

Mayor Kennedy O'Brien opened the Council Meeting at 8:30 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this Agenda Meeting being held on Monday, February 9, 2015 had 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, Kilpatrick, McGill,
Melendez, Rittenhouse

Absent: Councilwoman Novak (Excused)

Others Present: Kennedy O'Brien, Mayor

Theresa A. Farbaniec, Municipal Clerk
Jay Cornell, P.E., Borough Engineer
Michael DuPont, Esq., Borough Attorney

Others Absent: Daniel E. Frankel, Business Administrator (bereavement)
Wayne A. Kronowski, C.F.O./Treasurer (vacation)

- **OLD BUSINESS**

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

- Clerk announced that the following Ordinance was introduced at the council meeting and Public Hearing was scheduled for February 23, 2015.

ORDINANCE # 278-15

**AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",
SECTION 2.3 "MEETINGS" OF THE REVISED GENERAL
ORDINANCES, OF THE BOROUGH OF SAYREVILLE
Co. Rittenhouse - 2nd Admin. & Finance**

- **NEW BUSINESS:**

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

b. Ordinances for Discussion

If approved they will be Introduced on Feb. 23, 2015.

ORDINANCE #279-15(a)

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXXVI "HUNTING AND FISHING REGULATIONS"
OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF SAYREVILLE TO AMEND SECTIONS
36-3 "SEASONS" AND 36-5 "PERMITTING WEAPONS
AND HUNTING METHODS"**

Approved for Introduction on Feb. 23, 2015.

ORDINANCE #280-15(a)

**AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",
SUBSECTION 2-60, "DISQUALIFICATION OF VOLUNTEERS
FOR APPOINTMENT" OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF SAYREVILLE**

Mayor expressed that he was upset that this ordinance would bump Patti Burch now married and living in Old Bridge, but raised here in Sayreville, volunteered and headed up our Sayreville Day Committee and on Recreation Committee. He also commented on the Malara brothers who were bumped from the Human Relations Commission who were

teachers for over 30 years and lived across Bordentown Avenue placing them out of town however served on the Human Relations Commission for a long period of time before being removed due to non residency. He asked the Borough Attorney to revise the ordinance so that it is not so restrictive as this one is and gives the governing body the ability in the event the governing body would like to appoint people to boards and commissions who are not Sayreville residents. He stated that this ordinance was written specifically for her and this is where he has a problem. He asked that the attorney research this ordinance a bit because we can't be the first municipality who has dealt with this issue and see how they have addressed this.

Councilman Melendez said that he can go ahead and do that, but he would like this introduced at the next meeting.

Mayor asked if there was any further discussion on this issue. None made.
Ordinance to be introduced on February 23, 2015.

ORDINANCE # 281-15(a)
AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",
SUBSECTION 2-62, "RECREATION ADVISORY BOARD"
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE

Mayor stated that he has been in touch with Youth Athletic Leagues and from what he understands no one has been in contact with them regarding this ordinance.

Councilman Melendez said that the reason for putting this listing together is for discussion and bringing it to their attention. He said that after it is introduced at the next meeting he will have the discussion with them.

Ordinance #281-15 will be introduced on Feb. 23, 2015.

ORDINANCE #282-15(a)
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XVII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO ADD
SECTION 17-8 "MUNICIPALLY SPONSORED YOUTH
ATHLETIC ORGANIZATIONS

Mayor said that the current ordinance says that any youth sports organization that received money from the borough must file their by-laws and financials. This ordinance says that you do not have to file by-laws and financials. So are you going from transparency to no transparency and he objected on that ground. He said that there did not seem to be a push back on these issues from the organizations other than a timing issue and the organizations he spoke with were not contacted about this.

Councilman Melendez said that he is a part of multiple organizations and felt that there was a lot to be cleaned up in the existing ordinance. Instead of them filing financials they would have to provide receipts for everything. Filing financials would force them to retain an auditor at a large expense and these are volunteer organizations trying to maintain volunteerism.

Mayor recommended that before this ordinance is introduced you have all of the organizations come together and discuss it.

Councilman Buchanan commented that when Councilwoman Eicher was on board her intention was to assure that the borough's money going into the organization was accounted for. He said that parts of organizations that are parent driven did not receive any funding and the costs associated with the financial reporting would cost these travel teams an exorbitant amount and would hurt the travel teams. The concern is about the money being funded by the borough.

Mayor expressed his concerns about transparency and asked that they bring in the Youth/recreation groups.

Councilman Rittenhouse asked to hear from each of his colleagues regarding why they no longer wanted to receive the by-laws and that regarding the financials that there are other ways that their statements can be structured.

Councilwoman Kilpatrick stated that she thought that this was the meeting where we discuss and tweak any changes they wanted to see in the ordinance to be introduced at a meeting to follow. She expressed her frustration to Councilman Rittenhouse on his insinuating that she and her colleagues just want to eliminate financials and the transparency. She said that she does not support moving this ordinance forward at this time and would like to bring in the 33 members on the Recreation Board that a previous ordinance spoke about would be a more beneficial way to go about it. Thought that the more representation from the youth groups would be a great way to move forward with this. She said that she supports the Mayor and Councilman Buchanan with regards to his opinions regarding this at this time.

Mayor said that Councilman Buchanan had previously motioned to Table but we are still under comment and asked Councilman Rittenhouse if he would like to proceed. Councilman Rittenhouse said that is fine.

Councilman Buchanan restated his motion to Table Ordinance No. 282-15a. Seconded by Councilman Melendez.

Roll Call: Voice Vote, all Ayes.

- **ADMINISTRATIVE & FINANCE – Councilwoman Novak**

a) Received **Bingo/Raffle Applications** from the following Organizations :

- 1) **New Beginnings Animal Rescue** to conduct an On-Premise 50/50 and Bingo games on March 13, 2015 (RA:1913 & BA:493).
- 2) **Sayreville Middle School PTO** to conduct an On-Premise 50/50 and an On-Premise Draw (Tricky Tray) on March 13, 2015 (RA:1914 & RA:1915).
- 3) **Old Bridge School of Dance Competition Team** to conduct an On-Premise 50/50 and an On-Premise Draw (Tricky Tray) on March 8, 2015 (RA:1916 & RA:1917) at VFW Post 4699.
- 4) **Cheer Dream Scoliosis Foundation** to conduct an On Premise 50/50 and an On premise Draw/Tricky Tray on March 14, 2015 at VFW Post 4699 (RA:1918 & RA:1919).
- 5) **Zeta Phi Beta Sorority Inc-Omega Mu Zeta Chapter** to Conduct an On Premise Draw Tricky Tray on April 18, 2015 at VFW Post 4699 (RA:1920).
- 6) **Sayreville Riverdogs-Grey** to conduct on Off-Premise Draw Calendar Raffle between April 1 – 30, 2015. (RA:1921).
- 7) **Our Lady of Victories HSA** to conduct a Bingo on April 10, 2015 at OLV Monsignor Dalton Hall (BA:494).
- 8) **Samsel Upper Elementary School PTO** to conduct a Bingo, An On-premise 50/50 and an On-Premise Draw Raffle On April 17, 2015 (BA:495, RA:1922, RA:1923).

a –(1 thru 8) Approved.

b) Application(s) for **Social Affair Permits** received from:

- 1) **St. Stanislaus Kostka Church** to conduct Elvis Tribute Dance to be held on May 16, 2015 at the school auditorium.
- 2) **Our Lady of Victories HSA** to conduct a Wine Tasting event to be held on March 21, 2015 at the Monsignor Dalton Hall.

b – (1&2) Approved

c) Request received from **Donna Brodzinski, Tax Collector**, for a Resolution authorizing

the Tax Collector to refund a portion of 2014 taxes in the amount of \$4,018.84, due to the **approval of a 100% Disabled Veteran Tax Exemption** by the Tax Assessor effective May 29, 2014.

- **Approving Resolution.**

d) Notice received from **Jersey Central P&L of a Public Hearing** held before the BPU on changes for Basic Generation Service Charges for period beginning June 1, 2015.

-Receive & File

c) Committee Reports

1) On behalf of Councilwoman Novak, Councilwoman Kilpatrick asked for Certificates of Recognition for two Sayreville Middle School football players Connor Milne and Mark Whitford who attended the Bret Cooper Junior Academic All American Bowl in Dallas Texas. This program strengthens that Football is academics as well.

Councilman Rittenhouse stated that there is going to be a Finance Committee meeting on Thursday at 4PM.

• **PLANNING & ZONING – Councilman Buchanan**

a) **Notice to Adjacent Property Owners** received from Quick Chek Corp of a continuation Hearing of an application before the Zoning Board scheduled for Jan. 28, 2015 seeking a use variance and preliminary and final major site plan approval with bulk variances for demolition and redevelop to contain a convenience store with retail gas service.

- Receive & File.

b) Committee Reports:

1) Progress.

• **PUBLIC WORKS – Councilwoman Kilpatrick**

a) Request received from **Brighton Builder, LLC** for the **release of Performance Bond** for the Installation of Playground Equipment at Laurel Park and Oak Tree Park.

- **Approved for Resolution.**

b) Committee Reports:

1) Councilwoman Kilpatrick said that in the past the council discussed two different areas for a possible Public Works Facility. She requested that they move forward and look at which of the two properties would best suit a new facility. She said that they could use the \$4 Million Dollars the borough received from the sale of the borough's sewer capacity to South Amboy toward this improvement. She asked the council move forward to entertain the idea of which property would best suit the Borough in a New Public Works Facility.

• **RECREATION – Councilman Melendez**

a) Request from Patti Burch to conduct the Borough of Sayreville's **20th Annual Sayreville Day Event** and use of Kennedy Park on September 13, 2015.

- **Approved.**

b) Committee Reports – Progress.

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

a) Committee Reports- progress.

• **PUBLIC SAFETY – Council President McGill**

a) Request for **coin toss** at the intersection of Washington & Ernston Roads from 10am-2pm received from:

1) Sayreville Riverdogs Blue 8U Team on March 28 & 29, 2015.

2) Sayreville Bombers Girls Soccer Booster Club 7-12th Grade on May 9, 2015.

-**Approved**

b) Motion to receive and file a **Letter of resignation** received from Firefighter Thomas Tesar of **Sayreville Engine Co. No. 1**.

c) **Sayreville Engine Co. No. 1** requesting municipal approval of an application for firefighter received from **Mohammed A. Ramadan** and accepted at their Jan., 2015 meeting.

- Approved.

d) Committee Reports – Progress.

• **MAYOR – Kennedy O’Brien**

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

Municipal Clerk Farbaniec reported on behalf of Mr. Frankel.

- Admin. & Finance

a) Authorization for a Resolution to execute an amendment to the **2013 Residential Maintenance Services to extend services for the Calendar Year 2015**. Funded with the Older Americans Act Funds. Total contract to increase an Additional \$4,500.00.

- Resolution.

b) Executive Session Item – Tax Appeal & Settlement Discussion

- Public Safety

a) Appointing **Thomas Cassidy to the title of Police Lieutenant** as per Civil Service promotional procedures, effective January 27, 2015.

- Memorializing Resolution.

b) Appointing **Alfred Gawron to the title of Police Sergeant** as per Civil Service promotional procedures, effective January 27, 2015.

- Memorializing Resolution.

c) Authorization to execute an **inter-local services agreement with the Twp. of East Brunswick Fire Dist** for the provision of fire protection services for a three-year period, commencing May 1, 2015 through April 30, 2018 at \$9,000/yr.

- Resolution.

- Public Works

a) Authorization to appoint **Gary Aich as Supervisor, Public Works**, as per Civil Service promotional procedures, effective January 27, 2015.

- Resolution.

- Recreation

a) Request for **increase in fees** for all Recreation sponsored programs and permits by 5% to the nearest \$5.00 increment to defer cost on on-line registrations.

- Resolution.

b) Request received from **L.E.A.D (Law Enforcement Against Drugs)** and the **Sayreville Police Dept.** to conduct a **Carnival at Kennedy Park from April 4-12, 2015** (this is Easter week).

- Approved.

- Personnel

a) Discussion of salaries of Rice Noticed employees.

- Continuation

- Closed Session item.

- **C.F.O. - Wayne Kronowski**
 - a) Bill List Resolution
 - b) Transfer Resolution
 - c) Ordinance to increase Appropriation CAP from 2.5% to 3.5%.
- **BOROUGH ENGINEER - Jay Cornell**
 - Camelot at Towne Lake – Bond Reduction Request
 - Resolution.

Councilman Buchanan asked the engineer for an update on the re-stripping of the lanes at the Bordentown Ave/Ernst Road light.

Mr. Cornell stated that there were still open issues with regard to closing out of the project. So we are waiting for the project to be closed out and then we will approach them with the stripping and signage issues as discussed.

Councilman Buchanan also asked for an update on the White Oaks Drive/Main Street traffic light.

Mr. Cornell said that because of the time frame from when the project was originally designed some modifications are required to be handicapped design added to that project. The County is scheduled to approve a Change Order this February to allow these changes be made. Once the changes are made then they will go ahead and receive bids. Possible summer construction.

- **BOROUGH ATTORNEY - Michael DuPont**

- **EXECUTIVE SESSION -**

- Mayor O'Brien announced that the Council will be going into Closed Session and council action may be taken after.

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
 - Tax Appeal / Litigation
 - Other Potential Litigation

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

NOW, THEREFORE BE IT RESOLVED that the public be excluded and this resolution shall take effect immediately.

/s/ Daniel Buchanan, Councilman

APPROVED:

/s/ Kennedy O'Brien
Mayor

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

Roll Call: Voice Vote, all Ayes. Carried.

Time: 8:55 PM

• **RECONVENE – 9:20 PM**

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

Roll Call: Voice Vote, all Ayes.

Mayor asked the Council President if the matters discussed in Closed Session will be voted on tonight. Councilman McGill wanted action taken tonight. Mayor asked that these raises be discussed. Mayor said that we have three department heads. Councilman Rittenhouse said that he felt that we have to wait for Mr. Frankel to return because he has the figures. He also felt we should be looking at performance evaluations before we consider raises. Mayor said there should be a criteria established because every employee will come forward and want a raise too. Councilwoman Kilpatrick said that a criteria for some was through the contract that was given to SAMS also applies to them and was not being adhered to. Mayor said that he still has not received a report from Labor Counsel on that issue. Councilman Buchanan said that back in 2009 he thought there was an agreement that they would receive the same increases as the Statutory and SAMS employees. Those three people did not receive that increase. This needs to be addressed because these three individuals need to receive the adjustments in salary.

Councilwoman Kilpatrick mentioned their inclusion in the recognition clause.

Borough Attorney said that they could all make a motion to approve the salary adjustment, subject to verification by the Business Administrator and approval by labor counsel to implement these salaries, upon such verification.

Mayor O'Brien then said that the whole purpose of having these Agenda meetings and Council meetings is that at an Agenda meeting there is NO Action taken-items are discussed for placement on the next regular council meeting.

Councilwoman Kilpatrick questioned that if the SAMS contract comes back that we were in violation, is there a cost to the borough if a grievance is filed. Mr. DuPont said that the borough would have to retain the use of the Labor Counsel at a cost to the borough.

Mr. DuPont said that the Council still has the ability to take action on issues following an Executive Session, even if it is during an Agenda meeting.

Mayor questioned if these matters were a crises that we have to act on it tonight.

Councilman McGill stated that these issues have been hanging around for a long time and would like to see them taken care of.

Borough Attorney DuPont reiterated that the Mayor and Council wish to move ahead with salary increases that were part of a contractual relationship that occurred years ago. The salary adjustments will only take place subject to the Borough Administrator verifying with Labor Counsel. And those include Bernie Bailey, Jerry Ust and Colette

Solinski. Mayor said that he does not want to move ahead. We do not know the dollar figure involved with these increases.

Municipal Clerk asked if this was a motion placing these items on the Consent Agenda for the next meeting.

Councilman McGill made a motion placing the salary increases on the next Council Meeting - Consent Agenda Resolution.

Motion seconded by Councilman Buchanan.

Mayor asked the clerk to read the names.

Mrs. Farbaniec stated Bernie Bailey, Jerry Ust, Colette Solinski, Alma Lesinski, Kevin Krushinski, Jen Krushinski, Rebecca Garbowski (Safety Coordinator), Business Admin, for a 3 yr raise.

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

PUBLIC PORTION

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

- Ken Olchaskey, 108 No. Edward St.
Questioned the Council/Regular meeting as opposed to the Agenda meeting. Mayor O'Brien suggested that he speak with Councilwoman Novak as she wanted the two meetings separated.
Mr. Olchaskey said that when he was councilman there was an agenda meeting on a Monday and a Council meeting on a Wednesday. Then quite a few years following we went into this merged meeting. He questioned if that was a rule of the council that action is not taken during agenda meetings.

Mike DuPont responded that action taken during an Executive Session, action could be taken afterward.

Mr. Olchaskey questioned the regular order of business going forward as well as the ability for the council to make appointments during agenda meetings.

Councilman Buchanan responded that he and Councilwoman Novak were discussing and one of the things that they got away from was discussing the Ordinances and other items like we've done here tonight. The Regular Council meeting is conducted first followed by the Agenda portion. The new agenda will take some growing pains. The goal is to have a dialog on potential ordinances. We discuss them for placement for introduction in two weeks. Councilman Buchanan said that at any public meeting you could pass motions and appointments because it is an open public meeting.

Mr. Olchaskey asked if before the next meeting he could meet with the clerk or get clarification as to what can be done and discussed during an agenda meeting and what cannot.

Mr. Olchaskey brought up an issue that occurred a number of years ago that could be a collusion that was when a Jan. 1st re-org. meeting did not take place because a number of council members could not attend and told the councilmember that perhaps that is when the collusion began.

No further questions or comments

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

Roll Call: Voice Vote, all Ayes. Carried.

- **ADJOURNMENT**

No further business.

Councilman Buchanan made a motion to adjourn. Motion seconded by Councilman McGill.

Roll Call: Voice Vote, all Ayes.

Time: 9:38 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved