

Mayor O'Brien opened the Council Meeting at 7:05 PM. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this February 12, 2018 Council 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 is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo,
Melendez, Novak

Absent: None

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

Others Absent: None

- **APPROVAL OF PRIOR MINUTES OF THE MAYOR AND COUNCIL:**

Council President Kilpatrick moved the following Council Minutes be approved, subject to correction if necessary:

- ✕ January 8, 2018 - Council & Executive Sessions and Agenda Session
- ✕ January 9, 2018 - Receipt of Bids
- ✕ January 22, 2018 - Special Meeting & Executive Sessions (COAH Matter)
- ✕ January 22, 2018 - Council and Agenda Sessions

Seconded by Councilman Buchanan.

Roll Call – Voice Vote, all Ayes.

- **OLD BUSINESS:**

a) Public Hearing on the following Ordinances:

Municipal Clerk Farbaniec read the heading for the following ordinances listed for Public Hearing:

Mayor O'Brien opened the meeting to the public on Ordinance #393-18.

There were no appearances.

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

Roll Call:

Ayes: Councilpersons Novak, Buchanan, Grillo, Kilpatrick, Lembo,
Melendez.

Nays: None

ORDINANCE #393-18
AN ORDINANCE SUPPLEMENTING AND AMENDING
ORDINANCE #235-13 FIXING THE SALARIES OF
CERTAIN BOROUGH OFFICIALS, OFFICERS AND
EMPLOYEES FOR THE YEARS 2013, 2014, 2015 AND 2016

NOW THEREFORE BE IT AN IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville that Ordinance #235-13 is hereby supplemented and amended to include adjustments and corrections to the following:

Borough of Sayreville - AFSCME
2016 Salary & Wage Schedule

WATER REPAIRER 2

A	B	1	2	3	4	5
\$46,656.	\$49,023.	\$51,415.	\$61,685.	\$65,224.	\$69,087.	\$69,584.
6	7	8				
\$70,407.	\$71,155.	\$72,077.				

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Esquire
Borough Attorney

APPROVED:

/s/ Kennedy O'Brien
Mayor

Mayor opened the meeting for questions or comments on Ordinance 394-18.

Those appearing were:

- Steve Melaneski, 28 Scarlett Drive, Parlin
Questioned what the deficit was.
Response made by CFO Mr. Kronowski, stating that there is no deficit and said that the word deficit is not mentioned in the ordinance. He went on to explain the ordinance to him.

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

Roll Call:
Ayes: Councilpersons Novak, Buchanan, Grillo, Kilpatrick, Lembo, Melendez.
Nays: None

ORDINANCE #394-18
CALENDAR YEAR 2018 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Sayreville in the County of Middlesex finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$1,521,913.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Sayreville, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Sayreville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 1,521,913.00, and that the CY 2018 municipal budget for the Borough of Sayreville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

b) Appointments (worksheet in packet)

Mayor stated that it has been brought to his attention that there is a local ordinance or a State Law that reads that people appointed can only serve on one board

and there are people who serve on more than one. Such as Ron Green who is on the Housing Authority and the Zoning Board and Anthony Esposito who is on the Board of Education and the Zoning Board.

The Borough Attorney, Mr. DuPont said that he believes that what the State prevents is individuals from sitting on similar boards such as Zoning Board and Planning Board or the Redevelopment Agency. Mr. DuPont said that he would look up the specific statute.

Mayor asked if anyone in the audience has a copy of the Statute.

Councilman Buchanan asked that Attorney – about a Board of Ed member that was also on the Planning Board who is no longer on the Planning Board...

The Borough Attorney said that the Borough Clerk received an e-mail from Planning Board Attorney Mr. Rogoff regarding this matter. Mr. Rogoff stated that Mr. Macagnone was appointed but due to the death of a family member was unable to attend meeting and be sworn in and sign his Oath. He said that at the next meeting he will be sworn in as a Class IV Member of the unexpired term of Mr. Kelly, who resigned with one year left in the term or the Mayor can appoint him to Deborah Lee's position and appoint Deborah Lee to the Class II Member because she is also a member of the Environmental Commission. He went on to say that Ms. Lee's term would be a One Year Term and can be re-appointed so long she is a member of the Environmental Commission.

Councilman Buchanan asked how it works if he voted on any applications? Mr. DuPont said that he does not know that answer, but probably not because he was not at the meeting to be sworn in. Councilman Lembo further indicated that there were no votes on anything at the last meeting.

Mayor O'Brien then **appointed Deborah Lee to the Planning Board Class II** position.

Mike Macagnone to the Class IV position replacing Ken Kelly's unexpired term, expiring in 2018

Correcting for the record Mr. Chodkiewicz's term to be concurrent with the term of the Mayor.

Mayor opened the meeting to the public to discuss the law on the zoning board.

Those appearing were:

- Art Rittenhouse, 33 Delekat Lane, Sayreville

Stated that Sayreville's Ordinances 26-11.1 (c) Establishment of the Zoning Board – Other Municipal Office. Stated that no member of the Board of Adjustment shall hold any elected office or position under the municipality.

- James Robinson, Borelle Square, Parlin

Said that the Statute 45:55D-39 talks about a member of the Board of Adjustment - Shall hold no office under the Municipality and that the Board of Education is not an office under the municipality, that is a State Office.

Mr. Robinson than asked if the Mayor's powers of appointment lapsed or can he still make those appointment now (the 30 days has expired). Mr. DuPont said that the Statute is clear these are Mayoral appointments.

- Ken Olchaskey, 108 North Edward St.

Talked about the Planning Board appointments back in 2016 and the lack there of. Questioned what happens to the terms of the people who were not appointed and were then appointed in 2017. Do the appointment terms revert back to 2016 or begin in 2017 of their term of appointment. The Borough Attorney responded that they are appointed on that specific date.

Councilman Buchanan became concerned about a log jam of peoples terms expiring at one time if the terms moved forward from the date of appointment.

Mr. DuPont said that the e-mail he has from Mr. Rogoff outlines the specific terms, but would reach out to Mr. Rogoff and verify the information with him about the specific terms and when they begin and end.

Mr. Olchaskey then questioned the actions of those planning board members during 2016 and if they would be subject to litigation.

Mr. DuPont indicated the Mr. Rogoff was going to research that and will follow-up with him.

Co. Buchanan asked the attorney if the DCA would be the State Agency that would govern this matter.

Mr. DuPont stated yes.

Councilwoman Novak asked if Mr. Macagnone is now serving Mr. Kelly's unexpired term.

Mayor said he would be serving Mr. Kelly's unexpired term.

- Janice Benedetto, 1 Thomas Avenue, Melrose

Spoke about the planning board appointments and the decision making that took place and if they were not appointed and if we would have the opportunity to recast the Master Plan?

Mr. DuPont repeated that he will be having discussions with Mr. Rogoff. He went on to say that Mr. Surenian and others appeared before the court on Feb. 8, 2018 regarding a motion the Mr. Surenian filed concerning certain arguments that would amend or vacate that settlement. He said that the court has scheduled a hearing date of March 16th. The Judge then said he would render a decision by March 28th, with a compliance hearing, if needed scheduled for May 9th. He went on to say that documents have to be filed within 14 days.

- James Robinson, Borelle Square, Parlin.

Asked Mr. DuPont to revisit his decision on appointments and add his opinion on the use of staggered appointments. He then asked the Mayor why appointments were not made in 2016.

Mayor responded that he would have to look up the record.

- Ken Olchaskey, 108 North Edward Street

Commented on the mere presence of people sitting on the board without being appointed and the influence that could have taken place never mind the vote.

- **APPOINTMENTS**

Mayor now called for the Council's Appointments.

Council President Kilpatrick moved the following Officials be appointed:

Financial Advisor	1 Yr. Term -	NW Financial Group, LLC
Special Counsel (ABC Matters)	1 Yr. Term -	Antonelli Kantor, PC
Special Counsel (Other Matters)	1 Yr. Term -	Eric Bernstein & Associates
Litigation Counsel	1 Yr. Term -	Weiner Lesniak, LLP
Special Counsel (Water Matters)	1 Yr. Term -	William Northgrave
Architect	1 Yr. Term -	USA Architects

Motion was seconded by Councilman Buchanan.

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

- Nays: None.

Council President Kilpatrick moved the following appointments:

Board of Adjustment

Phil Emma	- Member	4 Yr. Term
Anthony Esposito	- Alt I	2 Yr. Term

Robert Foley - Alt II 2 Yr. Term
Motion was seconded by Councilman Buchanan.

Roll Call – Ayes: Councilpersons Kilpatrick, Buchanan, Grillo, Melendez,
Novak.
- Nay: Councilman Lembo.

Council President Kilpatrick moved to appoint the following:
Veterans Alliance
Ken Kelly and Richard Kosmoski both 1 Yr. Terms.

Motion was seconded by Councilman Buchanan.

Roll Call – Ayes: Councilpersons Kilpatrick, Buchanan, Grillo, Lembo,
Melendez, Novak.
- Nay: None.

- **NEW BUSINESS:**

a) Municipal Clerk Farbaniec reported on having received the Supplemental Debt Statement from Wayne Kronowski, CFO effective, February 12, 2018.

Councilman Buchanan moved the Supplemental Debt Statement be received and filed. Motion was seconded by Councilwoman Novak.

Roll Call – Ayes: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Melendez,
Novak.
- Nays: None.

b) The Clerk read the Introduction of the following ordinances:

ORDINANCE #395-18

**BOND ORDINANCE PROVIDING FOR THE REHABILITATION OF THE
PULASKI AVENUE WATER TANK IN THE BOROUGH OF SAYREVILLE,
NEW JERSEY, APPROPRIATING \$2,000,000 THEREFOR AND AUTHORIZING
THE ISSUANCE OF \$2,000,000 BONDS OR NOTES OF
THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

(Admin. & Finance Committee – Public Hearing Feb. 26, 2018)

Councilwoman Novak moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on February 26, 2018. Motion was seconded by Councilman Buchanan.

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

ORDINANCE #396-18

**AN ORDINANCE AMENDING CHAPTER V – POLICE REGULATIONS
TO AD A SUBSECTION ENTITLED “BASKETBALL HOOPS” OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE**

(Co. Kilpatrick, Public Works Committee – Public Hearing Feb. 26, 2018)

Council President Kilpatrick moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on February 26, 2018. Motion was seconded by Councilwoman Novak.

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

ORDINANCE #397-18

Revised

**AN ORDINANCE AMENDING CHAPTER II, “ADMINISTRATION”,
TO ADD SUBSECTION 2-68, “COAH OVERSIGHT COMMITTEE”
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE**

(Co. Grillo, Sponsor – Public Hearing Feb. 26, 2018)

Councilman Grillo moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on February 26, 2018. Motion was seconded by Councilman Lembo.

Comments:

Councilman Buchanan asked if Jeff Surenian received a copy of this Ordinance to review? Councilman Grillo deferred to Mr. DuPont who stated that he may have, but out of abundance of caution he will e-mail it to him tonight.

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

ORDINANCE 398-18

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,850,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION

(Co. Novak, Admin. & Finance – Public Hearing Feb. 26, 2018)

Councilwoman Novak moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on February 26, 2018. Motion was seconded by Councilman Buchanan.

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

• **CONSENT AGENDA/RESOLUTIONS**

At this time the Mayor opened the meeting for questions or comments on Consent Agenda Resolutions. There were no appearances. Mayor O’Brien called for a motion.

Council President Buchanan moved the public portion be closed and the Consent Agenda Resolutions be approved on Roll Call Vote. Motion was seconded by Council President Kilpatrick.

Roll Call on Consent Agenda Resolutions:

Ayes: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Melendez, Novak.

Nays: Councilpersons Kilpatrick, Melendez and Novak voted No on Resolution 2018-46.

Abstain: Councilman Buchanan abstained from voting on Resolution 2018-46.

Results: Resolution #2018-46 was not approved.

RESOLUTION #2018-44

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
Kennedy O’Brien, Mayor

/s/Daniel Buchanan
Councilman Daniel Buchanan

/s/Pasquale Lembo
Councilman Pasquale Lembo

/s/Steven Grillo
Councilman Steven Grillo

/s/Ricci Melendez
Councilman Ricci Melendez

/s/Victoria Kilpatrick
Councilwoman Victoria Kilpatrick

/s/Mary J. Novak
Councilwoman Mary J. Novak

**Bill list of February 12, 2018 in the amount of \$11,944,513.21
in a separate Bill List File for 2018 (See Appendix Bill List 2017-A for this date).**

RESOLUTION #2018-45

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2017 Appropriation Reserves be and the same are hereby authorized to be made in the following manner to wit:

	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>		
Legal Services (1155 - 130-2-6220)	\$	\$ 32,000
Group Insurance (1220-205-2-8081)	45,500	
Natural Gas (1446-946-2-18150)		5,000
Data Storage (2906-1139-2-15311)		8,500
	<u>\$ 45,500</u>	<u>\$ 45,500</u>

/s/ Mary J. Novak, Councilwoman

(Admin. & Finance Chairman)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

BOROUGH OF SAYREVILLE:

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-46

Resolution #2018-46 was not approved

BE IT RESOLVED that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

NAME OF APPOINTEE: Ashley Linder
POSITION: Clerk I
DEPARTMENT: Municipal Court
EFFECTIVE: February 20, 2018

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 Civil Service Commission.

Resolution was not adopted.

Daniel Buchanan, Councilman
(Public Safety Committee)

ATTEST:

Theresa A. Farbaniec, RMC
Municipal Clerk

BOROUGH OF SAYREVILLE

Kennedy O'Brien, Mayor

RESOLUTION #2018-47

BE IT RESOLVED that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

NAME OF APPOINTEE: Susan Pizzillo
POSITION: Deputy Court Administrator
DEPARTMENT: Municipal Court
EFFECTIVE: February 16, 2018

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 Civil Service Commission.

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

ATTEST: BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2018-48

BE IT AND IT IS HEREBY RESOLVED that the Borough Engineer is hereby authorized and directed to re-examine, review and update the Storm Water Pollution Prevention Plan and our Municipal Storm Water Pollution Prevention Plan and our Municipal Storm Water II Management and that he be paid for said services at a fee not to exceed \$7,500.00.

/s/ Victoria Kilpatrick, Council President
(Public Works Committee)

ATTEST: BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-49

WHEREAS, Qualified Purchasing Agent has recommended that certain increases and decreases be included in the following described project as will more fully appear in Contract Change Order No. 2:

- Project: Improvements to Sayreville Free Library Meeting Room
- Contractor: Tri-Form Construction
119 Liberty Street
Metuchen, NJ 08840
- Net Increase: \$1,463.75
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the recommendation and approval of said Qualified Purchasing Agent referred to above and in said Change Order be and the same is hereby accepted and approved:

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-50

BE IT RESOLVED, that the Qualified Purchasing Agent is hereby authorized and directed to prepare plans and specifications for the MacArthur Avenue StreetScape Tree Planting as per the Rutgers Cooperative /extension Floodplain Restoration Plan and authorizing the Clerk/QPA to advertise for the receipt of bids.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-51

BE IT AND IT IS HEREBY RESOLVED that the proper borough officials are hereby authorized and directed to execute a contract with Rutgers Cooperative Extension for project management of the MacArthur Avenue StreetScape Tree Planting for a period of one (1) year from the date of execution.

/s/ Victoria Kilpatrick, Council President
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-52

BE IT RESOLVED that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

NAME OF APPOINTEE: John Dragotta

POSITION: Sewer Repairer I

DEPARTMENT: Water & Sewer Department

EFFECTIVE: February 16, 2018

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 Civil Service Commission.

/s/ Steven Grillo, Councilman
(Water & Sewer Committee)

ATTEST: BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-53

BE IT RESOLVED that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

NAME OF APPOINTEE: Dean Kontos
POSITION: Pump Station Operator
DEPARTMENT: Water & Sewer Department
EFFECTIVE: February 16, 2018

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 Civil Service Commission.

/s/ Steven Grillo, Councilman
(Water & Sewer Committee)

ATTEST: BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-54

BE IT RESOLVED that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

NAME OF APPOINTEE: Derek Kopek
POSITION: Laborer
DEPARTMENT: Water & Sewer Department
EFFECTIVE: March 1, 2018

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 Civil Service Commission.

/s/ Steven Grillo, Councilman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-55

BE IT RESOLVED that the following person is hereby appointed to the following:

NAME OF APPOINTEE: Robert Lasko *and*
Michael Gaines

POSITION: Police Lieutenant

DEPARTMENT: Police

EFFECTIVE: March 1, 2018

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/ Daniel Buchanan, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-56

BE IT RESOLVED that the following person is hereby appointed to the following:

NAME OF APPOINTEE: Steven Maslowski *and*
Brian Braile

POSITION: Police Sergeant

DEPARTMENT: Police

EFFECTIVE: March 1, 2018

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/ Daniel Buchanan, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-57
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING
THE EXECUTION OF AN AGREEMENT BETWEEN THE
BOROUGH OF SAYREVILLE AND THE
ASSOCIATED HUMANE SOCIETIES, INC.

WHEREAS, the Governing Body of the Borough of Sayreville has determined that it is in need of a provider of services for animal protection which will be available on a daily basis; and

WHEREAS, the Governing Body of the Borough of Sayreville has come to an agreement with the Associated Humane Societies, Inc., a non-profit, charitable organization to provide the Borough services including but not limited to, the rescue, custody and care of injured animals, trapped animals, sick animals and animals whose lives are endangered or animals that present a danger to humans, including those that have bitten a person; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the proper Borough Officials and the Borough Administrator are authorized and directed to execute the Agreement between the Borough of Sayreville and the Associated Humane Societies, Inc. which Agreement will run from the 1st day of March, 2018 through the 28th day of February, 2019.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-58
RESOLUTION MEMORIALIZING THE APPOINTMENT
OF FRANCIS WOMACK AS MUNICIPAL PROSECUTOR
OF THE BOROUGH OF SAYREVILLE

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 22, 2018 Regular Meeting appointing the following person for the calendar year of 2018.

NAME OF APPOINTEE:	Francis McIntosh Womack
POSITION:	Municipal Prosecutor - 2018
DEPARTMENT:	Municipal Court
EFFECTIVE DATE:	January 1, 2018

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 shall include all prosecutorial duties including prosecution of building, zoning, parking, violation etc.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-59

**RESOLUTION MEMORIALIZING THE APPOINTMENT
OF FREDERICK ROSELLI, ESQ, AS PUBLIC DEFENDER FOR
THE BOROUGH OF SAYREVILLE**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 22, 2018 meeting appointing Frederick Roselli, ESQ. from the firm of Roselli & Roselli as Public Defender for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2018;

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 there under fixing the compensation to be paid municipal employees for a term expiring on December 31, 2018.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-60

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY
OF MIDDLESEX, STATE OF NEW JERSEY, MEMORIALIZING THE
APPOINTMENT OF MICHAEL T. SICA, ESQUIRE AS
MUNICIPAL JUDGE FOR THE BOROUGH OF SAYREVILLE**

BE IT AND IT IS HEREBY RESOLVED THAT this Resolution hereby memorializes action taken by the Governing Body at the January 22, 2018 meeting appointing Michael Sica as the Municipal Judge for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2018;

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 there under fixing the compensation to be paid municipal employees for a term expiring on December 31, 2018.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-61

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY
OF MIDDLESEX, STATE OF NEW JERSEY, MEMORIALIZING THE
APPOINTMENT OF SUSAN GRUEL AS
MUNICIPAL PLANNER FOR THE BOROUGH OF SAYREVILLE**

WHEREAS, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough may require the services of a **Municipal Planner** to advise the Mayor and Council on various matters pertaining to the Borough; and

WHEREAS, the Laws of the State of New Jersey provide for the appointment of such services; and

WHEREAS, funds are available for this purpose;

WHEREAS, in accordance with the “Fair and Open Process” the Borough of Sayreville publically advertised for a Request for Proposals and Qualifications for this and various other Professional Services; and

WHEREAS, said RFP’s were received in the Office of the Municipal Clerk; and

WHEREAS, the Mayor and Council of the Borough of Sayreville wishes to award this contract in accordance with the “Fair and Open Process” which has included public solicitation of qualifications for **Municipal Planner**; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq) requires a resolution authorizing such appointment as “Professional Services”.

NOW, THEREFORE, BE IT RESOLVED that this Resolution hereby memorializes the action taken by the Governing Body at their January 22, 2018 meeting appointing **Susan Gruel as the Municipal Planner** for the Borough of Sayreville, County of Middlesex, State of New Jersey for the calendar year of 2018;

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Sayreville, as follows:

1. That the services to be rendered by said Municipal Planner shall be in compliance with the Laws of the State of New Jersey.
2. This appointment is made in accordance with the “Fair and Open Process as a “professional service” under provisions of the Local Public Contracts Law because the services to be performed are to be performed by a recognized profession licensed and regulated by law.
3. A copy of this resolution, certified to be a true copy by the Borough Clerk shall be published as required by law within ten (10) days from the date of adoption.

BE IT FURTHER RESOLVED that Susan Gruel is hereby directed to directed to prepare a written employment contract to be executed by both parties and shall include the following:

- Hourly Rate to be charged for the work assigned
- What the retainer fee covers
- A provision that a “not to exceed” amount be set for each project assigned pursuant to the terms of the contract to be executed by both parties; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized to forward to true copy of this resolution to Susan Gruel, the Borough Business Administrator and the C.F.O.

/s/ Pasquale Lembo, Councilman

(Planning Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

- **PUBLIC PORTION**

At this time Mayor O'Brien opened the meeting to the public for questions or comments on any and all matters.

Those appearing were:

- Steve Melaneski, Scarlett Drive

Commented on the Development Fee Pro-forma Report he was presented by John Leoncavallo and felt that the percent numbers were not correct. He also questioned the COAH Pro-forma and the number of school age children and the projected annual deficit.

Mayor asked Dan to find out the answer.

- Laurie Quinn, 8 Singer Court.

Addressed a quality of life issue she and the residents of Singer Court are experiencing since a No Left Turn sign was put up on Ernston Road for Johnson's Lane. There is also a No Left Turn Sign coming out of Singer Court onto Ernston Road. So there is no main artery to the schools, library, Shop Rite. She also commented on a Sign No Left Turn onto Singer Court from Ernston Road.

The Borough Engineer explained why the County installed the No Left onto Ernston Road and the No Left Turn onto Johnson's Lane signs.

Ms. Quinn went onto say that the signage has not stopped the problem with traffic zipping up Ernston Road over the heavy yellow lines to turn left onto Bordentown Avenue. She said that her daughter came up with an idea of a concrete island.

The Borough Engineer said that he needs direction from the council for him to make recommendations. It was also suggested that the Traffic Safety Division of the Police Dept. get involved. He also suggested that there may other solutions such as relaxing the left turn restriction on Singer Court.

Mayor asked with the permission of the Council for the Borough Engineer and Traffic Safety meet with some of the residents from Singer Court and go over these issues and hopefully find a solution.

- Resident, 6 Singer Court

Commented on the Turn issues out of and into Singer Court and asked for help.

- Mr. Patel, 7 Singer Court

Re-iterated what has already been said and asked for the help of the Council regarding the No Left Turn Signs affecting Singer Court residents.

- William Gawron, 5 Orchard Street

Asked for the Council's help with a problem he has been having with an Optimum Bill not being prorated in accordance with NJAC 14:18-3.8 stating that they are required to pro-rate the bill. He cancelled his service on Jan. 16, 2018 and the first business day that they were opened he returned the equipment and contacted their customer service and they told him he must pay for the whole bill.

Discussion followed.

The Mayor stated that he would have the Borough Attorney and Business Admin. follow-up on the matter.

Mr. Frankel advised that Optimum has been bought by a European Company called Altice, so things are changing in the company. He said that he has a contact he has been dealing with during the negotiation process and will reach out to him.

Councilman Lembo asked what our options were with Cablevision. The Business Administrator indicated that there are not many options. Fios is very limited in Sayreville so there is only Direct TV.

- Jim Robinson, Borelle Square
Suggested we contract with a different Cable Co.
He also suggested that a notice be posted that we are currently in negotiations with Cablevision.

He commented on the Professionals advising the Planning Board during this whole COAH process. He thanked the governing body on appointing a new attorney and planner to handle the COAH matter. He questioned what public information could be reported on at this time regarding the progress.

Mr. DuPont stated that that they have filed a Motion to Amend or Revise the Settlement Agreement. He said that arguments will be made on March 16th, and the Judge said that he would render his decision by March 28 and if necessary on compliance hearing would be held on May 9th. He said the opposition papers would be filed within 14 days.

- Janice Benedetto, 1 Thomas Avenue, Melrose
Questioned the status of the appraisals on the Cross Ave/National Lead property.

Mr. Frankel that appraisals have been received however with the new court ordered decision and with the number of units on the NL property they will change, they are going back to review the number of units to determine the value of the property.

Ms. Benedetto said that the residents are looking to have that property purchased for open space, as the Open Space Committee recommended. She also commented on the petition she and the residents have filed and are still compiling. She also commented on how long the appraisal process is taking.

Questioned a Court Order dated Jan. 19, 2018 regarding Ordinance 356-17 and other ordinances namely 366-17 and 392-18.

Ms. Benedetto questioned the credits.

The Borough Attorney went on to say that Ordinance 356-17 the earlier version only dealt with National Lead then there were other administrative ordinances that had to be adopted pursuant to Court Order and that was done. He said that the particular ordinances that she is referring to are Court Ordered that first dealt with National Lead back in June then in January 19th was River Road and Cross Avenue. Then the whole matter was questioned with the credits. That is why the Motion is being filed for the credits and will need to revise the Settlement Agreement that was entered into in 2016. Further discussion took place on the court order, the ordinances and the two properties for clarification.

Mr. DuPont said that part of the Court Order is to have affordable housing on River Road not just for re-zoning.

Mrs. Benedetto then questioned the appraisals on Kaplan I and Kaplan II and if they came in.

Mr. Frankel said that he would check.

Councilwoman Novak said that you received a notice and it referred to an ordinance and the ordinance contained not only Cross Avenue but also River Road – the Cross Ave. section g in the Ordinance not only included the matter that they get to use our acre for nothing. She said that they (the council) took that out. She told Ms. Benedetto that the Court Order that included 356-17 has it included again.

Councilwoman Kilpatrick addressed Ord. 392-18, which was tabled.

Ordinance 356-17 was the ordinance that the Judge felt addressed the original Settlement Agreement. Mr. DuPont stated that was correct and that the Motion that was filed regarding the Court Order was very large and contained a lot of documents. He said that all of these concerns are being addressed in this Motion. He further indicated that the Judge will read his decision on March 28th.

Ms. Benedetto addressed that petitions that she had filed and new signatures she now has.

Councilwoman Novak asked that when an Order comes from the Judge that they be provided with a copy.

- Ruth Ann Mahoney, 2 Gerard Place, Parlin.

Asked about the latest mailing and if one was sent to UBE, their Management Company for Sayrebrooke Town Homes. Councilwoman Novak said that this particular Ordinance only applied to Cross Avenue and River Road and not Kaplan Property so they would not have received it.

She asked if the new properties in La Mer contained Affordable Housing. Councilwoman Novak said they did not.

- Jim Robinson, Borelle Square

Questioned what was filed before the Judge. He asked if we reference the apartments that were constructed as a result of the conversion statute.

Mr. DuPont said that it was a Motion to Reconsider/Amend and that he was not sure if that was included thin that brief. Councilwoman Novak said that it was in there.

There were no other questions or comments. Mayor O'Brien called for a Motion. **Councilman Buchanan made a motion to close the Public Portion. Seconded by Council President Kilpatrick.**

Roll Call: Voice Vote, all Ayes.

- **EXECUTIVE SESSION** – 5 minutes / Police Personnel

Mayor announced that the Council would be going into Closed Executive Session.

Borough Attorney 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 minutes to discuss the following matters:

Police Personnel

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/ Victoria Kilpatrick, Council President

APPROVED:

/s/ Kennedy O'Brien, Mayor

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

Roll Call, Voice Vote, all Ayes.

Time: 8:44PM

Reconvene

Council President Buchanan made a **motion to reconvene**. Motion was seconded by Councilwoman Novak

Roll Call: Voice Vote, all Ayes. - Time 8:44 PM

• **ADJOURNMENT**

No further business. Councilman Buchanan moved to adjourn the Council Session. Motion was seconded by Councilwoman Novak.

Roll Call – Voice Vote, all ayes. Carried.

Time 8:44 P.M.

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved