

**January 12, 2015  
Combined Meeting**

Combined Meeting of the Mayor and Borough Council held on Monday, January 12, 2015 in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien 7:01 P.M. followed by a short prayer and salute to the flag which was led by the Morgan Parlin Panther Cheerleaders who were present at the meeting tonight.

- **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, Kilpatrick, McGill,  
Melendez, Novak, Rittenhouse

Absent: None

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

Others Absent: None

- **Approval of prior Minutes** of the Mayor and Borough Council

Council President McGill moved the following minutes be approved on Roll Call Vote, subject to correction if necessary.

- ☒ October 14, 2014 - Combined Meetings
- ☒ October 27, 2014 - Combined Meetings & Executive Session
- ☒ November 10, 2014 - Combined Meetings & Executive Session
- ☒ November 24, 2014 - Combined Meetings & Executive Session
- ☒ December 1, 2014 - Special Meeting
- ☒ December 9, 2014 - Receipt of Bids  
(Landscaping Maintenance of Various Borough  
Properties)
- ☒ December 15, 201 - Combined Meetings

Motion was seconded by Councilwoman Novak.

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

- **SWEARING IN**

Police Chief John Zebrowski was called to introduce the following Officers who were sworn in and sign their Oath of Office as Police Officers by Theresa Farbaniec, Municipal Clerk:

- Police Officer Chris W. Engelbrecht
- Police Officer Matthew J. Kenny
- Police Officer James P. Pizzillo
- Police Officer Jeffrey C. Taylor

Mayor O'Brien called forward Richard Mulligan who was sworn in by Theresa Farbaniec, Municipal Clerk as Fire Chief for 2015 and signed his Oath of Office.

- Fire Chief Richard Mulligan

The President of President Park Fire House invited the Mayor and Council to an open house tonight in honor of Rich Mulligan.

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Mayor called all firefighters forward for a photograph.

**PRESENTATIONS TO:**

Mayor asked Assistant Fire Chief Vinnie Waranowicz forward to describe what the firemen went through the morning of Dec. 29<sup>th</sup>/DeSarno house fire.

Fire Chief Waranowicz described the intense fire and their rescue efforts as well as the bravery, heroics and courageous efforts of a neighbor, Mr. Edward Gordon. He thanked him on behalf of the Sayreville Fire Department for if it were not for his efforts that night and if he hadn't jumped in the outcome may have been different.

Certificate of Recognition presented by Council President to:

- ❖ **Edward Gordon – Aided First Responders in the rescue of the DeSarno family during a devastating house fire on Dec. 29, 2014.**

Mr. Gordon said that he was humbled by this presentation tonight and for being recognized by the town and its leaders. He also commented on the Sayreville Police Department and Fire Department that arrived within 15 minutes. He said that they were unbelievable and how Chief Vincent Waranowicz was orchestrating over 100 fire fighters. He also mentioned that this is a great moment for him and it is a tragic moment for the DeSarno family so keep them in your prayers. Thank you.

**Mayor then called forward the Morgan Parlin Panther Cheerleaders to accept the next presentation and give the residents a big cheer.**

Certificate presented by Councilman Ricci Melendez to:

- ❖ **Morgan Parlin Panther Division 8 Cheerleading Squad for receiving 2<sup>nd</sup> place at the 2014 AYC National Cheer Competition in Orlando Fla. (6-8 year olds)**

Comments made by their Coach Tracy Kehoe on the countless dedicated hours they spent practicing and competing.

**Barry Eck asked to come forward.**

Barry Eck, Office of Emergency Management Coordinator came forward and apologized for forgetting to mention a few organizations on Jan. 1<sup>st</sup> and wanted to right that wrong. He mentioned the great workers we have here in Sayreville. Our Dept. of Public Works, such as Parks, Roads, Sanitation, Water & Sewer, Auxiliary Police as these guys worked around the clock and during Hurricane Sandy if it weren't for the borough workers this town would not have never come around as it did.

Mayor said that he would like to recognize Barry and all of his hard work and efforts, his training and efficiency. In return, Mr. Eck thanked the Mayor and the Council for their support.

**OLD BUSINESS**

- a. Public Hearing on the following Ordinance(s): (None)

**NEW BUSINESS:**

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

**CONSENT AGENDA/RESOLUTIONS**

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

There were no appearances, Mayor called for a motion.

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

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

**RESOLUTION #2015-22**

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

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

/s/ Kennedy O'Brien, Mayor

/s/ Councilman Daniel Buchanan                      /s/ Councilman Ricci Melendez  
  
/s/ Councilwoman Victoria Kilpatrick                      /s/ Councilwoman Mary J. Novak  
  
/s/ Councilman David McGill                      /s/ Councilman Arthur Rittenhouse

**Bill list of January 12, 2015 in the amount of \$6,743,218.80 in a separate Bill List File for 2015 (See Appendix Bill List 2015-A for this date,).**  
  
**Bill list of December 16, 2014 - December 31, 2014 in the amount of \$18,519,126.88 in a separate Bill List File for 2015 (See Appendix Bill List 2015-A for this date,).**

**RESOLUTION #2015-23**

**WHEREAS, the Borough Clerk is in receipt of applications for issuance of Annual Motel Licenses for the year 2015 covering the following** locations

- Knights Inn Parkway
- Circle Motor Lodge
- Gallery Motel, Inc.

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council** of the Borough of Sayreville that applications received and reviewed for the annual issuance of Licenses for Motels for the calendar year 2015 be and the same are hereby approved.

/s/ Mary J. Novak  
Mary J. Novak, Councilman  
(Admin. & Finance Committee)

**ATTEST:**    **BOROUGH OF SAYREVILLE**  
  
/s/ Theresa A. Farbaniec    /s/ Kennedy O'Brien  
Theresa A. Farbaniec, RMC    Kennedy O'Brien  
Municipal Clerk    Mayor

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**WITH THE RECONSTRUCTION OF THE GARDEN STATE PARKWAY BRIDGES IN THE  
BOROUGH OF SAYREVILLE**

**WHEREAS**, the New Jersey Turnpike Authority (NJTA) has determined, in the interest of public safety, a need for the reconstruction on the Garden State Parkway (GSP) Bridge over Route 535 (Washington Road) and the Garden State Parkway (GSP) Bridge over County Road 615 (Bordentown Avenue) located in the Borough of Sayreville; and

**WHEREAS**, County Route 535 (Washington Road) and County Route 615 (Bordentown Avenue) are east-west transportation corridor serving regional travel needs in the Borough of Sayreville, in the County of Middlesex; and

**WHEREAS**, County Route 535 (Washington Road) and County Route 615 (Bordentown Avenue) are located in the Borough of Sayreville and are under the jurisdiction of the County of Middlesex; and

**WHEREAS**, the bridge structure carrying the Garden State Parkway (GSP) over County Route 535 (Washington Road) the Garden State Parkway (GSP) Bridge over County Route 615 (Bordentown Avenue) are under the jurisdiction of the New Jersey Turnpike Authority (NJTA); and

**WHEREAS**, the reconstruction of the bridge including the replacement of the bridge deck requires a detour of vehicular traffic on County Route 535 (Washington Road) for a duration of approximately three (3) weekends; and

**WHEREAS**, the reconstruction of the bridge including the replacement of the bridge deck requires a detour of vehicular traffic on County Route 615 (Bordentown Avenue) for a duration of approximately two (2) weekends; and

**WHEREAS**, pursuant to N.J.S.A. 39:4-8c(6) and the recently revised N.J.A.C. 16:27-4(f), approval by the Commissioner of the New Jersey Department of Transportation (NJDOT) is required for any closure on a non-State highway for a duration greater than 48 hours; and

**WHEREAS**, the request for the NJDOT Commissioner's approval includes submission of a Certification Report along with the proposed detour and the Resolutions of Support for the roadway closure and the associated detour from the respective jurisdictions of the closed roadway and roadways utilized for the detour; and

**WHEREAS**, the required Certification Report dated September 2014 prepared by TranSystems Corporation (TS) on behalf of the NJTA provides a description of and justification for the proposed bridge reconstruction work and the proposed detour; and

**WHEREAS**, the Borough of Sayreville has reviewed the detour routes, and recommends the Board to approve the detour of County Route 535 (Washington Road) and County Route 615 (Bordentown Avenue) for the purpose of said bridge reconstruction.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Sayreville does hereby support the detour of County Route 535 (Washington Road) and County Route 615 (Bordentown Avenue) for the purpose of bridge reconstruction in the interest of public safety; and

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that the Borough Clerk forward a certified copy of this Resolution to the Borough Engineer, the Clerk of governing bodies of Middlesex County, and to:

Suresh Shah, PE  
Engineering Department  
Structures Design Division  
**NEW JERSEY TURNPIKE AUTHORITY**

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P.O. Box 5042  
Woodbridge, NJ 07095-5042

Chris Barretts, Manager  
Traffic Engineering  
Bureau of Traffic Engineering  
Division of Highway and Traffic Design  
**NJ DEPARTMENT OF TRANSPORTATION**  
1036 Parkway Avenue, P.O. Box 600  
Trenton, NJ 08625

/s/ David McGill, Councilman  
(Public Safety Committee)

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE**

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

**RESOLUTION #2015-27**

**BE IT RESOLVED** that the following person is hereby provisionally appointed to the following department, as per NJDOP Promotional Procedures:

**NAME OF APPOINTEE:** Jodi Klosek  
**POSITION:** Keyboarding Clerk 3  
(Principal Clerk Typist)  
**DEPARTMENT:** Water & Sewer Department  
**EFFECTIVE:** January 13, 2015

**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 Department of Personnel.

/s/ Arthur Rittenhouse \_\_\_\_\_  
Arthur Rittenhouse, Councilman  
(Water & Sewer Committee)

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE**

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

**RESOLUTION #2014-28**

**BE IT AND IT IS HEREBY RESOLVED** that the following transfers between 2014 Budget Appropriation Reserves be and the same are hereby authorized to be made in the following manner to wit:

**FROM                      TO**

**CURRENT FUND**

Group Insurance Plan



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Councilwoman Novak made a motion to modify the Agenda. Have the Council/ Public Meeting in the Council Chambers and a separate Agenda Session in Room 310, same evening but two separate meetings.

Motion was seconded by Councilman McGill.

Mayor asked for clarification.

Councilwoman Novak said:

- Council meeting first here in Council Chambers
- Agenda meeting following in Room 310

Mayor said that when a number of people attend then the meetings have to be moved into the council chambers anyway and requested that they remain in the council chambers.

Councilwoman Novak felt that sitting across from one another during the Agenda session would produce more productive discussions during the Agenda Meetings. She felt that public participation during the regular council meetings would be better for the public and get people home because resident have to wait all the way to the end of the meetings now.

Mayor then said the only other matter is the television camera. We have to wait for the hook up so it can be televised.

Councilwoman Novak said a motion was made and seconded – and called for roll call. Mayor said that he is commenting and will not hold a meeting in there and that he will wait for a camera. He said that it is very important for the public and that it provides transparency. So if you want to try Agenda meetings in 310 that would be fine but we need IT to install a camera and recording equipment.

Councilman McGill agreed and asked that the camera issue be expedited but until then we still need to move the meeting and conduct business. Councilwoman Novak said it is the agenda meeting and will not be conducting regular business we will be discussing items. Mayor said that we have been doing it this way for years and years. Councilman Rittenhouse agreed with the Mayor that it should be kept in the Council Chambers. He said that you are taking away the right of the citizens to know what is going to be at the next meeting. There are a lot of people who watch the meeting and transparency is important. Councilman McGill stated that the public is invited so there is transparency. Councilwoman Novak commented on having done the meetings both ways and felt sitting across from one another works better.

Mayor said that he would speak to the IT person and see if a camera can be hooked up in two weeks.

	Ayes	Nay
Roll Call: Councilpersons Buchanan	X	
Kilpatrick	X	
McGill	X	
Melendez	X	
Novak	X	
Rittenhouse		X, with comments.

Mr. Frankel requested permission to reach out to the Board of Education and request the use of their Audio Visual students to try a program that may be a solution for both the Board of Ed Students and the borough. This will only be on a temporary basis.

Councilman Melendez commented that he also has this listed on his committee report but he does agree.

• **PLANNING & ZONING – Councilman Buchanan**

a) **Minutes & Departmental Reports:**

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

- 1) Board of Adjustment Minutes of November 25, 2014

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2) Planning Board Minutes of December 3, 2014  
Motion seconded by Councilwoman Novak.

b) Request received from Kaplan companies for Performance Bond release covering Towne Lake West Sections 2 & 3.  
- Refer to Borough Engineer

c) Committee Report – Councilman Buchanan:

1) Requested an ordinance for an amendment to the Rules of the Council correcting the dates and times the council meets.  
- Attorney to prepare Ordinance

2) Council received a letter from the former Fire Chief and asking that the Borough Attorney look into his allegations and see what the borough's part is in the allegations.

- Attorney DuPont said that he had the opportunity speak to Mr. D'Amore and with the council's authorization he would be looking to see the fire dept. allegations.

3) He reported that with the number of fires that they get the message out to the residents the importance of fire safety and fire detectors. He said that he will be meeting with the Fire Marshal and discussing this issue.

4) Requested that area of Rt. 35 by Oak St. and the Circle be reviewed by SERA to see if it is an area in need of redevelopment and what type of development would suit the area.

• **PUBLIC WORKS – Councilwoman Kilpatrick**

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

b) Committee Reports – Councilwoman Kilpatrick

1) Reported that the Recycling Dept. will try and coordinate with Brielle to recycle our Christmas Trees in order and be able to help with their efforts to build burms along the shore area.

2) Appreciated Mr. Eck acknowledging the Department of Public Works. She stated that she does not refer to them as just Public Works but rather Essential personnel. She said that there is not one thing that you do in town that you don't rely on these individuals for.

3) Commented on the use of the county salt dome and looks forward to working with Mr. Bailey for alternatives.

Progress.

• **RECREATION – Councilman Melendez**

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

b) Committee Reports- Councilman Melendez:

1) Reported that the next Recreation Advisory Board meeting is on Feb. 5<sup>th</sup>.

2) Reported that one of his goals is to work with Jerry Ust and the Recreation Board on how to improve the Recreation Dept. and provide more opportunities for the children because programs can be very expensive and difficult for families.

3) Request that there be an amendment to the Ordinance to include in increase in members and other housekeeping items such as representation from all of the sports leagues in town to be appointed as members of the recreation board.

4) Reported on other various recreation sponsored events that are ongoing or coming up.

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Councilman Melendez requested authorization for the attorney to prepare the ordinance for the next meeting increasing the Recreation Advisory Board Membership and request all sports organizations in town be a part of it, such as the Parlin Panthers, Leprechauns, Little League, and all other municipal sponsored organizations should have a seat on the Board.

- Borough Attorney to schedule meeting with Mr. Frankel and Mr. Ust.

5) Request for council's support in passing a resolution supporting the Special Panel's Report and Recommendation to Limit Path Service.

6) IT Update – Increase output of the video quality of televised meetings as it is very poor quality. IT Director was hired in December and is working with him on these and other issues.

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

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

b) Committee Reports- Co, Rittenhouse.

1) Commented on the Water & Sewer Insurance company that the borough is backing and provided information and concerns he had about the coverage and their implications. Asked Mr. Frankel to get copies of the contracts that will be issued to the residents that have the coverage that Sayreville intended to be offered independently of the town.

Progress.

• **PUBLIC SAFETY – Council President McGill**

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

b) Received six applications for **Wrecker License Renewals for the year 2015.**

Approval requested for the issuance of 7 Light Duty and 3 Heavy Duty Licenses for use on the Police Call list. (Pending insurance approvals)

- Approved/Resolution authorizing the issuance of licenses.

c) Notice of Elected Officers received from the President Park Fire Co. No. 1 for Calendar Year 2015.

To be confirmed by the M & Co. in accord w/Ordinance 3-3.5

- President Park Fire Co. No. 1.

-Approved.

d) Request for an extension to a Leave of Absence for Firefighter Donald Pepka of President Park fire Co. till April 6, 2015.

- Approved.

e) Committee Reports – Co. McGill:

1) Spoke about a Fire Safety Program sponsored by ABC programming at the end of January they give out free smoke detectors to municipalities. He said that he will talk to Kevin to be sure we receive our fair share.

2) Spoke about a Business Improvement District and requested the ability to put together a committee/study group of council members to talk to people on Main Street and their needs as a Business Improvement District to bring more life and flair to Sayreville.

3) Councilman McGill made a **motion to appoint Michael Sica as Municipal Judge** in Sayreville. Mayor O'Brien indicated that there was no appointment up. That the current judge's resolution read that his appointment was through 2016 and that the appointments were that of the Mayor's for the first 30 days. He also indicated that the first motion would have to be withdrawn.

Mr. DuPont indicated what his research revealed.

a) Mr. Robbins Judgeship expired December 31, 2011

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b) There was no appointment made in 2012 and 2013  
c) On Jan. 1, 2014 the council appointed Spencer Robbins  
d) He then resigned March, 2014 and April 1, 2014 James Hoebich was appointed filling the unexpired term of Mr. Robbins. The Statute says that they are three year terms. He said that he spoke with Judge Herman and went through the history with him. He said that he was asked to call him by Judge Francis. Mr. DuPont said that the three year term runs since its inception and what happened on January 2012 the term still tolled so that term should have been 2012 – 2013 – 2014. The borough took no action for Mr. Robbins in 2012, 2013 but took action in 2014. When they did there was only one year left of that judges three year term. He said that he went through the statute with Judge Herman who is the Civil Assignment Judge for Middlesex and I also went through the statute which said that under “that municipalities governed by the Mayor and Council form of government (which you are not) a municipal court judge shall be appointed by the Mayor with the advice and consent of council. Each judge of a joint municipal court (which you are not) shall be appointed by the Governor with the advice and consent of the Senate. In all other municipalities (which you are, you are a borough form of government) the municipal judge shall be appointed by the governing body of the municipality, namely the council. He said that he spoke with Judge Herman about that and told him that under the statute the term that Judge Robbins had been appointed to on Jan. 1, 2014 for 1 year. The Ordinance does not trump statute nor does any Scribner’s will not trump that. He said that he also spoke with counsel today for Mr. Hoebich and went through the history. He said that it is his opinion after reviewing the statute and speaking with Judge Herman (at the request of Judge Frances) that a Scribner’s error does not trump the term or the expiration of a term of a judge and therefore based upon my legal research and pursuant to NJSA 2B:12-4 a & b that Judge Hoebich’s term expired on Dec. 31, 2014 and that the borough council under this form of government has the ability to appoint the judge.

Mayor disagreed and that he also spoke with the judges who indicated the exact opposite and that his actions does not surprise him feeling that he was following someone’s orders. Councilwoman Novak and Councilman McGill called to the Mayor on a Point of Order. Mayor continued with his comments whereby stating that he felt this would come to a lawsuit. That all of the laws he has including Roberts Rules completely contradict his statement. He said that he totally disagrees with his opinion and will not endorse the appointment, not will he sign his documents and again he knew this would not stop the person (namely) from getting his way. Councilwoman Novak again called for Point of Order and asked for a ruling on her Point of Order asking if the rules and Regulations of the council are being violated by particular comments.

Councilman McGill called for a 10 minute recess. Councilwoman Novak seconded the motion for a 10 minute recess.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, Ayes.  
Councilman Rittenhouse, Nay.

5 – Ayes  
1- Nay

Recess Time: 8:07

Councilman McGill moved to reconvene the meeting. Motion seconded by Councilman Buchanan.

8:17 P.M. Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak.

Mayor then asked Councilwoman Novak about her Point of Order. Councilwoman Novak stated that every January the Mayor and Council adopt their Rules of Order. And one of the Rules is that they do not cast dispersions on why people cast their vote and when a vote is cast and you are not happy you comment. Mayor further commented on issues he had on Jan. 1<sup>st</sup>. He then said that this action will result in a wrongful termination.

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Councilman Rittenhouse said he does not understand how an ordinance we have can be changed just on a whim. He proceeded to ask the borough attorney if he heard back from the judge and if he agreed with his assessment.

Mr. DuPont said that Judge Herman had been instructed by Judge Frances to call him to ask for clarification on what was going on with the appointments. He spoke with Judge Herman in great lengths but Judge Herman did not give him an opinion.

Councilman Rittenhouse said before we move ahead with anything we need an opinion from the Judge in writing.

Mr. DuPont stated that he would not get an opinion from the judge unless there was something before the judge. And if the Attorney (Mr. Heobich) wants to bring up the matter before the Judge that is what he would need to do. But right now you have before you a council who made a motion which was seconded. Further discussion went on as to who spoke with whom.

Mayor asked that Co. McGill withdraw his motion until they receive clarification.

Councilman Rittenhouse called a Point of Order. If the Mayor has appointments for the first 30 days and this is an appointment, then it should not be done tonight. Borough Attorney stated that according to State Statute 2B:12-4 the judge's appointment is that of the councils. This was explained to Judge Herman and Mr. Hoebich and his attorney.

Councilman McGill asked the Clerk to call roll on the motion.

Clerk Farbaniec said that based upon all that has been going on and discussions she wanted clarification on the Motion.

Mr. DuPont stated that the Motion is to appoint Michael Sica as Municipal Judge for a term beginning on January 12, 2015 – December 31, 2017.

Mayor stated that he was contradicting himself.

Mr. DuPont stated Mr. Robbins term first expired on Dec. 31, 2011 the next appointment should have been from Jan. 2012-2014. He further explained that there was no appointment made in 2012 and 2013 and Mr. Robbins was a hold over until the appointment made on Jan. 2014 to complete the term ending Dec. 31, 2014.

Mayor stated that he had a resolution and read the resolution #2014-106 and proceeded to read in into record stating it was for the appointment of James P. Hoebich as Municipal Judge to a 3 year unexpired term of Spencer Robbins.

Mr. DuPont said again that the Scribner's error in the resolution does not trump the state statute.

Councilwoman Novak "called the question".

Clerk advised the Mayor that she was going to proceed with the Roll call:

Roll Call: Councilpersons Buchanan (with comment), Kilpatrick (with comment), McGill, Melendez, Novak, Ayes.  
Councilman Rittenhouse, No.

Ayes – 5

Nay – 1

Councilman Rittenhouse wanted it noted for the record that during the 10 minute recess, Councilman McGill, Melendez, Councilwoman Novak and Councilwoman Kilpatrick were meeting in the hall which is a clear violation of OPMA.

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Councilwoman Novak said that for the record she was in the restroom for most of the time and when she came out it leads to the hallway and was expressing that she was upset about Kennedy insulting her on a regular basis and felt he has a disrespect for women in general and will not take it any longer. She said that Co. Melendez was in Room 310 with someone and when she came out she was talking then just before they returned to the chambers is when he walked out.

Councilwoman Kilpatrick said that for the record for part of the time Councilman McGill was in the restroom.

• **MAYOR – Kennedy O'Brien**

Mayor stated that at the Dec. 15, 2015 meeting just before the start he had a family emergency which took him away and did not have the opportunity to say a few words to Councilwoman Lisa Eicher.

He said that she started as an adversary and became a friend. He said that it was through her sole initiative that she started the Hurricane relief center following Hurricane Sandy. It was started with Fr. Ryan at the Monsignor Dalton Hall and when it out grew the hall it was moved to the warehouse owned by Jim Gillette. He also said that a normal elected official would try to grab glory and credit but she did not. She did it because it was the right thing to do. I commend her, I admire her and wish her the very best in whatever pursuit she engages in next in her life but she will be a credit. He wished her good luck in her next endeavor.

Mayor O'Brien then commented on two fundraisers that were ran last week both for the DeSarno family. One was ran by Joe McCoy and Scout Troop 97 who conducted a fundraiser in front of Shop Rite and Shop Rite allowed them to stay for as long as they wanted and the Texas Roadhouse restaurant which donated 20% of all dinner checks. He gave a heartfelt thanks to our local Shop Rite on Ernston Road, Boy Scout Troop 97 and to Texas Road House restaurant.

**- Appointments**

❖ Special Counsel – Litigation/Temple Matters - 1 yr. –  
DeCotiis, Fitzpatrick & Cole  
Mayors appointment moved by Councilman Rittenhouse.  
No Second – Motion died.

❖ Board of Adjustment Member - 4 Yr Member – Rosetta Fisher  
Mayors appointment moved by Councilman Rittenhouse.  
No Second – Motion died.

❖ Board of Health - 3 Yr Member – Mike Horvath  
Mayors appointment moved by Councilman Rittenhouse.  
No Second – Motion died.

❖ Commission on Aging- 4 Yr Member – Rosetta Fisher  
Mayors appointment moved by Councilman Rittenhouse.  
No Second – Motion died.

Councilwoman Novak stated that she would like to see Michael Horvath appointed to the Board of Health. Comment was made that the Mayor tried to make this appointment earlier.

Motion made by Councilwoman Novak to appoint Michael Horvath to the Board of Health for a 3 Yr. term. Motion seconded by Councilman Buchanan.

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

❖ Board of Adjustment Member - 4 Yr Member – Rosetta Fisher  
Mayors appointment moved by Councilman Rittenhouse.

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No Second – Motion died.

- ❖ Shade Tree Commission- 5 Yr Mayoral Appointment  
– Stella Misiewicz.

- ❖ Recreation Advisory Board

He said that one of the members on the Board, Stella Misiewicz is one of the longest serving members of the Board.

Then there is Alexis Poplowski, who although is sick still wants to serve. Bill Tumbelson, who is the chairman, Dawn Brophy who is a remarkable volunteer, Bruce D'Apolito, Tom Heaney, Elizabeth Barreiro and the new applicant Lisa Eicher. He said he would like to appoint all of these applicants if the Council President would take his request off the table and allow him to do so.

Council President stated that he would not, that they are in the process of revising the ordinance.

- ❖ Open Space Committee - 3 Yr Member/Env. Comm.  
Teri Yetsko

Mayors appointment moved by Councilman Rittenhouse.

Motion seconded by Councilwoman Novak.

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

- ❖ Open Space Committee - 3 Yr Boro Citizen  
Stanley Drwal

Mayors appointment moved by Councilman Buchanan.

Motion seconded by Councilwoman Novak.

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

- ❖ Skate Park Committee

Mayor said the council tabled these appointments at the last meeting. He asked that he be allowed to appoint the members on the list as we are in the middle of the repairs to the skate park and they are needed.

Council President McGill said that his opinion was that they should be part of the Recreation Advisory Board and spoke about his concerns regarding their fundraising and concerns about a 501c3.

Mayor asked the Clerk to have Troy Jankowski give him a call.

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

- Public Works**

- 1) Request received from the Tax Assessor for the development of a new list of Street Names for future assignment. Suggesting the Veterans Alliance as well as the Historical Society be consulted for their input.

-Refer to Veterans Alliance & Historical Society.

- 2) Letter received from the Tax Assessor withdrawing a previous request for the use of "English Lane" to be used for the renaming of a paper street (Smith St. Blk 215 near Fielek Park). English Lane will now be assigned in LaMer-Sec. 6.

- Notify Veterans Alliance.

- 3) Authorization to extend contract for the Maintenance and Repair of the Borough's HVAC Equipment contract for One (1) – Two (2) year term at no increase in price to GRM Management, Turnersville, NJ.

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- Approved/Resolution.

- 4) Authorization to award contract for the Landscape Maintenance for Various Borough Properties to Greenleaf Landscape of Eatontown, NJ on the low bid of \$123,185.00.

- Water & Sewer Dept.

- 1) Authorization to award contract for the Sewer Pump Station Maintenance to Municipal Maintenance of Cinaminson, NJ as outlined in their proposal documents.

- Approved/Resolution.

- Personnel

- 1) Request for Salary Increase for three SAMS employees (see memos attached in packet) As well as discussion on other employees salaries/titles.

- Closed Session

- Public Safety

- 1) Discussion on Animal Control & Shelter Services (Possible Closed Session)

• C.F.O. - Wayne Kronowski

- 1) Bill List Resolution
- 2) Transfer Resolution
- 3) Budget Update

• BOROUGH ENGINEER - Jay Cornell

- 1) 2013 Roadway Paving and Reconstruction Project – Phase I Closeout of Contract and Change Order (report attached).

- Approved/Resolution.

• BOROUGH ATTORNEY - Michael DuPont

Councilman Rittenhouse addressed Mr. DuPont saying that he had sent him requests earlier in the week regarding SERA and asked if he had a response.

Mr. DuPont said he did not receive a request from him. He asked if he would forward it to him tonight and he would address it.

He also asked the Borough Attorney for a reply to his question about moving and televising the SERA meetings.

Mr. DuPont said that he did have the opportunity to speak with Mr. Baker and went over the statute with Mr. Baker and he was to provide him (Mr. DuPont) with a letter regarding the discussions and opinions. He would reach out to him tomorrow.

**PUBLIC PORTION**

At this time Mayor O'Brien opened the meeting to the public or any and all issues. Those appearing were:

- Robert Kominkiewicz, Ernston Rd.
  - He congratulated Co. Novak & Kilpatrick on their victories this past election reminded them that they are up there for all residents not the party.
  - Questions regarding the Raritan Bay ambulance being located at the squad building.
    - Response from Councilwoman Novak.
  - Questioned the Squads ability to use Narcan.
    - Response made by Councilwoman Novak.
  - Commented on the Temple events and their use of the Board of Ed parking, busses and police officers.
    - Response by Mayor O'Brien regarding their religious services.
  - Mr. Kominkiewicz suggested their use of Quigley property.
    - Response by Mayor O'Brien.

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- Mike D'Addio, Chairman SERA  
Responded to Councilman Rittenhouse's comments regarding SERA and where they conduct their meetings. Stated that Mr. Baker did render a decision and are governed by State Statute and can meet where they see fit.

No further questions or comments

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

Roll Call: Voice Vote, all Ayes. Carried.

Councilman McGill questioned where the borough was at with regards to the Main Street By-Pass, because the concentration of traffic. He felt we are in desperate need of this by-pass to move forward. He said that there has not been any reports brought before this council.

Councilman Rittenhouse said that there is a meeting scheduled for the 4<sup>th</sup> Thursday of this month. He said that the group had to re-organize and are made up of residents from that area and are advisory in nature.

Councilman Buchanan said that he thinks councilman McGill wants to know where we are with the DEP and the State.

The Borough Engineer responded that the borough has received the DEP Permits which are necessary for the construction to proceed with the first phase of the project which is from River Road to Kimball Drive East. He said that there are other permits still pending from the Army Corp of Engineers Soil Conservation District and the Middlesex County Sewerage Authority because the project is going to be built over their right-of-way. Those are the three permits that are still outstanding. The second phase of the project which is the Kimball Drive East to Crossman Road has been discussed with the Main Street By-Pass Committee and believed that they will be coming before the council to make recommendation and afterwards look for a design. But Phase I is not ready to go to construction yet because there are still outstanding permits to be obtained.

Councilman Rittenhouse said that for safety reasons he recommends opening up one or two other roads that do connect Sayreville Blvd. that is already there and that way police, fire and emergency vehicles could get in that way. Councilman McGill agreed.

- **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 10 minutes to discuss the following matters:

- Personnel & Employment Matters
  - Contract Negotiations

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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

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

Roll Call: Voice Vote, all Ayes. Carried.

**Time: 9:00 PM**

• **RECONVENE - 9:30 PM**

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

Roll Call: Voice Vote, all Ayes.

• **ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 9:30 P.M.

SIGNED:

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

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