

CALL TO ORDER

Special Meeting of the Mayor and Borough Council held on May 1, 2017 was called to order by Mayor Kennedy O'Brien at 7:00 P.M. followed by a salute to the flag.

STATEMENT OF NOTICE OF PUBLICATION

Borough Clerk announced that this Special Meeting 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: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Melendez,
Novak

Absent: None

Others Present: Mayor O'Brien
Municipal Clerk Farbaniec
Business Admin. Frankel
Attorney Ed Washburne
Labor Counsel Bob Clarke

Mayor stated that with respect to the veterans present here tonight and police officers who have family at home he will be opening the meeting to the Public at this time.

Those appearing were:

Douglas Gumprecht, Member of Local PBA Local 98 and employee of the Borough of Sayreville.

Expressed his concerns about the police list. Stated that in the past the council would call for a list, hire off the list and dispose of it. His concern was that this would no longer be the practice. He also expressed concerns as a veteran. He said that it is his belief that the current list ran its course and the new list should be called for and hired from as the veterans would be at the top of the list and should be afforded the right to be hired by the borough.

Mayor stated that we are about 40 down on the police officer list. This list came out about 3 years ago. This list expires on July 2nd (I believe). The academy starts the very end of August. That is the extent of what I know. Which list to choose is what will be discussed in closed session.

Mr. Gumprecht asked that the council have another public session following the closed session. Mayor stated that he would.

- Stanley Drwal, 121 Bissett Street
Service Officer at the VFW 4699
Past Councilman and Retired Military Officer

States in past years the borough hired off a list and then sent it back. His opinion was that the borough is trying to pass the veterans on the new list. He said that veterans offer many skills. If we have already went through 40 off the current list we should use a new list. Commented on articles regarding circumventing the hiring of veterans over the last ten years and the use of Veteran's Preference. People who serve have a lot of skills that a civilian would not have.

No further questions or comments.

Council President Buchanan moved to close the public portion. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Melendez, Novak, all Ayes.

Mayor stated that they would be retreating into a closed session and when they return would hold another public portion. But before going into closed he wanted to state that Councilwoman Novak's son is on the current list and Councilwoman Kilpatrick's brother is on the list. He said that he would need a ruling from the attorney as to whether or not they can participate.

Councilwoman Novak said that she already spoke with Attorney DuPont after an ethics class last week and it was specifically said that as long as the child is not the dependent, it is not an ethical problem and she asked the attorney to confirm that and he agreed stating that she could vote on this.

Mayor asked the Labor Counsel for his opinion.

Bob Clarke, stated that he has not looked at the ethics opinions with regard to that matter, so he cannot answer that question. He said that he could answer the questions of the public but not on this ethics issue.

Councilwoman Kilpatrick stated that her brother is not a dependent of hers in any way, he does not live in her house. So there is no conflict.

At this time the Mayor called for a motion to enter into Executive Session.

At this time the Borough Clerk 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 30 minutes or longer if necessary, to discuss the following matters:

**Personnel
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/ Daniel Buchanan, Councilman

APPROVED:

/s/ Kennedy O'Brien, Mayor

Council President Buchanan moved the Executive Session Resolution be adopted on Roll Call Vote. Motion seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Melendez, Novak, all Ayes. Carried. Time: 7:12 PM

- **RECONVENE – 8:36 PM**

Council President Buchanan made a motion to reconvene. Motion seconded by Councilman Grillo.

Roll Call: Voice Vote, all Ayes.

Mayor stated that during closed session there was a straw vote taken declaring five (5) vacancies and that there is only one list, the existing list.

- **PUBLIC PORTION**

At this time Mayor O'Brien opened the meeting to the public on this matter.

Those appearing were:

- Doug Gumprecht, PBA President.

Questioned if there was a definitive answer on the ethics aspect on who could vote on what topics. He stated a case in Franklin Borough.

Attorney Washburne responded that he was not familiar with that case. He said that he spoke with Mr. DuPont the regular Borough Attorney. He said he went through the scenario with him and he did not see a conflict in these circumstances, an impropriety or an appearance of an impropriety.

Council President Buchanan stated that the straw poll taken was to declare how many vacancies there were.

Mr. Gumprecht then stated that they would wait and see what the outcome would be.

- Julia Sulakowski
Spoke about a housing issue.

Mayor told her that this was a special meeting on a specific item and if she would wait until the end of the meeting he would see if he could help.

- Stanley Drwal, Bissett Street
He asked what that five meant.

Mayor said that by declaring five vacancies, they will be hiring five police officers off the existing list.

Mr. Drwal said that as the veteran's service officer he will be following up with the National and State offices of Veteran's Affairs. He then commented on the ethics issue.

- Ed Strek, 58 Nickel Avenue
Asked if any of the five that would be eligible to become police officers are veterans?
Mayor responded that they were not.

Mr. Strek pointed out the service and sacrifice that the veterans give to the Nation. He then asked if there was another list that had veterans on it.

Mayor explained how Civil Service works, stated that when the borough is done hiring the unused list would be returned to the Dept. of Personnel for an update. He said that it is his understanding that there are a number of veterans on the newly generated list.

Council President Buchanan deferred to the Labor Counsel for the Civil Service rules on when there are openings, etc.

Labor Attorney Bob Clarke said that we only have one list-the current list and it is set to expire on July 2nd or 3rd. At that point the new list would come into play. If this list had been disposed of there would be no list to work from and the governing body would have to wait until the new list was certified. So right now this is the only list the borough can work from. The veterans that may be on the new list will have preference on that new list.

Mr. Strek asked who would be making the decision that the five eligibles are actually qualified to become police officers.

Mr. Clarke said that would be based on the list and the order of candidates on the list and the borough would have discretion on the top three candidates as they go down the list afterwards the department goes through a vetting process. Council President Buchanan said that the vetting process is always handled through police administration and they make the recommendation on who to hire. Councilman Melendez referred to the list we have today and if we hired veterans off this current list and if we went through every veteran on that list. Mr. Clarke said that he had not seen the list tonight but was told that we've exhausted all the veterans on this list.

- Doug Gumprecht

Said that for clarification that if the borough were to close this current list tomorrow they could certify a list that would include veterans, disabled veterans and minorities. Mr. Clarke wanted to make clear that there is only one list right now and that when the state comes up with a new list, we don't know when that is going to be. If the governing body decides that there are vacancies in the department to fill they have to work off of this current list of eligibles. Doug said that if the governing body chooses to dispose of this current list, you could move to have a new list assigned. Bob Clarke said that if the governing body decides there are no vacancies. He also said that besides the state law the borough has it's own ordinances that states that where possible – if funding is in place they are supposed to act within 45 days.

- Stanley Drwal

Asked how we arrived at the number five.

Mayor said that by our ordinance there are three vacancies with two more coming up due to retirements.

Mr. Drwal said that this is not an emergency and this gives the impression that they are trying to by-pass the new list.

Mayor said that three was the number that he proposed.

Mr. Drwal asked if the Chief could speak on this.

Mayor called up Police Chief Zebrowski.

Chief said that they had an exhaustive conversation in closed session. Talked about the police numbers and staffing over the years and always felt comfortable at the 89 level of staffing and we are currently operating at 86.

Councilman Buchanan asked about retirees and the chief said that he is certain of two more with another in October. Chief said that he had asked for a total of six throughout 2017.

-Art Walczak, 238 Kath Street

Commented that the current test list was issued in 2013. He commented about his son being in Afghanistan and when the new test should have been given. He said that there is now a new list that could be certified but the current one needs to be turned in. He said that the academy does not start until August so why hire off the old list? Commented on hiring from the old list, bypassing the new list that has veterans on it and allowing the new hires to sit around till the end of August.

Labor Counsel Bob Clark emphasized that there is only one list. There is another list that will be forth coming at some time in the future, but it does not exist now.

Mayor told Mr. Walczak would have to ask the four other members of the governing body his question as to why hire of the old list now. He said that they were hurting the veterans.

Mayor asked if there were any other questions or comments. There being no further questions or comments. Council President Buchanan made a motion to close the public portion. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Melendez, Novak, all Ayes. Carried.

Mayor asked if there was a motion.

Council President Buchanan stated that he moves (as discussed in closed session) that we acknowledge five (5) vacancies currently in the police department. Motion was seconded by Councilwoman Kilpatrick.

Roll Call: Ayes: Councilpersons Buchanan, Kilpatrick, Melendez, Novak
Nays: Councilpersons Grillo, Lembo.

Comments made by Councilman Grillo, Lembo and Novak.

Mayor called for a motion to get a new certified list.

Council President Buchanan said that before we do that, he asked for a legal opinion as to what they could do and not do with that request to calling for a new list.

Bob Clarke said that you have a current list which is the only list and if you do not want to hire off of that list you wouldn't be calling for vacancies in the department. If you are voting for vacancies this is the list you have to work from. If you are voting for a new list you are voting that there are no vacancies in the department. If there are vacancies you have to work off the existing list because of the ordinance.

Mayor said that with that being said he asked if there was any other business.

Mayor asked if anyone from the public had any other comments.

Appearing Was:

- Stanley Drwal, Bissett Street

Expressed his disappointment in not hiring from the new list which has veterans. He said he will follow up with the State and Federal Agencies.

-Anthony D'Onofrio, Abbott Ct.

Commented that he would rather hire from the new list with high scores and veterans.

No further questions or comments.

- **ADJOURNMENT**

Councilwoman Novak made **a motion to adjourn** this meeting. Seconded by Councilman Lembo.

Roll Call: Voice Vote, all Ayes. Carried.

Time: 9:02 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved