

Combined Meeting of the Mayor and Borough Council held on Monday, May 27, 2014 in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien 7:03 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this 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 her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Eicher, McGill, Melendez, Novak, Rittenhouse

Absent: None

Others Present: Kennedy O'Brien, Mayor  
 Daniel E. Frankel, Business Administrator  
 Theresa A. Farbaniec, Municipal Clerk  
 Jessica Morelos, Assistant Municipal Clerk  
 Wayne A. Kronowski, C.F.O./Treasurer  
 Jay Cornell, P.E., Borough Engineer  
 Michael DuPont, Esq., Borough Attorney

Others Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES - None**

- **PROCLAMATION & PRESENTATION:**

**Mayor asked the Public Safety Liaison, Co. Rittenhouse and Emergency Squad member Co. Novak to comment and make the presentation.**

**- Co. Rittenhouse stated that they received a letter Mr. Kapica stating how the emergency Squad came to his aid and as a result he is standing before us here today.**

- Councilwoman Novak stated that sometimes people think voluntary squad members have less training than full time paid members which in some cases is not true but they, the volunteers have the same or sometimes a lot more training the paid members. As it is a labor of love. They leave their families on a regular basis to help the residents of the town. She said that God put these members in the right spot at the right time to help Mr. Kapica. She thanked him for recognizing them in the letter as so many times it just goes unnoticed and it is good to hear what happens to our patients.

Councilwoman Novak said that in addition to the names on these certificates this goes out to all of the volunteer members of the Sayreville Emergency Squad as sometimes in their career they have performed life saving CPR.

Certificates to:

**Sayreville Emergency Squad Members for saving the life of Walter Kapica in an emergency situation:**

- Hamza Agha
- Keith Boyer
- Dexter Thomas
- John Szurlej
- Saad Seth
- Christopher Kong
- Berkant Sivirkaya
- Mohamed Saadeldin

Comments made by John Szurlej, President of the Emergency Squad for the recognition received.

Mayor recognized the Emergency Squad members for all they do and for all of the training they receive and continue to do.

- **OLD BUSINESS**

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

At this time Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #258-14**.

There were no appearances.

Councilman Buchanan moved the Public Hearing be closed and the Ordinance be adopted on second and final reading according to law. Motion seconded by Councilwoman Novak.

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

Notice of Public Hearing on Ordinance #258-14 was carried from the May 12, 2014 meeting.

**ORDINANCE #258-14**

**AN ORDINANCE FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES FOR THE YEARS 2013, 2014, 2015 AND 2016**

(Co. Buchanan, Admin. & Finance)

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville as follows:

**SECTION 1. Adoption of Salary Guide.**

The following annual salaries be and the same are hereby established for the following Borough Officials, officers and employees as per Schedules annexed hereto and made a part hereof.

**Borough of Sayreville -Management, Professionals and Non-Union Employee Salary & Wage Schedule**

APPENDIX 1  
(Salary Guide)

**SECTION 2. Severability Clause.**

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

**SECTION 3. Repealer.**

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

**SECTION 4. Effective Date.**

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

/s/ Daniel Buchanan, Councilman  
(Admin. & Finance Committee)

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**APPROVED:**

/s/ Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

At this time Mayor O’Brien opened the meeting to the public for questions or comments on **Ordinance #259-14**.

There were no appearances.

Councilman Buchanan moved the Public Hearing be closed and the Ordinance be adopted on second and final reading according to law. Motion seconded by Councilwoman Novak.

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

**ORDINANCE #259-14**  
**AN ORDINANCE SUPPLEMENTING AND AMENDING**  
**ORDINANCE #257-14 FIXING THE SALARIES OF CERTAIN BOROUGH**  
**OFFICIALS, OFFICERS AND EMPLOYEES FOR THE YEARS 2013, 2014, 2015 AND**  
**2016 AS SET FORTH IN THE S.A.M.S. BARGAINING AGREEMENT**

-Supervisor of Senior Citizen Activities title was excluded from Salary Guide-  
 (Co. Buchanan, Admin. & Finance-Public Hearing May 27, 2014)

**NOW THEREFORE BE IT AN IT IS HEREBY ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville that Ordinance #257-14 is hereby supplemented and amended to include the following title and salary as commensurated in the S.A.M.S. Bargaining Agreement for the years 2013, 2014, 2015 and 2016:

<b>Supervisor of Senior Citizen Activities</b>							
<b>1/1/2013</b>		<b>1/1/2014</b>		<b>1/1/2015</b>		<b>1/1/2016</b>	
MIN.	MAX.	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
\$59,885.	\$69,020.	\$61,083	\$70,400.	\$62,305.	\$71,808.	\$63,551.	73,244.

**BE IT FURTHER ORDAINED** the Appendix I attached to Ordinance #257-14 be supplemented and amended to include the Title of Supervisor of Senior Citizen Activities and that it be known as **Appendix II** and be dated upon adoption.

**Borough of Sayreville – SAMS Salary & Wage Schedule**

APPENDIX II

**SECTION 2. Severability Clause.**

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

**SECTION 3. Repealer.**

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

**SECTION 4. Effective Date.**

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

/s/ Daniel Buchanan, Councilman  
(Admin. & Finance Committee)

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**APPROVED:**

/s/ Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

• **NEW BUSINESS:**

a) Introduction of the following Ordinance(s):

**ORDINANCE #260-14**  
**AN ORDINANCE SUPPLEMENTING AND AMENDING**  
**CHAPTER 27 OF THE REVISED GENERAL ORDINANCES**  
**OF THE BOROUGH OF SAYREVILLE TO GOVERN SPECIAL EVENTS**  
(Co. Eicher, Recreation – Public Hearing – June 9, 2014)

Councilwoman Eicher moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing to be held on June 9, 2014. Motion seconded by Councilman Buchanan.

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

**b) Other**

**CONSENT AGENDA/RESOLUTIONS**

Mayor O'Brien opened the meeting to the public for questions or comments on the consent agenda items.

There were no appearances.

Council President Novak moved the public portion be closed and the Consent Agenda Resolutions be approved on Roll Call vote. Motion seconded by Councilman McGill.

Councilman McGill questioned Resolution #2014-145 as to what it was for.

Mr. Kronowski responded that this is relevant to the Community Development Block Program. They assist the borough with the housing and rehabilitation grant program applications and qualifications of those applying.

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

**RESOLUTION #2014-140**

**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.

	<u>/s/ Kennedy O'Brien</u> Mayor
<u>/s/ Daniel Buchanan</u> Councilman	<u>/s/ Ricci Melendez</u> Councilman
<u>/s/ Lisa Eicher</u> Councilwoman	<u>/s/ Mary J. Novak</u> Councilwoman
<u>/s/ David McGill</u> Councilman	<u>/s/ Arthur Rittenhouse</u> Councilman

**Bill list of May 27, 2014, in the amount of \$1,586,129.63  
(Bill List – See Appendix 2014-A for this date, in a separate Bill List File for 2014).**

**RESOLUTION #2014-141**

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

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
Frontier Building Corp. 1801 SW Third Avenue Miami, FL 33129	One (1) Construction Office Trailer	957 Rt. 9 No. Blk. 440, Lot 5

**WHEREAS**, said application has been referred to the proper department for investigation and review; and

**WHEREAS**, a favorable report has been received from the Zoning Officer covering the location of a said trailer;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council do hereby approve the above-captioned application for permission to locate one (1) temporary construction trailer for office use.

/s/ David McGill, Councilman  
(Planning & Zoning Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION # 2014-142**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE  
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,  
APPROVING AND AUTHORIZING THE ISSUANCE OF A  
SPECIAL EVENT PERMIT TO TRUMAN ELEMENTARY PTO  
TO A FAMILY MOVIE NIGHT**

**WHEREAS**, Truman School PTO has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a family movie night at Kennedy Park on May 31, 2014; and

**WHEREAS**, it is the belief of the governing body that these events provides activities which are family and community oriented;

**WHEREAS**, the Mayor and Borough Council agree that the event proposed will enhance community spirit; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that Truman School PTO is hereby granted permission to hold this Special Event and that a permit be issued for a family movie night to be conducted on May 31, 2014 at Kennedy Park.

/s/ Lisa Eicher, Councilwoman  
(Recreation Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION # 2014-143**  
**A RESOLUTION OF THE BOROUGH OF SAYREVILLE**  
**IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,**  
**APPROVING AND AUTHORIZING THE ISSUANCE OF A**  
**SPECIAL EVENT PERMIT**

**WHEREAS**, the First Presbyterian Church has applied for permission from the Mayor and Council of the Borough of Sayreville to conduct the following Special Events:

- Flea Market on June 7, 2014
- Jazz Music Family Night on June 27, 2014

**WHEREAS**, it is the belief of the governing body that these events provides activities which are family and community oriented;

**WHEREAS**, the Mayor and Borough Council agree that the events proposed will enhance community spirit; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that the First Presbyterian Church is hereby granted permission to hold these Special Event and that a permit be issued for a Flea Market to be conducted on June 7, 2014 and a Jazz Music Family Night be conducted on June 27, 2014 both to be held on the church parking lot.

/s/ Lisa Eicher, Councilwoman  
(Recreation Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-144**  
**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE**  
**COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING**  
**THE BOROUGH OF SAYREVILLE TO SUBMIT THE**  
**2014 ANNUAL ACTION PLAN TO HUD**

**WHEREAS**, the CDBG Committee proposes to use the 2014 allocation of \$178,474 from HUD for the following purposes:

- a) Willow Street Reconstruction in the amount of \$93,474.00
- b) Senior Center Boiler Replacement in the amount of \$70,000.00
- c) Administration and Planning costs in the amount of \$15,000.00; and

**WHEREAS**, the Governing Body of the Borough of Sayreville has reviewed the plan and has agreed that it is the best and highest use of the available funds; and

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that the Governing Body of the Borough of Sayreville authorizes the CDBG Coordinator to submit the 2014 Annual Action Plan to HUD as soon as convenient.

/s/ David McGill, Councilman  
(Planning & Zoning Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-145**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AWARDING THE CONTRACT FOR CASE MANAGEMENT OF THE HOUSING REHABILITATION LOAN PROGRAM TO REHABCO, INC.**

**WHEREAS**, the Borough of Sayreville received a proposal from Rehabco, Inc. to act as Case Managers of the Borough's Housing Rehabilitation Loan Program; and

**WHEREAS**, Rehabco, Inc. proposed charging \$1,000.00 per case; and

**WHEREAS**, after reviewing Rehabco, Inc.'s proposal the Governing Body of the Borough of Sayreville agreed that the proposal best served the needs of the Borough of Sayreville;

**BE IT AND IT IS HEREBY RESOLVED** that the Professional Services Contract for the Case Management of the Borough's Housing Rehabilitation Loan Program be awarded to Rehabco, Inc. at the rate of \$1,000.00 per case.

/s/ David McGill, Councilman  
(Planning & Zoning Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-146**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MODIFICATION AND DISCHARGE OF MORTGAGE FOR PROPERTY LOCATED AT 42 EVELYN TERRACE**

**WHEREAS**, a certain Mortgage dated February 28, 2007 was made by Dolores Kilpatrick, residing at 42 Evelyn Terrace, South Amboy, New Jersey 08879, identified as Block 433 Lot 14 on the official assessment maps of the Borough of Sayreville in the County of Middlesex and State of New Jersey to the Borough of Sayreville; and

**WHEREAS**, this Mortgage, never modified, was made to secure payment in the amount of Twenty Thousand, Seven Hundred and One Dollars (\$20,701.00) without interest. The mortgage was recorded or registered in the office of the County Recording Officer of Middlesex County, State of New Jersey, on July 13, 2007 in Book 12486 at Page 0542; and

**WHEREAS**, the Borough of Sayreville has consented to modify the Mortgage to the new amount of Six Thousand Two Hundred Ten Dollars (\$6,210.00); and

**WHEREAS**, when the holder of the Mortgage, Dolores Kilpatrick, pays the principal amount of Six Thousand Two Hundred Ten Dollars (\$6,210.00) to the Borough of Sayreville; a Discharge of Mortgage will be prepared and executed, discharging the Mortgage holder, Dolores Kilpatrick, from the mortgage debt.

**BE IT AND IT IS HEREBY RESOLVED** Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk of the Borough of Sayreville are authorized to execute a

Modification of Mortgage to the amount of Six Thousand Two Hundred Ten Dollars (\$6,210.00) and upon payment of the modified Mortgage by the Mortgage holder, Dolores Kilpatrick, Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk of the Borough of Sayreville are authorized to execute a Discharge of Mortgage for the property located at 42 Evelyn Terrace and to have same recorded by the Middlesex County Clerk.

/s/ David McGill, Councilman  
(Planning & Zoning Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-147**

**BE IT AND IT IS HEREBY RESOLVED** that the proper borough officials are hereby authorized and directed to execute a contract with Jammers Doors, 2850 Brunswick Pike, Lawrenceville, New Jersey, a State Contracted vendor (#A85294) for the purchase and installation of seven (7) Overhead Garage Doors and Two (2) Trolley Operators and that they be paid at a fee not to exceed \$28,916.00.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

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

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

**RESOLUTION #2014-148**

**BE IT AND IT IS HEREBY RESOLVED** that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for Refuse Containers for the Automated Sanitation Collection .

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

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

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

**RESOLUTION #2014-149**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, REJECTING THE BIDS RECEIVED FOR THE ELECTRICAL WORK AND REPAIRS**

**WHEREAS**, on May 6, 2014the Borough of Sayreville accepted Bid Proposals for Electrical Work and Repairs; and

**WHEREAS**, after all of the packages were reviewed it was found that the two (2) lowest bids contained numerous irregularities; and

**WHEREAS**, the third (3) lowest bid exceeded the funds available for said contract; and

**WHEREAS**, The Mayor and Council feel it would be in the best interest of the Borough to substantially revise the specifications for this bid.



**THEREFORE, BE IT AND IT IS HEREBY RESOLVED**, by the Mayor and Borough Council that all bids received on May 6, 2014 for Electrical Work and Repairs are hereby, and the Borough Clerk is authorized to re-advertise for same.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

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

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

**RESOLUTION #2014-150**

**WHEREAS**, on April 22, 2014 the Mayor and Council of the Borough of Sayreville received bids for a "Playground Equipment Installation"; and

**WHEREAS**, Certification as to Availability of Funds is annexed hereto;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council on this 27th day of May, 2014:

1. Contract for the "Playground Equipment Installation" be awarded to Whirl Construction, 187 Main Street, Port Monmouth, NJ J on their bid price of \$38,500.0 as appears on copy of bid document attached hereto and made a part hereof.

2. This resolution shall take effect immediately, upon execution of the proper documents.

/s/ Lisa Eicher, Councilwoman  
(Recreation Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-151**  
**RESOLUTION CANCELING BALANCES OF IMPROVEMENT**  
**AUTHORIZATIONS NO LONGER NEEDED**

**WHEREAS**, certain Water Capital Improvement appropriation balances remain dedicated to projects are now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance and unused debt authorizations may be canceled;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Sayreville that the following unexpended balances be canceled:

ORD. NO.	DESCRIPTION	FUNDED
<u>Water Capital Fund</u>		
62-08	Raritan Street Water Tank Rehabilitation	\$ 137,310.85
	Preliminary Engineering – Water Tank Rehab	\$ 44,526.15
	Reserve for Betterments and Extensions	\$ 10,000.00

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Chief Financial Officer for his records.

/s/ Daniel Buchanan, Councilman  
(Admin. & Finance Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/Kennedy O'Brien, Mayor

**RESOLUTION #2014-152**

**WHEREAS**, Kaplan Companies has filed driveway paving bonds with the Borough of Sayreville for Block 136.16, Lots 129 and 131 within Towne Lake Major Subdivision in the total amount of \$4,000.00; and

**WHEREAS**, the Borough Engineer's Office has recently performed a site inspection and has indicated that the required work has been completed and has recommended the release of said bonds;

**NOW THEREFORE, BE IT RESOLVED** that the proper Borough Officials are hereby authorized and directed to release said cash bonds in the total amount of \$4,000.00.

/s/ David McGill, Councilman  
(Planning & Zoning Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-153**

**WHEREAS**, on April 29, 2014, the Mayor and Council of the Borough of Sayreville received bids for the "2013 Roadway Paving & Reconstruction Project – Phase I"; and

**WHEREAS**, Certification as to Availability of Funds is annexed hereto;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council on this 27<sup>th</sup> day of May, 2014 that:

1. Contract for the "2013 Roadway Paving & Reconstruction Project – Phase I" be awarded to Lucas Construction Group, 173 Amboy Road, Morganville, NJ 07751 for a total of \$996,395.00 as appears on their bid documents and attached hereto and made a part hereof, subject to the waiver of minor irregularities.

/s/ Daniel Buchanan  
Daniel Buchanan, Councilman  
(Public Works Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2014-154**

**WHEREAS**, on April 22, 2014, the Mayor and Council of the Borough of Sayreville received bids for the "Improvements to Ernston Road"; and

**WHEREAS**, Certification as to Availability of Funds is annexed hereto;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council on this 27<sup>th</sup> day of May, 2014 that:

1. Contract for the “Improvements to Ernston Road” be awarded to Lucas Brothers, Inc., 80 Amboy Road, Morganville, NJ 07751 for a total of \$653,128.10 as appears on their bid documents and attached hereto and made a part hereof, with deletion items 19 to 32 subject to the waiver of minor irregularities and concurrence of the award of the contract by the New Jersey Department of Transportation.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O’Brien,  
Mayor

**RESOLUTION #2014-155**

**BE IT RESOLVED**, that the appropriate Borough Officials are hereby authorized and directed to execute a Host Agency Agreement between the Easter Seals of New Jersey and the Borough of Sayreville to participate in a Senior Community Service Employment Program for a period of July 1, 2014 to June 30, 2015.

**BE IT FURTHER RESOLVED** that the Sayreville Office on Aging shall provide the necessary signature and documented time sheets as required in said agreement.

/s/ Daniel Buchanan, Councilman  
(Admin. & Finance Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O’Brien,  
Mayor

**Business Session Agenda – MAY 27, 2014**

**COMMUNICATIONS & COMMITTEE REPORTS**

• **ADMINISTRATIVE & FINANCE – Councilman Buchanan**

a) **Minutes & Departmental Reports:**

Councilman Buchanan moved the following Minutes and or Reports be Received & Filed:

- Board of Education Minutes Special Meeting of April 18; April 24; April 28; April 29; April 30, 2014 and Combined Meeting of May 6, 2014.
- Municipal Clerk’s report for the month of April, 2014
- Investment Activities Report for the month of April, 2014

Motion seconded by Councilwoman Novak.

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

1) **Sayreville Senior Citizens Tuesday Club** to conduct On-Premise 50/50 Raffles on 6 occasions from July 8 through Dec 9, 2014.

- **Approved**

c) Committee Reports –

1) Thanked the Police, the Police Aux., the Veterans, the Veterans Alliance and the Public Works for their contribution in the Memorial Day Parade. He hoped that everyone took time to remember our Veterans.

• **PLANNING & ZONING – Councilman McGill**

a) **Minutes & Departmental Reports:**

Councilman McGill moved the following Minutes/Reports be Received & Filed:

- 1) Sayreville Planning Board Minutes of April 16, 2014
- 2) Middlesex County Planning Board minutes of April 8, 2014
- 3) Sayreville Housing Authority Minutes of April 8, 2014
- 4) Construction Official, Zoning Officer, Code Enforcement and Fire Sub-code Officials reports for the month of April, 2014

Motion was seconded by Councilwoman Novak.

b) Received the following **Planning Board Resolutions** which were **Memorialized on May 21, 2014:**

- Appointment of Lawrence Sachs, Esq.
- MCUA Capital Review regarding the Construction of and Installation of a Solar Energy System and Panels.
- Raritan International Center, LLC, 429 Raritan St., Blk 334, Lot 1.01, Block 335, Lots 1&2/Amended Site Plan
- 901 Ernston Rd. Realty Associates (Briarwood)Blk 438, Lot 1 & Blk 452, Lot 1/Preliminary & Final Site Plan Approval

- **Receive & File**

c) **Notice to Sayreville as Adjacent Property Owner(s)** received from:

- 1) Southeast Sayreville Development Corp before the City of South Amboy Zoning Board for Preliminary and Final Major Site Plan Approval, Minor Subdivision Approval, Use Variance and Bulk Variance Approval for premises known as Blk 151, Lot 18 in the City of South Amboy, Main Street & Raritan St. to create two lots for (1) for two multifamily buildings and (2) the other to serve as mixed use building.
- 2) Gerdau Ameristeel Sayreville, Inc. for preliminary and final major site plan approval; bulk variance and any other such variances and waivers or relief that may be required for the proposed installation of a water treatment system located at One North Crossman Road, Block 246, Lots 1.02, 1.05, 1.06, 1.07. Application will be heard before the Sayreville Planning Board on June 4, 2014 at 7:30pm.

- **1 & 2 Receive & File**

d) Request received from Kaplan Companies for the release of performance Bonds posted for the following LeMer sections:

- Section V-3A FP0017164 in the amount of \$221,300.74;
- Section V-3B FP0017165 in the amount of \$94,700.54;
- Section V-3D FP0017167 in the amount of \$87,160.25

- **Refer to Borough Eng.**

e) Committee Report:

- 1) Commented on his attendance at the senior luncheon and thanked them for the invite.
- 2) Commented on the fantastic Memorial Day parade and all those who remembered the veterans. He commended the Veterans Alliance Color Guard.

• **PUBLIC SAFETY – Councilman Rittenhouse**

a) **Minutes & Departmental Reports: None**

Councilman Rittenhouse moved the following Minutes/Reports be Received & Filed:

- Municipal Court Administrator's report for the Month of April, 2014
- Police Chief's report for the month of April, 2014

Motion seconded by Councilwoman Novak.

b) Letters of resignation received from Firefighter Steve Koester and Andrew Bielak from the Morgan Hose & Chemical Co. No. 1.

c) Notice of transfer of Firefighter Keith Scheetz from President Park Fire Co. to Sayreville Engine Co. No. 1.

- **b & c Receive & File**

d) Committee Reports-Councilman Rittenhouse

- 1) Commented on an excellent Memorial Day Parade and program. He thanked the Veterans Alliance and all the participants.
- 2) He also commented on Senior Day.
- 3) He informed the council that the Historical Society is conducting their 4<sup>th</sup> grade trips and are now visiting the borough hall – the Veterans Monuments, plaques, pictures and sit and act as Mayor and Council.
- 4) Requested the governing body have a presentation for retiring School Superintendent, Dr. Frank Alfano at the June 9, 2014 meeting.

• **RECREATION – Councilwoman Eicher**

a) Minutes & Departmental Reports:

Councilwoman Eicher moved the following Minutes/Reports be Received & Filed:

- Recreation Director’s report for the month of April, 2014
- Cultural Arts Council minutes of April 9, 2014

Motion seconded by Councilman Buchanan.

b) Committee Reports – Councilwoman Eicher

- 1) Reported on the Recreation sponsored events past and upcoming as well as the upcoming summer programs.
- 2) Thanked Ken Kelly for being the Master of Ceremonies for the Memorial Day Parade. Thanked all the employees, the emergency squad and all participants. She commented on Mr. Wasluski’s speech on World War II and that generation and how moving his speech was.
- 3) Also commented on the 4<sup>th</sup> grade class trips to the borough hall.

• **WATER & SEWER/ENVIRONMENTAL – Councilman Melendez**

a) Minutes & Departmental Reports:

Councilman Melendez moved the following Minutes/Reports be Received & Filed:

- Water & Sewer Director’s report for the month of April, 2014.

Motion seconded by councilwoman Novak.

b) Committee Reports-Co. Melendez

- 1) Councilman Melendez reiterated on everyone’s comments regarding the Memorial Day Parade, stating that he was very proud to be an American and a Sayreville Councilman. He thanked all the Veterans as well as his family members who are currently serving in the military and that Memorial Day is a good day to remember all the veterans past and present.

Mayor told Councilman Melendez that on behalf of the governing body and people of Sayreville he send their thanks to his family members’ service to our Country so that we continue to enjoy the freedoms we have.

• **PUBLIC WORKS – Council President Novak**

a) Minutes & Departmental Reports:

Councilwoman Novak moved the following Minutes/Reports be Received & Filed:

- Public Works Reports covering the division of Bldg. & Grounds, Parks, Recycling, Roads, Garage Services & Sanitation for the month of April, 2014.

-Office on Aging Supervisor’s report for the month of April, 2014.

- Rent Leveling Board Minutes of May 13, 2014.

Motion seconded by Councilman McGill.

b) Committee Reports- Co. Novak

- 1) Councilwoman Novak questioned Mr. Frankel about his research on HomeServe USA as an optional insurance provider for the residents of Sayreville could purchase for coverage in case of a Water/Sewer Lateral break.

Mr. Frankel stated that he had checked into a few companies but HomeServe come highly recommended and feels confident they would provide the best service if the residents choose and would need a resolution on for the next meeting if the council desired.

Councilman Buchanan questioned if the borough would have to advertise for the receipt of bids for this type of service. Mr. DuPont responded that he had spoke with HomeServe after last meeting who indicated to him that they currently contract with a few municipalities in which they did not need to go out to bid and they were going to provide him with that information and the opinions they relied upon and that so far have not yet received the information.

Mayor stated that the council will re-visit this at another time when we have the information.

Councilman Buchanan stated he would not want to see it held up. Then the Mayor said to put it on contingent upon the attorney receiving the necessary information and making sure the borough is held harmless.

2. Commented on Memorial Day and to Councilman Melendez regarding the number of veterans that have served in his family. Stated that Memorial Day is more than parades and sales. She explained that as an Auxiliary Member of the VFW, as her husband is a Vietnam Veteran, she participates in the services at the cemeteries very early in the mornings. She said to thank a veteran not only on Memorial Day but every day.

**MAYOR – Kennedy O’Brien**

1) Heartfelt thanks to Ken Kelly, Past Commander of the VFW, Veteran, Past Councilman and Police Detective, Air Force Veteran for putting together such a great program for Memorial Day. He said that while they were there waiting they were entertained by St. Bernadette’s Choir and music by Rutgers. He said that Mary Paskell, owner of Main Street Recording Studio worked with Ken Kelly to and put together a DVD of Memorial Day. He also thanked Ed Strek, from the American Legion Color Guard and all Veterans.

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

**- Administrative . & Finance**

**- Planning & Zoning**

I. Request for Resolution of the Sayreville Economic & Redevelopment Agency recommending that the Borough of Sayreville consider entering into a Pilot Agreement with redeveloper, Highview Homes, LLC in regards to real property located in Block 538, Lots 9.02, 19.01, 20, 26, 26.01, & 27 and Block 538.01, Lot 10 (Club Bene property).

- Mayor questioned why we were considering giving them a Pilot Agreement.

- Councilman McGill stated that this was part of a Redevelopment Zone and trying to move it forward.

- Mayor stated that he would like to get more information and if they would like to come in and discuss it before the governing body Councilman McGill stated that he will look into it and if someone from SERA would need to be present by all means.

**- Public Safety**

I. Received notification of Intent to Retire for Lieutenant Anthony Donnataria effective July 1, 2014.

- Receive & File.

**- Public Works**

I. Authorization to grant a 2 year extension of a contract Foley, Inc. for the Annual Maintenance & Repairs of Emergency Generators with no increase in cost.

- Resolution.

II. Authorization for the Borough Engineer to prepare plans and bid specifications for Furnishing and Installation of a New Automated Refuse Loader Body & Lift Arm and upon approval authorizing the Borough Clerk to advertise for the receipt of bids.

- Resolution.

III. Authorization to grant a 1 year extension of a contract with John Duffy Fuels for the delivery of gasoline and diesel fuel with no increase in cost.  
- Resolution.

IV. Authorization to appoint five (5) Laborers in the Dept. of Public works replacing those who have retired.  
- Resolution.

V. Authorization to grant a 2 year extension of current contract with Standard Elevator Corp. for Annual Maintenance & Repairs of Borough Elevators with no increase in cost.  
- Resolution.

Councilman Rittenhouse said that he has asked for emergency keys for the elevators at the senior center and historical society and the company never provided them with any keys.

Mr. Frankel will look into the matter.

VI. Authorizing the Borough Engineer to prepare plans and specifications for the Bulkhead and Fence along Major Drive and authorizing the Clerk advertise for the receipt of bids.  
- Resolution.

VII. Authorization for the Clerk to advertise for Water & Sewer Dept./Dept. of Public Works Routine and Emergency Repair Contract – Labor & Equipment  
- Resolution.

VIII. Authorization to award contract for the Police Complex Fire Suppression System upgrade to F.H. Paschen, SN Nielsen and Associates of Chicago, IL through the MRESC State Approved Coop #65MCESCCPS  
For the amount of \$57,589.84.  
- Resolution.

#### **- Recreation**

#### **- Water & Sewer**

I. Authorization to appoint One (1) Water Repairer.  
- Resolution.

II. Reported on a water main break today in Town Lake on Sayreville Blvd. should be repaired by this evening.

III. Received an e-mail from Elyse Barone that the borough was granted approval on the Municipal Alliance Grant in the amount of \$39,655 and Clean Communities Grant \$63,932.

IV. Reminded everyone to go out on Primary Day and vote.

V. Rice Notice

Councilwoman Eicher stated that she drove past the property that resident Mr. Giovanco complained about and asked if the borough could mow the lawn and bill the property owner.

Mayor asked Councilwoman Eicher to check with Kirk Miick because he had a discussion with him and there was an issue about fees.

Council discussion followed regarding fees and the Mayor suggested they speak with Kirk for a better understanding.

Councilwoman Eicher then requested the business administrator to look into a obtaining a digital sign to be placed at the corner of Ernston Road instead and how much it would cost. She would like to see all of the little signs there now replaced with a digital one.

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

I.

I. Bill List Resolution

II Ordinances providing for the following Improvement Authorizations:

Renovation of Former Water Treatment Plant	\$1,200,000
Acquisition of Vehicles and Equipment	\$1,680,000
Various Improvements	\$1,600,000

- Bond Ordinances for June 9th

III. Resolution Authorizing the Sale of Bonds – Approximately \$5,000,000.

- Will have Resolution listed at one of the upcoming meetings.

- **BOROUGH ENGINEER -Jay Cornell**

I. Bass Pro Shops Major Subdivision /Site – NJDEP Permit Applications  
 (Report Attached)

- Resolution

II. Improvements to Main Street By-Pass – Status of NJDEP Permits  
 (Report Attached – Land Use Permits were obtained)

Councilman Rittenhouse commented that he was contacted by Main Street Homeowners Association who said that they have been in touch with the DEP who informed them that the DEP will never approve anything going past Kimball Drive East, they would not approve anything going to Crossman or Chevalier Avenue. And because of safety issues other roads would have to be opened up such as Boehmhurst and Marsh Ave.

The Engineer stated that he does not know if that is accurate as the State can not say that they will not approve an application if there is not an application before them. He went on to say that there is a By-Pass meeting this week and he would address it at that time.

Councilwoman Eicher asked the Engineer if the Improvements to Ernston Road have been closed out yet. He said that the majority of the punch list items have been completed and that there are just a few left so it is getting close. Engineer staid that there were a number of sign complaints as well as hers so once this has been closed out they could be addressed with the County.

- **BOROUGH ATTORNEY - Michael DuPont**

Mr. DuPont stated that he would like to introduce an Ordinance tonight regarding Pay to Play as there had been a question regarding professionals who are under contract can contribute during their existing contract, although the ordinance that was prepared mirrored other ordinances, an Attorney from their Engineering firm stated that for clarification purposes said that it should be added.

Mr. DuPont Read the Ordinance for Introduction:

**ORDINANCE #261-14**  
**AN ORDINANCE AMENDING CHAPTER II, “ADMINISTRATION”,**  
**SUBSECTION 2-54, “REGULATIONS ON CONTRIBUTIONS”**  
**OF THE REVISED GENERAL ORDINANCES OF THE**  
**BOROUGH OF SAYREVILLE**



Councilman Buchanan moved the Ordinance be Introduced on first reading, advertised according to law and a Public Hearing be held on June 9, 2014. Motion seconded by Councilman McGill.

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

- **PUBLIC PORTION**

At this time the Mayor opened the meeting up to the public for any and all questions or comments. Those appearing were:

- Ed Strek, On behalf of the American Legion Color Guard  
He thanked the Mayor and Council for their support of the Memorial Day Parade and their support of the Veterans.

Mayor said that a veteran/borough employee Frank Terzino said that he saw a few projects around the borough that would make good Eagle Scout Projects, so he appointed him to be the contact person in charge of these projects with the help of Judy Smith the Mayor's Secretary.

No further questions or comments.

Councilwoman Novak made a motion to close the public portion. Motion seconded by Councilman McGill.

Roll Call: Voice Vote, all Ayes. Carried.

**At this time Mayor O'Brien asked Labor Counsel Bob Clark to sit at the dais.**

Bob Clark addressed the Council stating that there has been a request from an employee for a Contract for Employment for reimbursement of Legal Expenses that were incurred as a result of a RICE Notice that was issued out of a previous council meeting.

Mr. Clarke called forward the individual and his attorney to make a presentation to the Governing Body.

Appearing were:

- Jerry Ust, Director of Recreation, 93 North Edward St., Sayreville, NJ
  - Roman Rabinovich, 299 Broadway, Suite 1700, New York, NY 10007
- Mr. Ust stated that at the conclusion of the meeting before last there was a motion made by Council 5-1 to reach a settlement to stop any type of possible litigations that may occur, based upon allegations that were made about himself and his employment. So his attorney reached out to Mr. Merryman and the settlement would be for a contract, where he could be terminated for good cause, but not on a political whim. So if there is a good reason to terminate him the governing body would be able to do so but if not a contract with some term would elevate the stress.

Mr. Clarke said that what Mr. Ust is looking for a settlement to stop any possible litigation and that this would be an appropriate item to discuss in Executive Session and as this could end up in litigation he recommended to the governing body that they discuss this matter in Executive Session.

- **EXECUTIVE SESSION -**

Mayor O'Brien announced that the Council will be going into Closed Session.

Mr. 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 15 minutes to discuss the following matters:

- Personnel & Litigation - Jerry Ust Request for Contract

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/ Mary Novak, Council President

APPROVED:

/s/ Kennedy O'Brien  
Mayor

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

Roll Call: Voice Vote, all Ayes. Carried.

**Before resigning into closed session Council President Novak** stated that at the last meeting they tried to discuss this matter in executive session and was advised by the Borough Attorney at that time that in order to discuss this a RICE Notice must be issued and once the RICE Notice is issued the employee has the right to say they want it discussed in open session or not. If we could not discuss it in Closed Session at the last meeting without a RICE Notice we cannot discuss it now because the RICE Notice had been served and responded to that he wants it discussed in open session.

Mr. Clarke stated that he was not sure what was discussed at the last meeting and if it was a discussion regarding terms and conditions of employment then you are right it would be a matter to be discussed in open session unless the individual waives that right and states that it should be discussed in closed session. If it is a matter that pertains to threatened or potential litigation or negotiation of a contract, if whether it would be an individual or a union that would be something that would fall within the domain of the governing bodies executive session privilege.

Councilwoman Novak said this is the same issue and we should have talked about it two weeks ago.

Councilman Rittenhouse felt that we are looking at two different issues.

- 1) Disciplinary Reasons which is what we discussed in public
- 2) Contract which is a management decision and is a matter for closed session.

Then a discussion followed over what was discussed at the last meeting.

Mayor said that this all came to a head at the March 24<sup>th</sup> meeting. Then at the last meeting Dan mentioned there was a request for payment of his attorney, he doesn't recall anything about a contract and he advised the employee be issued a RICE Notice because we would be discussing it and one had not been issued and that one needs to be issued.

Councilwoman Novak said then one was issued and the employee signed that he wanted it discussed in public so we should discuss it now in open session.

Councilwoman Eicher said that once litigation or the possibility of litigation is mentioned things could be used against them and now needs to be a closed session item.

**Mr. Clarke** said that he thought the issue was two-fold.

- 1) Issue regarding discipline – Rice Notice and employee has right for item to be discussed in closed or open.
- 2) Any potential litigation would then be the right of the governing body to be discussed in closed.

Councilwoman Novak said that this was the exact same issue they tried to discuss two weeks ago. This was strictly to end the possibility of litigation and that she made the motion.

Mr. Rabinovich said that he had been in contact with Mr. Clarke through an e-mail outlining the broad strokes of what they were looking for.

Mayor said that he had reviewed the tapes from past meetings. He then asked the Labor Counsel for advice.

Mr. Clarke said that if the council wanted to discuss discipline or rehash discussions that pertain to discipline that would have to be discussed in open if a RICE Notice had been issued and that is what the employee wanted. But with respect to discussions pertaining to the potential for litigation or to stop litigation then that should be in Executive Session.

Mayor commented on what Council President said at the March 24 meeting it was because the council president said if they did not do that we would be subject to as wrongful... Councilwoman Novak said that she said that the attorney’s should meet to discuss a settlement to avoid any possible litigation.

Mr. Clarke again advised that with respect to potential litigation that it be discussed in closed session.

**Mayor than said that they voted to go into closed session so those wishing to attend may do so.**

**Time: Approx. 8:10 PM**

**• RECONVENE – 8:55 PM**

Councilwoman Novak moved to reconvene the meeting. Motion was seconded by Councilman Rittenhouse.

Councilwoman Novak made a motion to authorize the Attorney to work out a contract with Jerry Ust for three – five years and pay for his Counsel fees.

Motion seconded by Councilman McGill.

	<b>Ayes</b>	<b>Nays</b>
Roll Call: Councilman Buchanan		X
Eicher		X, with comment
McGill	X	
Melendez	X	
Novak	X	
Rittenhouse		X

Clerk announced a 3 Ayes – 3 Nays.  
 Mayor broke the tie vote and votes Nay.  
 - Motion Defeated.

Councilwoman Novak made a motion setting a term limit for the Recreation Director and pay his legal bills. Motion Seconded by Councilman McGill.

Borough Attorney Mike DuPont stated that setting a term limit would be changing the ordinance and the ordinance would have to be amended and the attorney fees are separate.

Mayor stated that under comment that he checked around the county today on other contracts.....

Questions about the motion was explained by the Borough Attorney.

Mayor asked how much his attorney fee were. Mr. Clarke stated \$5,900.

Mayor asked if this motion could be amended to state the payout of legal fees.

Councilwoman Novak amended her motion to include that figure. Councilman McGill seconded that motion.

	<b>Ayes</b>	<b>Nays</b>
Roll Call: Councilman Buchanan		X
Eicher		X, with comment wanting to split the motion
McGill	X	
Melendez	X	
Novak	X	
Rittenhouse		X

Clerk announced a 3 Ayes – 3 Nays.  
 Mayor broke the tie vote and voted Nay.  
 - Motion Defeated.

Councilwoman Eicher said that she would like the attorney to look into the Parks & Recreation Ordinance for the recommendations of placing a three year term limit on this position.

Mayor asked the Business Admin to contact the DCA and find out how many Recreation Directors in the St. of NJ serve at the will and how many do not.

Council President Novak said that this all came about that our Recreation Director used to serve on a hand shake they are hired and their raises should be a certain way, etc. but after what happened she felt this was necessary to protect someone because of politics.

Mayor said that at the March 24<sup>th</sup> meeting it was stated by the Council President that he had called the Recreation Director certain words. He said that he reviewed all of the tapes and he had not said those things. He said that he was angry in the fact that at the Jan. 27<sup>th</sup> meeting when all the Executive Boards of the youth organizations appeared before the council and the Recreation Director was not present.

Council President said that it may not have made it to the tape but he said those words.

Jerry Ust stated that at the conclusion of the meeting where Council President Novak made a motion to work out a settlement. It was to have his attorney meet with the Borough Attorney. It was authorized by a 5-1 Vote. Those attorney bills should be paid and not by him. He was not the cause of this. He needed representation because his job was on the line. He said that he was told numerous times that he was going to be terminated on that Monday and needed representation. Mayor said that as far as he could hear from the tape of March 24<sup>th</sup> you made the statement that you were told by Council President Novak and Tom Pollando that you were going to be fired. You never asked me if you were going to be fired, or Councilman Rittenhouse. So this was your perception. Jerry Ust continued on who told him what. Jerry Ust said that it was his decision to have his attorney come to the meeting that night and it was the council's decision to have his attorney speak with the Borough's attorney for a settlement.

Mayor stated that he would review the tape.

Mayor asked if there were any further comments and announced that the Public Portion was closed.

Council President Novak made a motion to allow the people who stayed to hear this issue the right to speak. Motion was seconded by Councilman McGill.

Roll Call: Voice Vote, all Ayes.

Appearing were:

- Tom Pollando, 15 Oakwood Drive.  
- Appearing very angry stated that the borough should pay his attorney fees.....  
Mayor ordered him to be seated.

Mayor called for a motion to close this public portion.

Motion to close the public Portion and adjourn the meeting made by Council President Novak. Seconded by Councilman McGill.

Time: 9:10 PM

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business.

Council President Novak made a motion to adjourn. Motion seconded by Councilman Rittenhouse.

Roll Call: Voice Vote, all Ayes.

Time: 9:10 P.M.

SIGNED:

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

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