

Mayor Kennedy O'Brien opened the Agenda Meeting at 9:11PM followed by a salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this Agenda Meeting being held on Monday, January 25, 2016 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 is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Grillo, Kilpatrick,
Lembo, 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, Borough Attorney

Others Absent: None

- **OLD BUSINESS:**

a) -The following Ordinances were introduced at the Council meeting will be listed for Public Hearing and Adoption on January 25, 2016.

ORDINANCE #318-16

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

(Admin. & Finance Committee – Public Hearing Feb. 8, 2016)

ORDINANCE # 319-16

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AMENDING THE WATERFRONT REDEVELOPMENT PLAN
AND MASTER PLAN**

(Planning & Zoning Committee – Public Hearing Feb. 8, 2016)

ORDINANCE # 320-16

**CALENDAR YEAR 2015 ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

(Admin. & Finance Committee – Public Hearing Feb. 8, 2016)

ORDINANCE # 321-2016

**AN ORDINANCE AMENDING THE REVISED RULES OF
ORDER OF COUNCIL OF THE BOROUGH OF SAYREVILLE**

(Council President Buchanan, Sponsor – Public Hearing Feb. 8, 2016)

ORDINANCE #318-16

**AN ORDINANCE SUPPLEMENTING AND AMENDING
CHAPTER II OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 2-33.6 A CLOTHING DONATION BINS**

COMMUNICATIONS & COMMITTEE REPORTS

• ADMINISTRATIVE & FINANCE – Councilwoman Novak

a) Minutes & Departmental Reports:

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

- 1) Municipal Clerk's report for the months on Nov., Dec. and year end 2015
- 2) CFO's Investment Activity report for the month of Nov., 2015.
- 3) Office on Aging Supervisor's report for the months of Nov. and Dec., 2015
- 4) Board of Education Regular Meeting Minutes of Dec. 15, 2015 & Jan. 5, 2016.

- Seconded by Council President Buchanan.

b) Applications for **Bingo/Raffle Licenses** received from the following Organizations:

- 1) **Sayreville St. Stan's Senior Club** to conduct an On Premise 50/50 on 11 dates through 2016 (RA:1997).
- 2) **Sayreville War Memorial High School choral Parents Assoc.** to conduct an On Premise 50/50 on March 9, 2016 (RA:1998).

- Approved

c) Committee Reports:

- 1) Councilwoman Novak asked to be nominated for the appointment as a Member of the Governing Body 1 Yr. Term on the Open Space Committee.

So moved by Council President Buchanan and seconded by Councilwoman Kilpatrick.

Roll Call: Ayes: Councilpersons Buchanan Grillo, Kilpatrick, Novak.

Nays: Councilpersons Lembo, Rittenhouse.

2) Solar Panels – Received two quotes for the placement of solar panels on the lagoons at the water plant. She said that years ago we received proposals and a previous company was going to cut down numerous trees and the council was against it. This program will float the panels on the lagoon and save the borough about \$75,000 - \$100,000 per year in electric. They will not harm the area and there will still be enough space for fishing.

The engineer said that the bids were received and held an interview with the two bidders and we are waiting for additional information and when it is received then could recommend the award of a contract at the next meeting.

• PLANNING & ZONING – Councilman Grillo

a) Minutes & Departmental Reports:

Councilwoman Novak moved the following reports/minutes be received & filed:

- 1) Construction Officials report, Zoning and Code Enforcement report, Fire Prevention report all for the months of Nov. & Dec., 2015.

- Seconded by Council President Buchanan.

b) Notice to Adjacent Property /Surrounding Municipalities received from:

- 1) **Middlesex Energy Center LLC** on an application for approval to the NJDEP under the Freshwater Wetland Protection Act Rules to establish the boundary of freshwater wetlands on Block 58, Lots 2.01 & 9, Jernee Mill Road.
- 2) Notice of an application before the Planning Board on Jan. 20, 2016 from Saker ShopRites, Inc. seeking preliminary and final major site plan approval and variance relief for improvements to 2909 Washington Road.

- Receive & File.

c) Revised resolution received from the Planning Board on an application of Verizon Wireless, lessee of property known as 881 Main Street to install telecommunications antennae and associated equipment.

d) Committee Reports:

Truman Avenue – Resident stated that years ago there was a planned development at the site which required road reconstruction which would have raised the curb significantly and he said that would be problematic down the road and asked if the Council would recommend the DPW to review the site and see if there is a vehicle hazard.

The engineer stated that he would meet with the dept. of public works and there is an issue with the maintenance of that roadway having to do with the condition of the paving and the elevation of the curb. He would meet with the DPW and go over how that could be addressed.

Councilman Grillo also stated that the Planning Board also asked if Mr. DuPont could have permission for the Planning Board to engage in a \$2,500 agreement for an attorney to join the class action for COAH. He said that there are a number of municipalities in the County that feel that the judgement has been unjust. Attorney DuPont said that there would need to be a motion.

Motion made by Councilman Grillo to give the Borough Attorney approval to engage Larry Sachs, Esq. to join the Class Action suit with a not to exceed \$2,500.00.

Motion was seconded by Councilwoman Kilpatrick.

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

Councilman Grillo said that he recently went on the Sayreville Historical web site and gave kudos and acknowledged the work of Councilman Rittenhouse and Jason Slesinski.

- **PUBLIC SAFETY – Councilman Lembo**

- a) **Minutes & Departmental Reports:**

Councilman Lembo moved the following minutes or reports be received and filed:

- 1) Board of Health reports for the months of Nov. & Dec., 2015
- 2) Police Chief's report for the months of Nov. & Dec., 2015
- 3) Court Administrator's report for the months of Nov. & Dec., 2015uu

- Seconded by Councilman Buchanan.

- b) Committee Reports-

- 1) Thanked all employees, EMT's and Fire Volunteer for their hard work during the snowstorm.

- **PUBLIC WORKS – Councilwoman Kilpatrick**

- a) **Minutes & Departmental Reports:**

Councilwoman Kilpatrick moved the following minute or reports be received and filed.

- 1) All Public Works Supervisor's reports for the months of Nov. & Dec., 2015.
- 2) and Sanitation Supervisor Annual report of 2015

- Motion seconded by Councilman Buchanan.

- b) Committee Reports:

- 1) Councilwoman Kilpatrick asked the Chief if it would be possible for a joint discussion with the Board of Education for security cameras.

Chief responded that they have engaged with them already and Tom Bracken will be looking into it.

- 2) Commented that after further discussion with Elyse Barone that both the Recycling and the Green Team ordinances remain the same that both are needed.

Clerk Farbaniec stated that the Recycling Ordinance needs to be amended and will further review with the Borough Attorney and have the corrections made in the form of an ordinance for the next meeting, but appointment can be made tonight.

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

- a) **Minutes & Departmental Reports:**

Councilman Rittenhouse made a motion that the following minutes or reports be received and filed:

- 1) Water & Sewer Director's report for the months of Nov. & Dec., 2015

- Seconded by Councilman Buchanan.

b) Committee Reports:

- 1) Thanked the Dept. of Public Works, Police and EMS workers for the excellent job they did during the last snow event.

• **RECREATION – Council President Buchanan**

a) **Minutes & Departmental Reports:**

Council President Buchanan moved the following minutes or reports be received and filed:

- 1) Recreation Director's report for the months of Nov. & Dec., 2015.

- Seconded by Councilwoman Novak.

b) Committee Reports:

- 1) Reported on various recreation department sponsored events.
- 2) Thanked everyone involved in the cleanup during and after the snow event.
- 3) Thanked the Water Department for the efforts in repairing a water main break during the snow event.

• **MAYOR – Kennedy O'Brien**

- APPOINTMENTS

Mayor O'Brien made the following appointments:

Board of Adjustment

Rosetta Fisher - 4 Yr. Member (replacing Maria Catallo)

Motion made by Councilman Rittenhouse. Seconded by Councilman Lembo.

Roll Call: Ayes: Councilpersons Lembo, Rittenhouse - 2 Aye Votes

Nays: Councilpersons Buchanan, Grillo, Kilpatrick, Novak -4 Nay Votes

Kevin Dalina - 4 Yr. Member (replacing Maria Catallo)

Motion made by Councilman Lembo. Seconded by Councilman Rittenhouse

Roll Call: Ayes: Councilpersons Lembo, Rittenhouse - 2 Ayes Votes

Nays: Councilpersons Buchanan, Grillo, Kilpatrick, Novak -4 Nay Votes

Board of Health

Christian Hibinski - 3 Yr. Member

Motion made by Councilman Rittenhouse. Seconded by Councilman Lembo.

Roll Call: Ayes: Councilpersons Lembo, Rittenhouse - 2 Aye Votes

Nays: Councilpersons Buchanan, Grillo, Kilpatrick, Novak -4 Nay Votes

Recreation Advisory Board

Debbie Metz - 3 Yr Member

Motion made by Councilman Buchanan. Seconded by Councilwoman Novak

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

Nays: None.

Christian Hibinski - 3 Yr. Member

Motion made by Councilman Lembo, Seconded by Councilman Rittenhouse.

It was brought to the Mayor's attention that there weren't any other openings.

Motion died.

Open Space Committee

Val Tarr -

It was brought to the Mayor's attention that there weren't any other openings.

Recycling Commission

Daniel Occhipinti - 3 Yr. Term

Motion made by Councilwoman Novak. Seconded by Councilman Buchanan.

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

Nays: None.

Kira Gagliardi - 3 Yrs. Term

Motion made by Councilwoman Novak. Seconded by Councilman Buchanan.

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

Nays: None.

Technology Board

Fred Block - 3 Yr. Term

Councilwoman Novak stated that the resumes are still being reviewed by Ricci Melendez and that it is a Council Appointment.

Mayor commented and questioned why Ricci Melendez who was recently defeated in the election is now in charge of the Technology Board.

Councilman Rittenhouse also commented on Ricci Melendez reviewing the resumes and that was not a requirement in the ordinance.

Middlesex County Transportation Coordinating Committee

Thomas Tighe - 1 Yr. Mayor's Designee
(Mayor's designee, no motion is necessary)

Mayor O'Brien also commented on the tremendous job everyone did during the snow storm. He also said that he was the one who set up the press conference for the Governor and the Governor and his staff as well as himself made it quite clear that it was volunteer for the men and women of the departments to come in during the press conference. He said that he extended the same respect and dignity to anyone of the past Governors no matter their political background.

Mayor also commented on the water rate increase and that sometimes you just have to do the right thing.

Councilman Rittenhouse asked the attorney if he found the information he requested regarding SERA Council members voting for appointments.

Mr. DuPont stated that it was his opinion that his information was incorrect, that he did the research and supports his decision that they have the right to vote for themselves and the process.

Mr. Rittenhouse quoted 2-51.2 Membership – Pursuant to the Redevelopment Law there shall be nine commissioners of the agency to be appointed by the Mayor with the consent of the Borough Council of which no more than two of the nine commissioners on the SERA shall be members of the Borough Council to be appointed by the Council. The members of the Borough Council appointed to SERA shall serve for a term of One Year or until their elected term expires, whichever occurs first. The Council Members serving on SERA shall not have the right to appoint a designee.

Council President Buchanan said that the law he just read talks about appointing a designee. They cannot appoint someone to replace them.

Mr. DuPont said that is exactly why he stood by his position because that is correct.

Councilman Rittenhouse said that he disagrees and will be checking with DCA to see if he is accurate.

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

- Admin. & Finance

- Planning & Zoning

- Public Safety

- 1) Authorization to use a competitive contracting process through an RFP to acquire a police off-duty detail management system.

- Resolution

- Public Works

- 1) Authorizing the execution of a Shared Services Agreement between the Borough of Sayreville and the County of Middlesex for Goose Control in Sayreville Parklands at a fee not to exceed \$9,690.00.

- Resolution

- Recreation

- Water & Sewer

○ **C.F.O. - Wayne Kronowski**

1. Transfer **Resolution**
2. Budget Update
Councilwoman Novak requested the Borough Council schedule a budget WORKSHOP meeting for Feb. 16, 2016 at 5:30 pm.

- Approved.

3. Resolution approving participation with the St. of NJ Federal Grant Program Administered by the Div. of Criminal Justice, Dept. of Law & Public Safety.

- Resolution

○ **BOROUGH ENGINEER -Jay Cornell**

- 1) Fort Grumpy Storage Facility – Receipt of Bids (Report Attached)
(Action was taken tonight)
- 2) Bordentown Avenue Water Treatment Plant – Closeout of Contract and Change Order (Report Attached).

- Resolution

Council President asked the Borough Engineer about adjusting the lanes on Ernston Road and restriping it near the Bordentown Avenue traffic light.

Jay Cornell stated that he drafted a letter on behalf of Mr. Frankel and sent it to the County Engineers office making some recommendations for modifications to the intersection and address the concerns made but there has not been a response back so he talked to Mr. Frankel and will draft another letter for him to send out to the County.

Councilman Rittenhouse asked if the letter addressed the sign issue that are hidden. Mr. Frankel said that he believed that it did.

• **BOROUGH ATTORNEY - Michael DuPont**

Mayor said that we will be going to the Public Portion first then will be going to Closed Session.

• **PUBLIC PORTION**

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

- Phyllis Batko, Glynn Court
Questioned who would own the Solar Panels that we went out to bid on. Response made by the Engineer that it is a Power Purchase agreement where the company that would award the contract would own, construct and maintain. It would be at 15 year agreement. Mrs. Batko asked for a cost analysis. The engineer said that copies are available in the clerk's office and would make them available.

Further comments made by Councilwoman Novak that we are only looking to do the Water Treatment Plant and the building adjacent. Discussion followed regarding the savings and what that is based upon.

- Ed Strek, Nickel Avenue
Commented on the Geese removal contract.
Asked who was getting the 2016 Ford Explorer.
Response made by the Business Admin.

There being no further questions or comments, Councilman Buchanan made a motion to close the public portion. Motion was seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION**

(Motion to enter into closed session) – Time: 9:50 PM

- **EXECUTIVE SESSION**

- 5 minutes / **Litigation – Tax Matters**

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 5 – 10 minutes to discuss the following matters:

Litigation – Tax Matters

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, Councilwoman

APPROVED:

/s/ Kennedy O'Brien
Mayor

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

Roll Call: Voice Vote, all Ayes. Carried. Time: 9:50 PM

- **RECONVENE – 9:55 PM**

Councilwoman Novak made a motion to adjourn. Motion seconded by Councilman Grillo.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**
No further business.

Mayor called for a motion to adjourn.

Councilwoman Novak made a motion to adjourn. Motion seconded by Councilman Grillo.

Roll Call: Voice Vote, all Ayes.

Time: 9:55 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved