

Combined Meeting of the Mayor and Borough Council held on Thursday, March 21, 2013, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Council President Dan Buchanan at 7:06 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.

Council President Buchanan stated that the Mayor was here tonight but he just asked that we start the meeting without him.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Eicher, Henry, McGill, Novak.

Absent: Councilman Melendez

Others Present: Mayor Kennedy O'Brien, Mayor (Mayor was in the building but not yet presiding over meeting)
Business Administrator Daniel Frankel
CFO Wayne Kronowski
Municipal Clerk Theresa Farbaniec
Engineer Jay Cornell
Attorney Michael DuPont, Esq.

Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

Council President Buchanan made a motion to approve the following minutes of the Mayor and Council, subject to correction if necessary:

- ☒ January 28, 2013 Combined Meeting
- ☒ January 28, 2013 – Closed Session
- ☒ February 11, 2013 Combined Meeting
- ☒ February 11, 2013 – Closed Session
- ☒ February 19, 2013 - Receipt of Bids (Misc. Water Dept. Equipment & Water Dept. Chemicals/New Treatment Plant)

Motion seconded by Councilwoman Eicher.

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

- **PRESENTATIONS**

- Certificates of Recognition being presented to:

- 1) **Michelle Dawidziak** for her exemplary conduct and outstanding performance in conducting a fund raising event during a Yoga Class on March 1st and raising \$1,025. for Sayreville storm relief.

- **OLD BUSINESS**

(Mayor entered during this discussion and presided over the meeting).

- Joe Kupsch, Tax Assessor to report on Open Space's Recommendation to sell borough owned property known as Block 419, Lot 4-8.01/Division Street. Mr. Kupsch reported that this parcel was a vacant lot in an R-10 Zone surrounded by other houses. The zoning in South Amboy is also residential. He said that it is not connected to any other property or needed for open space. he said that a former resident came to a meeting and made a request to purchase and the council referred the request to the Open Space Committee and they spoke with the person and he gave them a presentation and Open Space recommended that the lots be sold then in August the Council authorized Stern and Dragoset to prepare an appraisal. He said that it was a buildable lot.

Councilwoman Novak supported that sale of the Property.

Councilwoman Eicher expressed her concerns about the sale of a buildable lot and that she would like to keep it as open space.

Councilman Henry questioned if it would have to be offered to adjacent property owners first. Joe referred that to the Borough Attorney.

Councilman Buchanan stated that he did not want to see a house on that property.

Councilwoman Novak made a motion to sell this piece of property, she expressed her concerns about the liability the property has to the municipality. Councilman Henry seconded the motion, referring the process to the borough attorney.

	Ayes	Nay
Roll Call: Councilpersons Buchanan		X
Eicher		X
Henry	X	
McGill	X	
Novak	X	

a) Public Hearing on the following Ordinance(s): (none)

NEW BUSINESS:

a. Municipal Clerk reported having received the Supplemental Debt Statement as of March 21, 2013 from CFO Kronowski.

Councilman Buchanan moved the Supplemental Debt Statement be received and filed. Motion seconded by Councilman Henry.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, & Novak, all Ayes. Carried.

b. Introduction of the following Ordinance(s):

ORDINANCE No. 216-13
BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF
REPLACEMENT VEHICLES FOR THE SEWER DEPARTMENT IN,
BY AND FOR THE BOROUGH OF SAYREVILLE,
NEW JERSEY, APPROPRIATING \$240,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$228,000 BONDS OR NOTES OF
THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION

(Co. Novak, Admin. & Finance Committee – Public Hearing, April 8, 2013)

Councilwoman Novak moved this Ordinance be approved on first reading, advertised according to law and a Public hearing be held on April 8, 2013. Motion seconded by Councilman Henry.

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

CONSENT AGENDA/RESOLUTIONS

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

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street
 - Commented on Resolution #2013-96 & #2013-97, felt that the Department of Public Works did not need any more vehicles/equipment.
 - Commented on Resolution #2013-95 and the amount of money being used for fireworks.

- Questioned Resolution #2013-94 and if the appointment of this Maintenance Repairer was being done in accordance with Civil Service rules. Business Admin. Frankel replied that we follow Civil Service Rules.

No further questions or comments.

Councilwoman Novak made a motion to **Table Resolution #2013-98**. Motion seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

Councilman Buchanan made a motion to close the public portion and adopt all other the Consent Agenda Resolutions. Seconded by Councilman Henry.

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

Councilman Henry asked that the amount of money we are saving in Resolution #2013-89 could be used in other bonding issues or the purchase of other items or in the reduction of the budget.

Mr. Kronowski responded that we would not be able to use it to reduce the budget but because that amount comes from a Two Million dollar appropriation it would be able to be used for additional road projects.

RESOLUTION #2013- 88

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/ Daniel Buchanan_____
Councilman

_____/s/ David McGill_____
Councilman

_____/s/ Lisa Eicher_____
Councilwoman

_____/s/ Absent_____
Councilman Ricci Melendez

_____/s/ William J. Henry_____
Councilman

_____/S/ Mary J. Novak_____
Councilwoman

**Bill list of March 21, 2013, in the amount of \$2,187,303.13
(Bill List – See Appendix 2013-A for this date, in a separate Bill List File for 2013).**

RESOLUTION #2013-89

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

- Project: 2010 Roadway Paving and Reconstruction
project – Phase II
- Contractor: Lancha Construction Corp.
46West Grochowiak Street
South River, NJ 08882

- Net Decrease: \$26,136.79
- 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/ William J. Henry
William J. Henry, Councilman
(Public Works Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE**

Formatted: Font: Cambria, 12 pt, Bold

Formatted: Font: Cambria, 12 pt, Bold

/s/ Theresa A. Farbaniec

Theresa A. Farbaniec, RMC

Municipal Clerk

/s/ Kennedy O'Brien

Kennedy O'Brien,

Mayor

RESOLUTION #2013-90
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: 2010 Roadway Paving and Reconstruction Project – Phase II
- Contractor: Lancha Construction Corp.
46 West Grochowiak Street
South River, NJ 08882
- Balance Due: \$ 18,283.20

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

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

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

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.
2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.
3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.
4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$44,868.66 and the approval of same as to form and sufficiency by the Borough Attorney.

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

ATTEST: _____ BOROUGH OF SAYREVILLE

Formatted: Font: Cambria, 12 pt, Bold
Formatted: Font: Cambria, 12 pt, Bold

/s/ Theresa A. Farbaniec /s/ Kennedy O'Brien
Theresa A. Farbaniec, RMC Kennedy O'Brien,
Municipal Clerk Mayor

RESOLUTION #2013-91
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: Department of Public Works Building Repairs & Alterations
- Contractor: JDS General Contracting, Inc.
304 Monmouth Road
Millstone, NJ 08510
- Balance Due: \$ 4,385.36

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

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

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

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

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

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

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

4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$32,890.20 and the approval of same as to form and sufficiency by the Borough Attorney.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

Formatted: Font: Cambria, 12 pt, Bold

Formatted: Font: Cambria, 12 pt, Bold

/s/ Theresa A. Farbaniec /s/ Kennedy O'Brien
Theresa A. Farbaniec, RMC Kennedy O'Brien,
Municipal Clerk Mayor

RESOLUTION #2013-92

WHEREAS, on March 5, 2013, bids were received for "Melrose Firehouse Parking Lot Improvement project"; and

WHEREAS, there was one bid receive for the contract for Melrose Firehouse Parking Lot Improvements and was over the budget appropriation.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council that the bid received on March 5, 2013 for "Melrose Firehouse Parking Lot Improvements" be and the same is hereby rejected and the Municipal Clerk is hereby authorized and directed to return bid security and to re-advertise for same.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

Formatted: Font: Cambria, 12 pt, Bold

Formatted: Font: Cambria, 12 pt, Bold

/s/ Theresa A. Farbaniec /s/ Kennedy O'Brien
Theresa A. Farbaniec, RMC Kennedy O'Brien,
Municipal Clerk Mayor

RESOLUTION #2013-93

BE IT AND IT IS HEREBY RESOLVED, that the proper Borough officials are hereby authorized and directed to execute an Inter-local services agreement with the Middlesex County Department of Transportation in order for the County to provide continued Senior Citizen Bus Transportation for the years January 1, 2013 through December 31, 2015.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Formatted: Font: Cambria, 12 pt, Bold

Formatted: Font: Cambria, 12 pt, Bold

RESOLUTION #2013-94

BE IT RESOLVED that the following person is hereby appointed to the following title and department:

NAME OF APPOINTEE: Jeremy Clark
POSITION: Maintenance Repairer
DEPARTMENT: Water & Sewer Department
EFFECTIVE: March 25, 2013

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

/s/ Lisa Eicher, Councilwoman
(Water & Sewer Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Kennedy O'Brien,
Mayor

Formatted: Font: Cambria, 12 pt, Bold

Formatted: Font: Cambria, 12 pt, Bold

RESOLUTION #2013-95

BE IT RESOLVED that the proper officials are hereby authorized to execute Agreement and Application for permission to conduct Fireworks Display between International Fireworks, PO Box 6, Sycamore Road, Douglasville, PA 19513, and the Borough of Sayreville, covering display to be held at Kennedy Park on June 30, 2013 (rain date July 1, 2013) at a cost not to exceed \$12,500.00, subject to International Fireworks providing the appropriate insurance coverage as required by the Borough and further subject to said insurance indemnifying the Borough with regard to liability caused by the fireworks including personal injury and or property damage.

/s/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Formatted: Font: Cambria, 12 pt, Bold

Formatted: Font: Cambria, 12 pt, Bold

RESOLUTION #2013-96

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, through State Contract #A83560, One (1) 2013 Ford F-450, 4WD Mason Dump Truck with Plow for the Borough of Sayreville, Department of Public Works Department, from Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07962, at a total cost not to exceed \$45,137.00.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

Formatted: Font: Cambria, 12 pt, Bold

Formatted: Font: Cambria, 12 pt, Bold

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-97

BE IT RESOLVED that the proper Borough officials are hereby authorized to purchase, through State Contract #A83560, Two (2) 2013 Ford F-250, 4WD Pick-Up Trucks with Plow for the Borough of Sayreville, Department of Public Works Department, from DFFLM, LLC, t/a Ditchman/Flemington Ford, 215 Route 202 & 31, Flemington, NJ 08822, at a total cost **not to exceed \$26,042.00 each**.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**

Formatted: Font: Cambria, 12 pt, Bold

Formatted: Font: Cambria, 12 pt, Bold

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

ESOLUTION #2013-98 - Tabled

OPPOSING SENATE BILL S-2364 AND ASSEMBLY BILL A3553

WHEREAS, Senate Bill S-2364 and Assembly Bill A-3553 propose to create a system of early voting in the State of New Jersey; and

WHEREAS, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

WHEREAS, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

WHEREAS, these bills would require for each primary and general election a public facility, except a public school, located in each municipality in an area of high concentration of population to be open and available to registered voters starting 15 days before an election for early polling, possible conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and

WHEREAS, these bills would require retraining of poll workers and dramatically increase hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training poll workers is already a difficult process; and

WHEREAS, these bills would increase costs to municipalities, including overtime pay for workers; and

WHEREAS, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicate funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and

WHEREAS, the opportunity for “Early Voting” already exists in the State of New Jersey through the Vote by Mail ballot process.

NOW THEREFORE BE IT RESOLVED, that the governing body of the Borough of Sayreville in the County of Middlesex does hereby oppose S-2364 and A3553; and

BE IT FURTHER RESOLVED, the governing body of the Borough of Sayreville does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be sent to the Office of the Governor, Senate President Sweeny, Senators Gill and Whelan, sponsors of S-2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Benson, Conaway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections, and the New Jersey League of Municipalities.

TABLED BY CO. NOVAK, SECONDED BY CO. HENRY
Mary J. Novak, Councilwoman

Municipal Clerk Farbaniec read the following Resolution in full:

READ IN FULL

RESOLUTION #2013-99

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the replacement of floating docks at Buchanan Park and that he be paid for said services at a fee not to exceed \$2,500.00.

BE IT FURTHER RESOLVED that upon approval of said plans and specifications for the project the Borough Clerk is also herein authorized to advertise for the receipt of bids.

William J. Henry, Councilman
(Public Works Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE** _____

_____/s/ Theresa A. Farbaniec, RMC /s/ Kennedy O'Brien
_____ Municipal Clerk Mayor

Formatted: Font: Cambria, 12 pt, Bold
Formatted: Font: Cambria, 12 pt, Bold

Mayor opened the meeting to the public on Resolution # 2013-99. No one appeared.

Councilman Buchanan made a motion to close the public portion and adopt Resolution #2013-99 as read in full. Motion seconded by Councilman Henry.

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

Councilwoman Eicher asked the Mayor if he could call upon if Larayne Payani as she would like to address the Mayor and Council about the Storm Relief monies.

- Larayne Panayi, 21 VanLoan Avenue
Representing the Storm Relief Center

She said that their original recommendation was to use Middlesex County Long Term Relief Fund organization for the disbursement of Sayreville storm relief funds, but she has since found out that it was going to be a very long process as they were not fully staffed with case workers. They are waiting on training and funding. In addition the residents would have to show a lot of documentation, so after further review they found that it is not beneficial for the residents to use this methodology for disbursement.

Mayor O'Brien said that the Long Term Recovery Fund Org. contacted him and expressed that they feel that they are being cast in a light that they do not agree with. So although Sayreville Storm Relief people want to do it differently he does not want it to appear that the Long Term Recovery people are anything but as committed and driven by the goodness in their heart as their group is.

Ms. Payani agreed and still urged all residents to apply for Long Term Recovery just wants to handle the money collected differently. She said that she is hearing that the money collected for Sayreville residents they want the money to be spread evenly for everyone. She said that in their case that there would be people that would not be eligible based upon salary, etc.

Mayor said that it was his knowledge that with Long Term Recovery the invoices would be submitted to them and they would pay the invoices. And that it is his understanding that through their group they would be doing an equal disbursement. He asked how many families have been impacted by the storm.

Ms. Panayi said 557 would share approx \$175-\$200. in gift card for all homeowners and renters.

Councilman Henry asked about the funds the Relief Fund may receive after distribution.

Ms. Panayi said that this is for immediate relief any future methodology as not been decided yet.

Sayreville Business Admin., Mr. Frankel the Business Admin. said that he would like to see a check and balance system in place. Residents would have to show identification and sign for the receipt of the fund.

The Borough Attorney told the governing body that there needs to be a motion made.

The Mayor asked the attorney to frame the motion.

Motion formatted by the Borough Attorney

Mr. DuPont said the motion would be for a Resolution to rescind the prior Resolution authorizing the monies currently being held by the Borough for Storm Relief that was directed to be administered through the Middlesex Long Term Relief Fund be rescinded.

This motion was moved by Councilwoman Eicher and seconded by Councilman Buchanan.

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

Councilwoman Novak asked for a time frame.
Ms. Panayi said that she was hoping for weeks.

Mr. DuPont said the next motion would be for a Resolution to allow the Sandy Relief Fund to be distributed equally amongst all of the 557 homes, subject to confirmation as well as validation by the Business Administrator.

Mr. Frankel further moved the motion state that it be for the people living in the dwelling at the time of the event.

So moved by Councilwoman Eicher and seconded by Councilman Buchanan.

Councilwoman Eicher commented that she does believe in the Long Term Recover Group and believes everyone should fill out the forms, but the money that was raised the days starting after the storm was to be for all of the residents of Sayreville so this way is the best way to disburse this the money and any other money after.

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

Mayor thanked Larayne Panayi as she always keeps him updated on what she is doing and how it is going. He also thanked the Long Term Recovery Term. He said that each group is working toward the same goal which is to serve their fellow residents who were impacted by hurricane sandy. Both groups are to be commended and thanked for all they do.

- **EXECUTIVE SESSION ITEMS**

Council President 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:

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/ Lisa Eicher, Councilwoman

APPROVED:

/s/ Kennedy O'Brien
Mayor

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

Roll Call: Voice vote, all Ayes. Carried.

Time: 7:35 PM

- **RECONVENE**

Councilman Buchanan moved to reconvene the meeting. Motion was seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

Time: 7:55 P.M.

- **MAYOR – Kennedy O'Brien**

- Appointments

- a) EMERGENCY MANAGEMENT COORDINATOR – 3 YEAR TERM
BARRY ECK 4/1/13 – 3/31/16

Councilman Buchanan asked that we bring in Barry before our next meeting for an interview type of process so we could discuss with him the last storm and his plans for upcoming emergencies. Mayor asked if he wanted full council. Councilman Buchanan stated that he did at the meeting should start at 6PM. Mayor asked that the appropriate Rice Notice be issued.

- b) LIBRARY BOARD OF TRUSTEES – ALT. FOR MAYOR – 1YEAR TERM
KAREN PERNO

Mayor appointed Karen Perno as the Alt. for the Mayor on the Library Board for a 1 year term.

- c) GREEN TEAM APPOINTMENTS (Recommendation & list in packet)
Mayor requested the following people be appointed to the Green Team for a 3 year term.

Councilman Henry asked if they could be staggered terms. 5 at three years, 5 at two year and 5 at one year – Mayor said the ordinance would have to be amended.

Mayor nominated the following people:

All Three year terms – Elyse Barone, Teri Yetsko, Bonnie Brady, Rebecca Garbowski, Danielle Maiorana, Donna Zaleski, Dan Occhipinti, Kira Gagliardi.

Councilman Buchanan moved the Mayors nomination. Motion was seconded by Co. Henry.

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

Mayor stated that he was not feeling well and excused himself from the meeting.
Time 8:00 PM

Council President Buchanan presided over the meeting.

Council president then called for Communications and Committee Reports.

BUSINESS SESSION AGENDA COMMUNICATIONS & COMMITTEE REPORTS

- **ADMINISTRATIVE & FINANCE – Councilwoman Novak**

Councilwoman asked the clerk to read the names of the appointees for the Green Team, stating that there seem to be two not appointed.

Council President Buchanan stated that the Mayor did not appoint two from the list presented by Recycling Coordinator.

Councilman Henry further reported that one individual did not live in Sayreville and the other did not sign the application.

- a) Minutes & Departmental Reports

Councilwoman Novak made a motion to receive and file the following Minutes:

- 1) Municipal Clerk’s report for the month of February, 2013
 - 2) CFO’s Investment Report for the month of January, 2013
- Motion seconded by Council President Buchanan.

b) Motion to refer the following 2013 Tax Appeals to Tax Counsel:

Plaintiff/Petitioner	Block	Lot	Address
Patel, K & Patel, B & Patel, R	366	52	1481 Oak Tree Rd.
Stephen & Linda Rainey	524	17	3 Andrew Ct.
John & Louise Roberts	411.04	2	3 Reseau Ave.
Manuel Melendez	336	7	16 Robinhood Dr.
Gerda Ameristeel	246	1.05 & 1.07	Rear of Main St.
Verizon	439.01	5	934 Rt. 9
Hillside Estates	10	2	Bordentown Amboy Tpk
Macknowski, Robert S & Karen	524	11	67 Morris Court
Latchman, Eshwar & Melissa	72	42	10 Kolb Ave.

c) Motion to approve the following application(s) for Bingo/Raffle Licenses:

- Application of Sayreville Leprechauns to conduct a Bingo on April 19, 2013 at the Sayreville Senior Center (BA:478).
- Application of Sayreville Senior Citizens Tuesday Club to conduct On-Premise 50/50 Raffles on 9 various dates in 2013 at the Sayreville Sr. Center (RA:1807).

- Approved

d) Received notice that the NJ Office of Admin. Law has scheduled public hearings on a petition of proposed rate increases and other adjustments with respect to JCP&L’s Tariff Rates and Charges and Revisions (see notice on file for dates & places).

- Post Notice & File.

Council President Buchanan requested permission to have the borough attorney prepare a Resolution opposing the proposed rate increases, etc., due to their lack of response and delays in getting power restored during hurricane sandy.

No objections – Resolution.

e) Committee Reports:

1) Councilwoman Novak reported that we have a preliminary budget which they are still looking to reduce. One area if reduction is the anticipated reimbursement from FEMA and we are also looking to apply water department revenues that were in arrears.

Progress.

- **PLANNING & ZONING – Councilman McGill**

a) Minutes & Departmental Reports

Councilman McGill made a motion to receive and file the following Report:

1) Construction Official’s report for the month of February, 2013.

Motion seconded by Councilwoman Novak.

b) Reported on receiving a Resolution from the Middlesex County Planning Board’s well wishes to John J. Reiser, Jr., County Engineer on his retirement after 40 years of service to the County.

- Receive & File

c) Notice of an application being submitted to the NJDEP to request approvals for the proposed Woodbridge Energy Center for Freshwater Wetlands General permits, coastal permits, etc.

- Receive & File

d) **Public Notices & Notices to the Borough of Sayreville as an Adjacent property Owner:**

- 1) Public Hearing Notice received from the CPV Shore, LLC on an application before the **Edison Zoning Board on March 26, 2013** and the **Sayreville Planning Board on March 20, 2013** to consider an request for use Variance Approval, Height Variance approval, Waiver of Site Plan Review, etc. for the development of overhead and underground electric transmission facility in Edison Twp. necessary for the Applicants proposed Woodbridge Energy Center electrical generating facility in Woodbridge Twp.

- Receive & File

e) Committee Reports:

1. Progress.

- **PUBLIC WORKS – Councilman Henry**

a) Minutes & Departmental Reports:

Councilman Henry made a motion to receive and file the following Reports:

- 1) Buildings & Grounds, Parks Dept, Recycling, Road and Garage Services

Supervisor's report for the months of January & February, 2013

- 2) Sanitation Supervisor's report for the month of January, 2013.

Motion seconded by Councilwoman Novak.

b) Request received from **American Cancer Society's Relay for Life of South River** for authorization to **hang promotional banners** from April 28-May 3, 2013 at the following location, advertising their Relay for Life event scheduled for May 18, 2013:

- Pole JC643SE/JC621SE – Main Street & MacArthur Ave.

- Approved

c) Received a request from DPW Director and Recycling Coordinator that the Borough of Sayreville adopt a resolution urging the Governor and Legislature to retain funding in the State Recycling Budget Fund in the FY2014 State Budget.

- Resolution.

d) Committee Reports:

1. _____

- **RECREATION – Councilwoman Eicher**

a) Minutes & Departmental Reports: (none)

b) Application for Special Event received from

- **St. Stanislaus Kostka RC Church** for a Parish Carnival to be held June 19-22, 2013 on parish property. Any police expenses will be billed directly to the organization. All necessary inspections will be made.
- **Isabella Fitness 5K Walk/Run** will be held on June 8 (rain date June 9), 2013 in Kennedy Park from 8AM-11PM. Proceeds to benefit St. Jude's Research Hospital.

- Prepare Resolutions if required.

c) Committee Reports:

1. Councilwoman Eicher reported on various recreation trips, events and sign ups.
2. Congratulated the Sayreville Bomber Cheerleaders on their placing second at Nationals in Florida.
3. Reported that Roman Santiago a 2009 graduate from Sayreville who is now attending Ryder University and on Deans List is the first wrestler ever from Sayreville to go into a National Tournament – Division 1 which means he is one of 32 best wrestlers from the nation chosen to compete.
4. Clothing drive this Saturday for Pay for by the Pound and all proceeds will go to the Storm Relief Fund.
5. Carpeting is available tomorrow to all affected residents and will be available at the Storm Relief Center Suite L, afterwards check the web site.

WATER & SEWER –

a) Minutes & Departmental Reports:

Councilwoman Eicher made a motion to receive and file the following Reports:

- 1) Water & Sewer Director's Report for the month of February, 2013.

Motion seconded by Councilwoman Novak.

b) Committee Reports:

1. _____

• **PUBLIC SAFETY – Council President Buchanan**

a) Minutes & Departmental Reports

Councilman Buchanan made a motion to receive and file the following Reports:

- 1) Board of Health minutes from February 7, 2013
- 2) Municipal Court Admin. Report for the month of February, 2013
- 3) Fire Prevention Specialist Report for the month of February, 2013
- 4) Board of Health – Registrars and County Health Inspectors report for the month of February, 2013.

Motion seconded by Councilman Henry.

b) Requests for coin toss to be held at Washington & Ernston Roads received from:

- 1) Sayreville Bombers Golf on April 14th from 10AM-2PM

-Approved pending County approval.

c) Committee Reports:

1. Councilman Buchanan asked the Business Admin. if he had any information on his request for increased street lighting along county roadway Main Street and portion of Washington Rd.

- Mr. Frankel reported that he did not receive a response.

2. Councilman Buchanan commented on a series of e-mails between the Mayor to the construction office last week and felt it raised serious ethical and legal questions regarding the Mayor's office and how borough business is conducted.

Councilman Buchanan asked the Borough Attorney if it was legal or ethical for the Mayor or any member of the governing body to instruct the Code Enforcement Officer not to investigate or to ignore a code violation or not to do their job or to apply the enforcement of the law in summoning individuals and not others.

The Borough Attorney replied "no not based upon those facts".

Councilman Buchanan proceeded to read the e-mails that began on March 12, 2013. Councilman Buchanan then stated that he nullified the Mayors orders made in these e-mails and made a statement regarding these actions.

Comments were also made by Councilman Henry that at no time had he issued a complaint about the Temple.

Councilwoman Novak made a motion to send these e-mail's to the County Ethics Board for clarification and question if there were any violations. Motion seconded by Councilman Henry.

Roll Call: Voice vote, all Ayes.

• **MAYOR – Kennedy O'Brien**

- Appointments (all reported on earlier in meeting prior to the Mayor leaving).

- a) EMERGENCY MANAGEMENT COORDINATOR – 3 YEAR TERM
BARRY ECK 4/1/13 – 3/31/16

- b) LIBRARY BOARD OF TRUSTEES – ALT. FOR MAYOR – 1YEAR TERM
KAREN PERNO

- c) GREEN TEAM APPOINTMENTS (Recommendation & list in packet)

- **BUSINESS ADMINISTRATOR – Daniel E. Frankel**

1) Authorization for CME Associates to prepare plans and specifications for the replacement of the boat docks at River Road which were lost during Super Storm Sandy and upon approval authorization for the Borough Clerk to advertise for the receipt of bids.

- Resolution to be read in full tonight.

2) Discussion on authorization for the Borough Attorney to prepare the necessary Ordinance for an application and approval process for the placement of clothing/recycling bins on both public and private property

- Refer to Borough Attorney for revisions and introduction at next meeting.

3) Mr. Frankel informed everyone that we continually put information as it comes available on our web site, so he implored people to keep reviewing the site.

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

1) Bill List Resolution

- **ENGINEER - Jay Cornell**

1. Annual Maintenance & Repair of Emergency Generators – Receipt of Bids (verbal report).

2. Purchasing of a New Emergency Rescue Boat and Trailer – Receipt of Bids (verbal report).

3. Leasing of One (1) Location for Antennae Space on the Pulaski Avenue Water Storage Tank – Receipt of Bids (verbal report).

Items 1, 2 & 3 –

Bids due on April 2nd, request for authorization to place a **resolution on for April 8, 2013 agenda** for action.

- Approved

4. The Borough Engineer gave a report on the Ernston Rd/Bordentown Ave. project.

- **BOROUGH ATTORNEY - Michael DuPont**

- none

Before opening to the public Councilwoman Novak asked if there was a date for the basketball game between the bravest and the finest. Someone from audience replied that it is being rescheduled.

Councilwoman Novak asked for the appointment to the Special Committee to deal with the issues, review and report on the issues discussed in closed session. She said that the Public Safety Committee is already involved with a lot of other matters. She also requested to be part of the committee.

Council President Buchanan said that the Mayor would like a report by the next council meeting. He nominated Councilpersons Henry, McGill and Novak.

PUBLIC PORTION

At this time the Council President Buchanan opened the meeting to the public for any and all issues.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street
- Asked if the Mayor and Council met with Mrs. Quackenbush and residents of Harding.

Council President reported that a sub-committee met with the residents. He said that there are some issues due to the fact that the Housing Authority is an autonomous body. He asked the Borough Attorney if we could meet with their attorney and director on a sub-committee basis as well to get on a better working relationship with them.

- Commented on a fundraiser scheduled at the Senior Center this weekend and the distribution of alcohol. She said that she spoke with several elected officials who indicated that Sayreville has an ordinance that reads no alcohol in public buildings.

Councilwoman Novak stated that there was no ordinance on the books but would have the attorney review it.

- Dralle Fung, 84 Harding Avenue
Personally thanked the Councilmen for coming out to Harding Avenue on Monday and meeting with the residents. He felt that the problem, hopefully has been resolved and peace and tranquility has returned on the block.
- Ed Strek, 58 Nickel Ave.
Agreed with Barbara Kilcomons about no alcoholic beverages being allowed in the Sr. Center.

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

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION ITEMS** - held earlier in meeting.
- **ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:32 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved