**:

1. Any crime of the first or second degree (i.e., severe or aggravated offenses such as murder, aggravated assault, kidnapping, sexual assault);

2. An offense as set forth in Chapter 14 of Title 2C of the New Jersey Statutes (sexual offenses);

3. An offense as set forth in N.J.S.A. 2C:24-4 (endangering welfare of children) and N.J.S.A. 2C:24-7 (endangering welfare of incompetent person);

4. An offense as set forth in N.J.S.A. 9:6-1 (child abuse, abandonment, cruelty or neglect);

5. An offense as set forth in N.J.S.A. 2C:29-2 (resisting arrest; eluding officer);

6. An offense involving the manufacture, transportation, sale, possession-distribution or habitual use of a "controlled dangerous substance" as defined in N.J.S.A. 2C:35-1 et seq., or "drug paraphernalia" as defined pursuant to N.J.S.A. 2C:36-1 et seq.;

7. A crime involving the use of force or the threat of force to or upon a person or property including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder;

8. A crime as set forth in chapter 39 of Title 2C of the New Jersey Statutes (firearms and dangerous weapons);

9. A third degree crime as set forth in chapter 20 of Title 2C of the New Jersey Statutes (theft and related offenses);

10. A crime as listed below:

(a) Recklessly endangering another person, N.J.S.A. 2C:12-2,

(b) Terroristic threats, N.J.S.A. 2C:12-3,

(c) Criminal restraint, N.J.S.A. 2C:13-2,

(d) Luring, enticing child into motor vehicle, structure or isolated area, N.J.S.A. 2C:13-6,

(e) Causing or risking widespread injury or damage, N.J.S.A. 2C: 17-2,

(f) Criminal mischief, N.J.S.A. 2C:17-3,

(g) Burglary, N.J.S.A. 2C:18-2,

(h) Usury, N.J.S.A. 2C:21-19,

(i) Threats and other improper influence, N.J.S.A. 2C:27-3,

(j) Perjury and false swearing, N.J.S.A. 2C:28-3,

(k) Escape, N.J.S.A. 2C:29-5;

11. Or conspiracy to commit or an attempt to commit any of the crimes described in this section.

For the purposes of this subsection, a conviction exists if the individual has at any time been convicted under the laws of this State or under any similar statutes of the United States or any other state for a substantially equivalent crime or other offense.

If an **[applicant's] individual’s** criminal history **background [record]** check reveals that charges are pending for a crime or any other offense enumerated in section 1 of P.L. 1986, c. 116 (N.J.S.A. 18A:6-7.1), the **[applicant] individual** will be notified that he or she is not eligible **for employment or** to provide **[****volunteer****]** services until the Governing Body of the Borough of Sayreville has made a determination regarding qualification or disqualification upon adjudication of the pending charges.

***i. Appeal Alleging Rehabilitation.* A disqualified individual may appeal his or her disqualification by claiming to be rehabilitated, subject to the following:**

**(1) No person may appeal a disqualification on the grounds of rehabilitation, if convicted of a 4th degree offense or higher, or if the person has been convicted, adjudicated delinquent or acquitted by reason of insanity of aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C:I3-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.A. 2C:24-4; luring or enticing pursuant to section 1 of P.L. 1993 c.291 (N.J.S.A. 2C:13-6); criminal sexual contact pursuant to N.J.S.A. 2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.A. 2C:13-2, or false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.A. 2C:34-1; or an attempt to commit any of these enumerated offenses.**

**(2) Appeals Committee. An appeal based on rehabilitation shall be made to an Appeals Committee. The committee shall consist of the Chief of Police, the president of the municipally sponsored or non-sponsored youth program, league, or organization, the Borough Attorney and the Borough of Sayreville** **Recreation** **Director. Any such appeal must be made within fourteen (14) days of receipt of the notice of disqualification.**

**(3) Rehabilitation Criteria. In determining whether a person has affirmatively demonstrated rehabilitation, the Appeals Committee shall consider the following factors:**

**1. The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;**

**2. The nature and seriousness of the offense;**

**3. The circumstances under which the offense occurred;**

**4. The date of the offense;**

**5. The age of the person when the offense was committed;**

**6. Whether the offense was an isolated or repeated**

 **incident;**

**7.Any social conditions which may have contributed to the offense; and,**

**8. Any other evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of those who have had the person under their supervision.**

**(4) If the Appeals Committee determines that the disqualified person has been successfully rehabilitated, it shall enter that person's name on the list of persons eligible to participate in municipally sponsored or non sponsored youth programs, which list shall be maintained by the Borough Chief of Police.**

***j****. Retention of Records.* The Borough of Sayreville **[may****] will** maintain the criminal record and application documents on an **[applicant] individual** for **[no longer than** **] a period of** three (3) years from the date of determination as to the **[candidate's] individual’s** qualification or disqualification **[for volunteer service. All documents submitted by a candidate and all** **criminal history record information** **shall be maintained by the Borough of Sayreville in a confidential manner.****], unless a longer period is required pursuant to State or Federal law or regulation.**

***k. Privacy and confidentiality.***

***(1)*Any and all criminal history background checks supplied to the Borough Chief of Police or other chief law enforcement officer shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public. The Chief of Police or other chief law enforcement officer of the Borough shall take appropriate steps to safeguard such records. The records shall be exempt from public disclosure under the common law or the New Jersey Open Public Records Act.**

**(2)Access to** **criminal history background information** **for non-criminal justice purposes, including licensing and employment, is restricted to the members of the Appeals Committee appointed by the Borough, as authorized by federal or state statute, rule or regulation, executive order, local ordinance or resolution regarding obtaining and disseminating of criminal history background information obtained under this section.**

**(3)The Borough shall limit its use of criminal history background information solely to the individual for which it was obtained, and the criminal history background information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. This information shall be limited solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to criminal history background information may be subject to criminal and/or civil penalties.**

***l. Frequency of background checks.***

**(1)All youth programs shall supply criminal history background checks for all of their participants prior to the individual being able to participate in any function at a municipally-owned facility, to the extent covered by this Section, at least once every three years.**

**(2)All employees and members of the Sayreville Recreation Advisory Board shall be subject to criminal history background checks at least once every three (3) years.**

***m. Penalties.***

**(1)Failure to comply with this Section 2-15.6 may result in the municipality withholding funding, if any, to a youth program, prohibiting the use of facilities, or withholding funding for facility maintenance.**

**(2)Any individual who has been advised, orally or in writing, of his/her disqualification to participate, and continues to participate, shall, upon conviction thereof in a proceeding before a court of competent jurisdiction, be subject to a fine of not less than two hundred fifty dollars ($250.00) and not more than two thousand dollars ($2,000).**

**(3)Each day on which a violation of this Section 2-15.6 occurs shall constitute a separate offense.**

**SECTION 2.** Section 17-6.3, “League Applicants,” of the Revised General Ordinances of the Borough of Sayreville, is hereby amended to read as follows:

*17-6.3 League Applicants.* League applicants or applicants affiliated with a league shall **[provide proof of completed background checks in accordance with that league’s national standard, if any; or in the absence of a national standard, the Borough shall decide what, if any, background checks are required of the applicant. The failure of applicants to provide such information shall be cause for the Borough’s refusal to issue any and/or all permits and/or cancel the event(s).]** comply with the requirements of Section 2-15.6, “Criminal History Background Checks for All Youth Programs,” of the Revised General Ordinances of the Borough of Sayreville.

**SECTION 3. 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 4. 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 5. Effective Date.**

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

 /s/ Paula A. Siarkiewicz, Councilwoman

 (Recreation Committee)

**ATTEST: APPROVED:**

/s/ Theresa A. Farbaniec /s/ Kennedy O’Brien

Municipal Clerk Mayor

**APPROVED AS TO FORM:**

/s/ Judy A. Verrone, Esq.

* **Introduction on Ordinances:**

 **ORDINANCE #136-10**

**AN ORDINANCE amending CHAPTER III, “FIRE Department,” of the revised general ordinances of the borough of sayreville, new jersey.**

(Co. Eicher, Public Safety - Public Hearing June 28, 2010)

 Councilwoman Eicher moved the Ordinance be approved on first reading, advertised according to law and a public hearing be held on June 28, 2010. Seconded by Councilman Perrette.

 Roll Call: Councilpersons Bella, Eicher, Kaiserman, Kelly, Perrette, Siarkiewicz, all Ayes.

**ORDINANCE #137-10**

(This Ordinance has the support of the Board of Health)

**AN ORDINANCE amending CHAPTER IX,“Animal Control,” of the revised general ordinances of the borough of sayreville,**

**new jersey, to prohibit the keeping of any animal**

 **which disturbs the peace.**

(Co. Eicher, Public Safety - Public Hearing June 28, 2010)

 Councilwoman Eicher moved the Ordinance be approved on first reading, advertised according to law and a public hearing be held on June 28, 2010. Seconded by Councilman Perrette.

 Roll Call: Councilpersons Bella, Eicher, Kaiserman, Kelly, Perrette, Siarkiewicz, all Ayes.

**PUBLIC PORTION**

Mayor O’Brien opened the meeting to the Public, first to the residents of Weber Avenue. Asked the Borough Engineer to give his report at this time to the residents.

 At the Town Hall Meeting the Army Corp of Engineers reported that their project was approximately five to ten years away. At that point in time the residents had recommended some other action be taken. They suggested an 8’ high steel sheet pile wall be constructed behind their properties and the cost would be approximately 3.3 million dollars. At the last council meeting the engineer’s office was authorized to review the feasibility of that proposal and to review the cost.

 Jay said he completed a study and analyzed approximately ten different criteria concerning the proposal having to do with height, location, cost, wetlands mitigation, vibrations, storm sewers, property acquisition, the availability of DEP Permits, compatibility with the Army Corp Project and the project financing. What he determined was the 3.3 million dollars in reality is approximately more like an 11 million dollar project and in the end the borough will not be able to receive permits from the State to go through and construct it. By going through this exercise we found there were problems with the resident’s proposal. They tried to figure out what we could do to address those problems and come up with a workable solution. The proposal they came up with is an alternative to what the resident’s proposed, similar project but an alternate location. They are recommending that the sheet pile wall of approximately 40 sheets just where the Army Corp is looking to construct their project. By doing this project as first Phase they think it would be easier to obtain the necessary permits from the DEP because it is being done in conjunction with the Army Corp.

 The other benefit to this proposal has to do with financing. It was indicated that in the end the borough is going to have to pay for the army corp. project. With the residents proposal the borough will have to pay that so basically looking at paying two costs for two different projects. They suggested that the borough’s share be put up front. The borough go ahead and pay for the first phase and in the end have that put toward a credit toward their share of the overall Army Corp project. At this point in time they are suggesting they be further authorized to discuss this project with the Army Corp to see if they agree that it is feasible project and can be done in conjunction with their project.

 Mayor called forward the Weber Avenue Committee Residents.

 Those appearing were:

 Fran O’Conner, 84 Weber Avenue

 She stated she and the others on the committee met with the engineer and discussed what was explained tonight. Said they were all in agreement with the engineer’s alternate plan in conjunction with the Army Corp. She believes that everyone is on board with trying to find the funding for this critical project which needs to be done in a very expedient fashion.

 Mayor asked if the residents of the affected area were in favor of this plan.

 Ms. O’Conner responded that they were.

 Mayor asked if there were any objections to the borough engineer going to the next step, meeting with the Army Corp to convince them that this is a feasible project and to allow us to go ahead and incorporate it into their design.

 No objections made.

* Richard Bednarz, 85 Weber Ave.

 Questioned the permit process.

 Engineer responded that the borough would go ahead and obtain our own permits for this first phase.

* Mike Zollinger, 80 Weber Ave.

 Asked if the engineer would need permission from the Governing Body.

Mayor stated the permission was just given.

* Fran O’Connor

Asked that she and the committee be notified of the results of the engineer’s meeting with the Army Corp.

 Mayor opened up the meeting to any and all issues.

 Those appearing were:

* Dan Buchanan, 180 Wessco St.

 Questioned Councilman Perrette’s No Vote on the agenda.

Councilman Perrette said it was due to Councilman Kaiserman’s amendment proposal made tonight. The budget was worked on since January and everyone has had their input except him, who hasn’t’ said a word until tonight. He voted against his amendment and will not vote on the budget with those amendments being part of it. He further explained his reasoning’s.

Mr. Buchanan then asked if the borough was looking any further into in-house attorneys as the Rutgers Study referred to.

Mr. Perrette said that was a suggestion made back in January and the people on this board made no effort to look into the matter, but made statements. The Rutgers study does not prove it.

Comments by Co. Siarkiewicz regarding the Rutgers Study.

Mr. Buchanan asked for comments on the Planning Board tape issue and if the borough was doing anything to investigate this crime.

Mayor O’Brien responded that the Prosecutor sent a communication to the Planning Board and the Planning Board Attorney where they made recommendations on how the tapes should be secured moving forward. The tapes had been altered by someone. Mayor asked how much money should be spent on investigating this crime. He stated what part of the tape was altered and what was said by himself at that time.

A debate followed.

* Lori Esposito, 24 Rubar Drive

 Elected member of the Board of Education

 Stated she is here tonight in support of the children of Sayreville and is concerned about the loss of SRO’s in the Middle School. Stated it would not benefit the children and asked the council to do the right thing and keep the SRS’s in the schools.

* Colleen Figarora, 39 Hart Street

 Questioned the status of 84 Smullen St. and 83 Smullen Street

Business Admin. responded that the weeds at 84 Smullen Street were taken care of and the catch basin running under that property was sinking from underneath the road, which has been repaired. He also stated that the house should be demolished within the next 15 days and the residents should be notified. The plan called for a pest control plan.

He said 83 Smullen had too many liens on the property and the banks did not want anything to do with it.

Ms. Figarora then asked when Hart Street would be paved.

Mayor explained the paving plan and that Hart Street would not be done this year.

* Bill Henry, Orchard Street

Expressed his concern about Councilwoman Eicher stating she was being swayed to vote on the budget a certain way by another.

* Bob Foley, Woodmere Drive

Commented about police laptops not working.

Questioned the Budget Resolution voted down tonight.

* Mike D’Addio, Zaleski Drive.

Commented about the way Mr. Hoebeich acted when Mr. Green brought up the issue with the tapes being altered. Asked that he be removed from the Planning Board. Expressed his opinion that the police dept should investigate the issue.

Chief Burns stated the Planning Board tape was investigated in a cooperative investigation with the Middlesex County Prosecutors office and the Sayreville Police Department. Lt. Timothy Brennan from the internal affairs unit sat in on everyone except one of the interviews. He and another member of the police department conducted an interview without the prosecutor’s office. There was a forensic examination done on the tape and there is no other information they can gather from that tape. Perhaps if they did a forensic examination on every computer in borough hall or everyone’s personal computer which would involve court orders, etc. He doesn’t know where else that investigation could go.

No other questions or comments.

Councilwoman Siarkiewicz moved to close the Public Portion. Seconded by Councilman Kelly.

Roll Call: Voice Vote, all ayes.

Councilwoman Eicher commented that she thought it was disgraceful that the Mayor was not going to do anything about the tapes being altered. It was her understanding that it was not because of money, but that there was no way in finding out who did it. Therefore, she is convinced there is an ethics violation that was committed. She just wanted to let him know that the ethics violation she withdrew during the investigation will be resubmitted.

 No further business.

 Councilwoman Siarkiewicz make a motion to adjourn. Seconded by Councilman Perrette.

 Roll Call: Voice vote, all Ayes.

**EXECUTIVE SESSION ITEMS**  - None

**ADJOURNMENT**

 No further business.

 Councilwoman Siarkiewicz moved to adjourn. Seconded by Councilman Perrette

 Roll Call: Voice Vote, all Ayes.

 Time: 10:15 PM

 SIGNED:

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 Theresa A. Farbaniec, Municipal Clerk

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 Date