

Combined Meeting of the Mayor and Borough Council held on Monday, January 23, 2012, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 6:30 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

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

- **ROLL CALL:** Councilpersons Bella, Buchanan, Eicher, Henry, Novak, Perrette.

Absent: None

Others Present: Mayor Kennedy O'Brien
Municipal Clerk Farbaniec
Engineer Cornell
Attorney DuPont
C.F.O. Kronowski

Absent: None

NEW BUSINESS:

a. Introduction of the following Ordinance(s): (None)

b. Other

- Discussion on the Appointment of an Acting Business Admin.

Mayor called for discussion or a motion to appoint an Acting Business Admin.

Councilwoman Novak made a motion to appoint Wayne A. Kronowski, Acting Business Admin. Seconded by Councilwoman Eicher.

Mr. Kronowski accepted the nomination, until such time as a replacement is appointed.

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

- Discussion on advertising for a Business Administrator.

Mayor O'Brien assigned the advertising duty Wayne Kronowski asking that it be advertised according to law.

Discussion followed regarding a deadline to receive resumes.

Mayor asked if there were any objections to the 60 day deadline.

None made.

Councilwoman Eicher made a motion authorizing Mr. Kronowski advertise for a new Business Admin. Seconded by Councilman Buchanan.

Councilman Bella asked if anyone had any issues with the ad that was provided to the governing body by the clerk.

No comments made.

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

CONSENT AGENDA/RESOLUTIONS

• ***PUBLIC PORTION ON CONSENT AGENDA ITEMS ONLY***

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

Those appearing were:

- o Barbara Kilcomons, 22 Schmitt Street
- Questioned the resolutions on the agenda for road improvement and tennis court improvement.

CFO Kronowski responded that these are change order resolutions from previously adopted bond ordinances from prior years.

- Questioned if the road dept. could pave the roadways with the equipment they have purchased.

Councilwoman Novak responded that she is currently taking inventory in her department and to the best of her knowledge they do not have the equipment to repave roads only to repair pot holes.

No further questions or comments.

Council President Eicher moved the Public Hearing be closed and the Consent Agenda Resolutions be approved on Roll Call Vote. Seconded by Councilwoman Novak.

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

RESOLUTION #2012-38

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

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

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

/s/ Kennedy O'Brien
Mayor

/s/ Frank J. Bella
Councilman

/s/ William J. Henry
Councilman

/s/ Daniel Buchanan
Councilman

/s/ Mary J. Novak
Councilwoman

/s/ Lisa Eicher,
Councilwoman

/s/ Nicholas J. Perrette
Councilman

**Bill list of January 23, 2012, in the amount of \$5,240,547.87
(Bill List - See Appendix 2012-A for this date, in a separate Bill List File for 2012).**

RESOLUTION #2012-39
RESOLUTION MEMORIALIZING ACTION TAKEN ON
CERTAIN COMMUNICATION ITEMS AT THE
JANUARY 9, 2012 COUNCIL MEETING

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 9, 2012 Council Meeting approving the following:

- a) Approving applications for Bingo and Raffle licenses received from:
 - Knights of Columbus #2061-Our Lady of Victories Council to conduct an Off-Premise 50/50 on March 25, 2012 (RA:1729).
 - Sayreville War Memorial H.S. Choral Parents Association to conduct an On-Premise Draw Raffle (Tricky Tray) (#RA:1730) and an On-Premise 50/50 (#RA:1731) on February 10, 2012.

- b) Approving a request for a coin toss at the intersection of Washington Rd and Ernston Road received from:
 - Sayreville Indoor Drum Line (Jack Myatt) on March 24 & 25, 2012 from 10AM-2PM.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-40

WHEREAS, the following named persons have applied for the renewal of an auto wrecker's license under the existing ordinances covering the following locations for the year 2012:

<u>APPLICANT</u>	<u>LOCATION</u>
Joseph V. Juliano Julian's Garage	919 Route #9 South Amboy, NJ 08879
John Krist A-1 Auto Center	236 Main Street Sayreville, NJ 08872
Donald M. Rzepka Al's Auto Body	2070 Hwy. #35 South Amboy, NJ 08879
Mark Dombrowski Parlin Collision, Inc.	8-10 Elizabeth Street Sayreville, NJ 08872
Mark Dombrowski Parlin Collision II, Inc.	925 Main Street Sayreville, NJ 08872
Wayne Wagner-Wagcar, Inc. Walter's Auto Body	502 Raritan Street Sayreville, NJ 08872
Roy Tomaszewski, t/a Sayreville Auto Body, Inc.	276 Washington Rd. Sayreville, NJ 08872
Steve Vrabel Economy Auto, Inc.	Victory Bridge Plaza South Amboy, NJ 08879
Thomas DePasquale Wayne's Auto Body	South Pine Ave. & 10 th St. South Amboy, NJ 08879

WHEREAS, the Governing Body has considered the applications and the same appear to be in conformity with the terms of the ordinances; and

WHEREAS, it further appears that there are no present violations pending against said applicants;

NOW, THEREFORE, BE IT RESOLVED:

- 1.) That the said applications are hereby approved and granted for the year 2012.
- 2.) That upon receipt of the proper insurance coverage and satisfactory wrecker inspection reports, the Borough Clerk is hereby authorized and directed to issue said licenses.

/s/ Nicholas J. Perrette, Councilman

(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Person to Person Transfer

RESOLUTION 2012-41

WHEREAS, application has been received by the Municipal Clerk for a person to person transfer of Plenary Retail Consumption License #1219-33-040-004, covering the sale of alcoholic beverages in the Borough of Sayreville; and

WHEREAS, said application is complete in all respects, and applicant has disclosed with the issuing authority the source of all funds used in the purchase of said license and business; and

WHEREAS, the applicant has duly advertised in the Home News Tribune on November 11, 2011 and November 18, 2011, as required by law, and has produced proof of publication as to such advertising; and

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

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

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption License #1219-33-040-004 now held by Sayreville Bar Enterprise, LLC Karen E. Benzer chapter 7 Trust, covering the herein described premises, be ***transferred*** and to Kamlesh H. Patel (Individual) ***effective January 24, 2012*** as follows:

LICENSE NO.: FROM:

1219-33-040-004 Sayreville Bar Enterprise, LLC
Karen E. Benzer Chapter 7 Trust
(Pocket License)

TO:

Kamlesh H. Patel (Individual)
(Pocket License)

/s/ Nicholas J. Perrette, Councilman

(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-42

BE IT AND IT IS HEREBY RESOLVED, that the proper Borough officials are hereby authorized and directed to prepare and advertise a Request for Proposals for Recreational Services at the Julian Capik Nature Preserve including, but limited to horseback riding.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-43

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2011 Budget Appropriation Reserves be and the same are hereby authorized to be made in the following manner to wit:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Group Insurance Plan (1220-205-2-8010)	\$ 56,000	\$
Fire Department (1265-301-2-2040)		5,000
Uniform Fire Safety (1265-306-21-1102)		5,000
Snow Removal (1290-405-2-9240)		1,000
Telephone (1440-940-2-18330)		20,000
Fuels & Lubes for Municipal Vehicles (1460-415-2-9170)		25,000
	<u>\$ 56,000</u>	<u>\$ 56,000</u>

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-44

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

- Project: Kennedy Park Tennis Court Improvements Project
- Contractor: Sita Construction Co., Inc.
7 Yankee Maid Lane
Goshen, New York 10924

- Net Increase/Decrease: No Change in Contract Amount
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

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

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-45

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

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

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

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

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-46

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

- Project: Improvements to South Pine Avenue Project
- Contractor: S. Brothers, Inc.
PO Box 317
South River, NJ 08882
- Net Increase/Decrease: No Change in Contract Amount
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved:
2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-47

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

- Project: 2007 Roadway Paving & Reconstruction Project – Phase II
- Contractor: Lucas Brothers, Inc.
80 Amboy Road
Morganville, NJ 07757
- Net Decrease: \$59,036.54
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

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

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2012-48
ACCEPTING FINAL WORK
AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD

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

- Project: 2007 Roadway Paving & Reconstruction Project – Phase II
- Contractor: Lucas Brothers, Inc.
80 Amboy Road
Morganville, NJ 07757
- Balance Due: \$ 38,218.55

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

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

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

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.

2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.

3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

COMMUNICATIONS/COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE** – Councilman Perrette

a) Minutes:

Councilman Perrette moved the following minutes be received and filed:

- Board of Education Dec. 13 & 21, 2011
Seconded by Councilman Henry.

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

- Raffle applications from Harry S. Truman School PTO, Inc. to conduct an Off-Premise Draw Raffle on February 29, 2012 (RA:1732).
- **Approved/Resolution Memorializing Action Feb. 13, 2012.**

c) Reports

Councilman Perrette moved the following reports be received and filed:

- Municipal Clerk's Report for the month of December, 2011 and the 2011 year-end report.
Seconded by Councilman Buchanan.

Committee Reports:

- Financial Water Analysis Report given by Councilman Perrette.

He stated at all future reports will be given by Councilman Buchanan. He requested that Councilman Buchanan also be appointed to the Weber Avenue Flood Committee.

Councilman Buchanan stated that his only concern would be getting caught up with what has been accomplished to date. Councilman Perrette stated that he would bring him up to date. And that he is still willing to serve on the committee.

• **PLANNING & ZONING** – Councilman Henry

a) Minutes-

Councilman Henry moved the following minutes be received and filed:

- Middlesex County Planning Board – December 13, 2011
 - Sayreville Planning Board – December 7, 2011
- Seconded by Councilman Buchanan.

b) Received application for two (2) New Temporary Trailer Licenses

from Allied Construction Group, Inc. for Construction Office Trailers to be placed on property owned by the Borough of Sayreville during the construction of the Bordentown Avenue Water Treatment Plant Expansion project (fees have been waived).

- **Resolution**

c) **Request to access borough property** received from United States Dept. of Agriculture, Forest Inventory and Analysis Research Unit in order to access Blk. 41, Lot 1.04 during the month of February to perform a forest inventory.

- Engineer explained that this request has been made in the past and believes that they would need an access agreement.

Mayor asked if there were any objections. None made.

d) Received the following **Planning Board Resolutions** which were **Memorialized**

on Jan. 4, 2012:

- K-Land No. 59, LLC (Towne Lake West)
Block 136.16, Lot 2, 3 & 30.03 –
Final Major Subdivision Approval.
- Joseph Loverde, Rt. 35, Blk. 293, Lot 19.06-
Minor Site Plan Approval.
Councilman Henry asked that they be received and filed.

e) **Notice to Borough of Sayreville as adjacent property owner**

received from K-Land Corp., No. 5, LLC appearing before the Zoning Board on Jan. 25, 2012 for seeking approval of a Bulk Variance for a single family dwelling exceeding certain Setback requirements as well as lot coverage.
Councilman Henry asked that they be received and filed.

f) **Reports:**

Councilman Henry moved the following report be received and filed:
- Fire Prevention 2011 Year End report.
Seconded by Councilman Buchanan.

Committee Reports – Progress.

• **PUBLIC SAFETY** – Councilman Bella

a) **Minutes**

Councilman Bella moved the following minutes be received and filed:

- Board of Health – December 1, 2011
Seconded by Councilman Buchanan.

b) **Approval of change in membership** for firefighter Gerard Kelly from an Associate member to a Regular member of the Melrose Hose Co. No. 1.

- Approved.

c) **Reports:**

Councilman Bella moved the following reports be received and filed:

- Municipal Court Administrator's Report
for the months of November & December, 2011.
- Board of Health County & Registrar's reports
for the month of December, 2011
and Registrars 2011 year End Report.

Seconded by Henry.

• **PUBLIC WORKS** – Councilwoman Novak

Councilwoman Novak asked that the following minutes be held over until the next meeting.

a) **Minutes:**

- Rent Leveling Board – January 10, 2012

b) **Authorization to award contract for Senior Center**

Boiler Replacement project to Estock Piping Co. of Chesterfield, NJ
on their low bid of price \$151,056.00, plus Alt. No 1-\$11,525.00.

- **Resolution.**

Councilwoman asked that the following reports be held over until the next meeting.

c) Reports:

- Parks for the month of November, 2011.
- Road Department for the months of October & November, 2011.

Committee Reports –

- Co. Novak reported that the alarms at the Bailey Avenue Pumping station will be fully functional tomorrow.
- She then reported that three of our six large snow plowing trucks went down during the last storm. One is still not operational and the other two had to have the salt off loaded manually in order to have them repaired.
- She thanked the employees in her department for working so hard.

Progress.

- **WATER & SEWER** – Councilman Buchanan
 - a) **Minutes** (None)

b) Notice from Middlesex Water Company that they are petitioning the Board of Public Utilities for an **increase in rates for water service.**

c) Reports:

Councilman Buchanan made a motion to have the following reports received and filed:

- Water & Sewer Director's Report for the month of December, 2011.
Seconded by Councilman Henry.

- **RECREATION** – Councilwoman Eicher
 - a) **Minutes:- (none)**

b) Committee Report – Councilwoman Eicher reviewed upcoming events and programs.

- Progress

- **MAYOR** – Kennedy O'Brien

a) Appointments

LIBRARY BOARD OF TRUSTEES

- Sue Paul – 5yr. Term

Appointment moved by Councilman Perrette. Seconded by Councilwoman Eicher.

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

HUMAN RELATIONS COMMISSION

Mayor stated that the governing body received a letter from chairman of the Commission Jose Aponte requesting the residency requirement be waived for Joe Malara due to the fact that he has been a long standing member, he taught in Sayreville schools for his entire career, he is well respected, well received and is committed to our community.

Councilwoman Eicher stated that she does not have a problem with Mr. Malara serving, but this waiver would only be this one time and this one person.

Mayor stated that the ordinance would need to be amended. Mayor said that if there were no objection he would instruct the Borough Attorney to amend the ordinance.

COMMISSION ON AGING

Mayor stated that we still need another Non-voting Member.

OPEN SPACE COMMITTEE

Member of the Governing Body – 1 Yr. Term - Co. Perrette
Appointment moved by Councilman Buchanan. Seconded by Councilman Bella.

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

After Mayor O'Brien explained the environmental appointments to this board. He said that he would like to appoint Paula Siarkiewicz, Karen Surratt and Terry Yetsko to the Open Space Committee as members of the environment commission.

Discussion followed regarding Lillian Lucas' appointment waiving her having to be a member of the Env. Comm.

Mayor said that he would like to make these appointments so that they can carry on business and if there are any objections the person would have to file them with the Dept. of Community Affairs.

Councilman Henry asked that the Borough Attorney look into it so that they have a better understanding of the requirements on the Open Space Committee.

Mayor stated that his appointing powers expire at the end of the month and would like to see these appointments made. He asked for the council's support.

Councilman Buchanan asked how that would affect the borough resident positions.

Mayor said that there are 5 borough residents of which 3 should be members of the Environmental Commission provided they want to serve on Open Space and this year we have three.

Councilman Henry stated he still wanted clarification.

Mayor asked that his appointment powers be extended for this committee until the next meeting.

Councilman Bella asked that inasmuch as the provision for Lillian Lucas to be a member of the environmental commission was waived is she in fact holding one of the environmental commission member seat.

Borough Attorney DuPont said that this would have to be looked into a little further.

Mayor again asked the governing body to extend his powers of appointment on this commission to the next regular scheduled meeting.

Borough Attorney said that he is not sure if the council by action alone, has the power to do that because the State Statute that gives the Mayor the thirty (30) day power of appointment.

Mayor said that with the spirit of cooperation and working together he has allowed a lot of the appointments to be held over and feels that now half of his appointing power has been circumvented. Mayor also stated for the record that it is the Borough Attorney's job to advise the governing body to keep them out of harm's way. The Borough Attorney said that this issue came up approximately thirty (30) minutes

ago, and don't believe that this council can extend the time period for the Mayor to make his appointments. With that being said if the council, in the spirit of cooperation without having to be bound because of the Statute, that is something the council would have to do, if it so chooses. But don't think the council could permit that.

Councilwoman Eicher asked how many spots are available.

Mayor stated that it is his position that when he appointed Stanley Drwal it appeared as though there was a spot open, but it has come to his attention that there was not spot, if the three environmental appointments were made. He said that they have two choices. If the council would want to increase the membership to seven (7) or to form an opinion that since there was no spot vacant Stanley's appointment is null and void. He also said that in years past it has always been deemed that the Open Space Committee were the mayor's appointment, not requiring the advise and consent of the council.

The Attorney said that the ordinance requires the advise and consent of the council and that the Clerk would be better able to advise how many slots are available.

The Clerk indicated that there are three (3)spots available, of which those three can be members of the environmental commission if they choose to be.

Mayor asked them if governing body wished to proceed. He said that he did ask for a Motion to appoint Paula Siarkiewicz, Karen Surratt and Terry Yetsko as Environmental Commission members. He asked if there was a motion for their appointment.

Councilman Perrette moved the Mayor's appointments. No second. Motion died.

Councilwoman Eicher asked that this matter be reviewed by the Attorney and brought back to the next meeting and that she does not have a problem with the Mayor's request.

Mayor said that the motion dies due to the lack of a second.

She again asked that the attorney review the matter.

Mayor then asked if anyone reached out to Chip Blazas to see if he wished to be appointed to the recreation Advisory Committee. Mrs. Farbaniec responded that she has been informed the Chip had not attended any meetings last year and would be disqualified.

HOUSING AUTHORITY

- Shane Robinson - 5 Yr. Term - Mayor's Designee

- William Egbert -5 yr. Term - Member

Councilman Perrette moved the Mayor's appointment of Mr. Egbert. No second. Motion dies.

Mayor also said that another spot was vacated with the passing of Bill Jackson.

Mayor said that via e-mail he had requested the Borough Attorney to review with the governing body the duties and powers of the Mayor, Council President and of the Council. He said that even though he does not vote unless there is a tie he is the Chief Executive Officer of the Borough of Sayreville and signs all documents. The Council is the Legislative Body of the Borough and has the voting power for hiring, firing, budgets law, etc. But as far as calling meetings, signing documents the mayor is the Chief Executive and he then called upon Attorney for further explanation. The Borough Attorney said that what the Mayor said was accurate. The Mayor is the Chief Executive Officer and has the power to make certain appointments subject to certain advise and consent but the rest of the Mayors description as to the powers and duties of the mayor and council are correct.

Mayor also asked the Attorney to explain to the council, general public and himself that it is his understanding that elected officials are prohibited by ordinance and by law from managing. We are here as a board of directors to set policy and give direction, hire people to manage and feel we have a top rank set of managers.

Attorney DuPont said that they have been elected to lead and as part of leading there is some aspect of managing, but felt that most of the Mayor's statements are correct.

b) Other Business - none

BUSINESS SESSION AGENDA – January 23, 2012

NEW BUSINESS –

BUSINESS ADMINISTRATOR –

C.F.O.- Wayne Kronowski

- 1) Bill Resolution for February 9, 2012.
- 2) Possible Transfer Resolution.
- 3) Budget Preparation Update
- 4) Closed Session Item

ENGINEER -Jay Cornell

- 1) Weber Avenue Storm Sewer Improvements – Appropriation of Funds (Verbal Report)

BOROUGH ATTORNEY - Michael DuPont

PUBLIC PORTION

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

Those appearing were:

- Eloise Hansen 61 price Street
Thanked the Council and police department for their help in correcting the issues they had with their house number and police and ambulance response to her home. She also commented about the Open Space and Environmental Commission.
- Bob Kominkiewicz, Ernston Road
-Commented on appointments, Ernston Road Improvement project, termination of the Business Admin., Animal Control Officer and Shelter, lack of handicapped parking spots ant Sayreville Shop Rite.
Response by Councilwoman Eicher and Councilman Bella.
- Theresa Strek, McCutcheon Avenue
- Questioned if there was a conflict of interest with Councilwoman Novak being on the public Safety Committee and her son being a police officer and feels she should switch committees to avoid conflict.
Councilwoman Novak responded that there was not conflict.
Borough Attorney said that it would be a conflict if Councilwoman Novak voted in any matter or directed anything with respect to her son. He had advised her that she needs to recues herself on any matter that deals with respect to her son.

Mayor agreed with Mrs. Strek.

- Mrs. Strek made comments regarding the manner in which the Business Administrator was terminated on Jan. 9th and the council comments in the Jan. 19th edition of the Suburban. She also questioned Councilman Bella directly as to his decision and his vote.

Councilman Bella responded on his decision.

- Mrs. Strek then made comments regarding the Library , the Library Board and its' spending.

Mr. Kronowski explained Library funding.

- Ziggy Dombrowski, 32 Weber Avenue
-Commented that the people of the town spoke when the officials were elected and felt the people should let them do their job.
- Ed Strek, 58 Nickel Avenue
-Commented about Councilman Bella's earlier response.
Councilman Bella said that he made a business decision and did nothing wrong.

-He further commented about the Public Works Department, vehicle maintenance, police vehicles, parades, taxes and how the Business Administrator was instrumental in these and many other areas, accomplishments in the borough.

Councilman Henry commented on what improvements need to be made to move Sayreville into a new direction.

Mr. Strek asked about councilman Henry's campaign promise regarding taxes.

Councilman Henry responded what his vote was as last year regarding the budget and taxes as opposed to what Councilman Perrette's vote and that of other council members.

Councilman Perrette responded to Councilman Henry's accusation as to his vote on the tax increase.

Discussion followed.

Mr. Strek closed by saying that he supports Mr. Bertrand and is sorry to see him go.

- Barbara Kilcomons, 22 Schmitt Street
- Said that Mr. Perrette was correct in his statement regarding the budget vote.
- Said she and other residents of Sayreville are horrified on the way Mr. Bertrand was terminated.
- John Rucki, Hendricks court
-Stated that when a question or opinion is asked of the Attorney his response should be in writing and made part of the permanent record and attached to the minutes.
- Commented on Mr. Bertrand's termination and asked when the meeting took place to make this decision. The Mayor was informed only minutes before the meeting. The Closed Session Meeting held that night on Personnel was very short. He questioned if there had been any e-mail or phone calls made. He expressed his concern that there may have been a violation of the Open Public Meetings Act.

Councilman Buchanan stated that he thought that the Closed Session would have taken much longer, but there was no dissention.

Mayor stated that the meeting on Jan. 9th was to start at 6:30P.M. and Council President Eicher and Councilman Henry were in Mr. Bertrand's office at approximately 6:00P.M., informing him that he would be dismissed that night and not to attend the meeting. Mayor also felt that there may have been a violation of the Sunshine Law because of the odds of five people coming together that quick before a meeting occurs and the attorney having the resolution prepared ahead of time is questionable and felt that a violation of the Sunshine Law had occurred. Due to his deep respect of Jeff

Bertrand and if he were to file this with violation with the Dept. of Community Affairs would cause him having to relive this. As the CEO of the Borough he apologized to the residents of the Borough for the manner in which a very competent, capable, good man was dismissed in such a low class manner. He said that he considered Jeff at the top of his profession, an outstanding husband and father, a stellar volunteer, he is truly a fine gentleman and the fact that we no longer have the benefit of his services disturbs him. He said that this was done poorly, it was probably done illegally but now he needs to move the borough forward as he has 42,000 residents to provide services to.

- Mr. Rucki questioned Transfer Resolution #2012-43.
Response given by CFO Kronowski.

- Eloise Hansen, 61 Price Street
 - Commented on Mr. Streck's remarks to Councilwoman Novak.
 - Stated that it is not so unusual as to how Mr. Bertrand was let go, as it happens in other industries. But asked what direction and plan the Council has for Sayreville.

- Fran O'Conner, 84 Weber Ave.
 - Informed the Council that after the bill passed the full house and Governor Christie signed it there is now a question if there is any more funds left in the Bond Act that they were pursuing for the million dollars to aid the Weber Avenue residents. They are looking forward for Assemblyman Wisniewski and Senator Vitale to continue to work hard to gain this funding.
 - Questioned how the alarm on the Weber Avenue pump station would operate after it is activated tomorrow.
Councilwoman Novak that she had just been informed by the DPW Dept. and was not sure. The Engineer said that he was not entirely sure who would be notified, he knew it would be a dial-up system but who it would be going to he was not sure.
Councilwoman Novak stated that she would get more information on the notification system.

- Robert Kominkiewicz, Ernston road
 - Wants to be sure that someone look into the lack of handicapped parking at the Shop Rite and that if it should snow that they not plow in those spaces.
Mayor asked that he give his phone number to the Clerk and he would have Kirk Miick contact him and give him a report.
 - Geese problem in Kennedy Park.
Response by Mayor O'Brien on how Sayreville tries to control the geese.
 - Commented that Mr. Bertrand was a good employee and how he helped Sayreville.

There being no further questions or comments Councilwoman Eicher moved to close the Public Portion. Seconded by Councilman Bella.

Roll Call: Voice Vote, all Ayes.

Mayor announced for the record that this Friday, January 27th at 2:00 P.M. he will be giving his Annual State of the Borough Address here in the Council Chambers.

- **EXECUTIVE SESSION ITEMS**

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

Attorney DuPont read the following Resolution into record:

RESOLUTION FOR CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 5 minutes to discuss the following matters:

Personnel and Litigation

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

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

/s/ Councilwoman Lisa Eicher

APPROVED:

/s/ Kennedy O'Brien
Mayor

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

Roll Call: Voice vote, all Ayes. Carried.

Time: 8:27 PM

• **RECONVENE**

Councilwoman Eicher moved to reconvene the meeting. Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

Time: 8:37 P.M.

ADJOURNMENT

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:37 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

2/27/12
Date Approved

