

Combined Meeting of the Mayor and Borough Council held on Monday, March 24, 2014, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien 7:05 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this meeting has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and filing with her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Eicher, McGill, Melendez (via phone conference from Brazil), Novak, Rittenhouse

Absent: None

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

Others Absent: None

APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES

Council President Novak made a motion to have the following minutes of the Mayor and Council approved, subject to correction if necessary.

☞ January 27, 2014 - Combined Meeting

Motion Seconded by Councilman McGill.

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

- **PRESENTATIONS: - NONE**

- **OLD BUSINESS**

a) Public Hearing on the following Ordinance(s): **NONE**

- **NEW BUSINESS:**

a) Introduction of the following Ordinance(s): **NONE**

b) Other

Councilwoman Novak made a motion to hear the Jerry Ust matter previously listed for Closed Session now. Motion seconded by Councilman McGill.

Mayor responded that he wanted to hear this under the Business Administrators portion of the agenda. He said that the agenda was short and would like to get through regular business first.

Mayor said that there was a motion made and seconded, so if you vote yes you will be voting to have it heard now and if you vote no it will be heard where it would normally fall on the agenda.

Ayes

McGill

Melendez

Novak

Nays

Buchanan

Eicher

Rittenhouse

Clerk announced that it was a 3/3 tie vote.

Mayor O'Brien voted no and broke the tie vote and placing the matter to be heard under the Business Administrators portion of the agenda.

Councilwoman Novak went on record stating that many times in the past when there were a lot of people present on an issue the matter was moved to the front of the agenda.

Mayor replied that he felt we could get through the agenda quickly and with the amount of people here it will take some time.

Councilman Rittenhouse made a motion to appoint the firm of DeCotiis FitzPatrick and Cole as Special Counsel for Potential Litigation, not to exceed \$10,000., as was previously discussed.

Motion seconded by Councilwoman Eicher.

Councilman McGill recognized that DeCotiis is a good firm. But expressed his concern that they are counsel for both planning and zoning. He also felt that we should take a closer look to see if there may be someone else who would like to be considered for the appointment and asked for the appointment be held off for another meeting.

Councilman Buchanan commented that this matter has been discussed for over a month and felt that it was important that we have someone spearheading this matter to be sure that all of our resources are together and no other attorneys have showed an interest and we need to move forward on this.

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

During the roll call Councilwoman Novak stated that the Planning Board and Zoning Board appointed special attorneys for this matter and felt that we will have attorneys looking over attorneys.

Mayor responded that the Planning Board Special Attorney was not for this case but for the ongoing Mocco Litigation.

Councilman Rittenhouse said that he passed out a resume for James Hoebich earlier and with that he made a Motion to appoint a James Hoebich as Municipal Judge, replacing Spencer Robbins unexpired term. Motion seconded by Councilman Buchanan.

Council President Novak questioned the Mayor and his 30 day appointment right.

Mayor then called the motion to appoint James Hoebich to fill the unexpired term of Spencer Robbins as Municipal Judge in the Borough of Sayreville. Mayor's motion was moved by Councilman Rittenhouse and seconded by Councilman Buchanan.

Comments:

During the roll call Councilman McGill made a comment that he spoke with Judge Weber who stated that he has been handling the schedule with no issues. Mayor said that he spoke with Judge Francis who is the County Assignment Judge and indicated to him that Sayreville needs two Judges.

Council President Novak asked if he would first have to resign from the Planning Board. Mayor said yes he would. The Borough Attorney said that it could be subject to his resignation. Councilwoman Novak then asked that the motion be amended. The Mayor asked if anyone had an objection to the amendment. None made.

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

CONSENT AGENDA/RESOLUTIONS

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

There were no appearances.

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

Roll Call: Councilpersons Buchanan, McGill, Melendez, Novak, Rittenhouse; all Ayes. Councilwoman Eicher voted Ayes to all except for Resolution #2014-78, Nay.

RESOLUTION #2014-77

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/ Daniel Buchanan
Councilman

/s/ Ricci Melendez
Councilman

/s/ Lisa Eicher
Councilwoman

/s/ Mary J. Novak
Councilwoman

/s/ David McGill
Councilman

/s/ Arthur Rittenhouse
Councilman

**Bill list of March 24, 2014, in the amount of \$2,244,756.25
(Bill List - See Appendix 2014-A for this date, in a separate Bill List File for 2014).**

RESOLUTION #2014-78

BE IT RESOLVED that the proper borough officials are hereby authorized and directed to execute and agreement with Goose Control Technology for the removal of geese and associated services for the 2014 season at a fee not to exceed \$8,250.00.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2014-79

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute an Amendment to the 2014 Residential Maintenance Services Contract between the County of Middlesex, Department of Human Services approving the increase of an additional \$4,500.00 for the calendar year 2014.

/s/ Mary J. Novak, Councilwoman
(Commission on Aging Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014 - 80

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE

**COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
WELCOMING THE 2014 SPECIAL OLYMPICS TO NEW JERSEY**

WHEREAS, the Special Olympics is an international organization serving over 4 million athletes in 170 countries and is dedicated to providing year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities. Special Olympics give these individuals continuing opportunities to develop physical fitness, demonstrate courage, experience joy, and share personal skills, gifts of spirit and friendship with their families, their fellow Special Olympic Athletes and the world.

WHEREAS, from the June 14, 2014 through June 21, 2014 New Jersey will host the Special Olympic 3,500 athletes who will compete in 16 events in various venues located in Mercer and Middlesex Counties; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Governing Body of the Borough of Sayreville, County of Middlesex and State of New Jersey, along with the citizens of the Borough of Sayreville extend the warmest of welcomes to both the 3,500 athletes who will compete and the family, friends and spectators who will visit us this June.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-81

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR
AND BOROUGH CLERK TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH
WINDSTREAM (FORMERLY KNOWN AS "PAETEC")
TO PROVIDE VOICE AND MPLS SERVICES**

WHEREAS, the Borough of Sayreville executed a Agreement to supply Voice and MPLS Services to the Borough of Sayreville with WINDSTREAM (formerly known as "PAETEC") in accord with Resolution No. 2001-135; and

WHEREAS, the Borough of Sayreville has received an Amendment to the Agreement from WINDSTREAM (formerly known as "PAETEC") to reconfigure services at the existing locations, add an additional facility to existing locations and to add a new service to existing locations; and

WHEREAS, as a result of the proposed modifications of service, the minimum monthly fee will be increased from \$2,143.27 to \$2,516.58; and

WHEREAS, the Governing Body of the Borough of Sayreville has reviewed the proposed modifications and has concluded that the modifications to service and fees are essential to the efficient workings of the Borough of Sayreville; and

BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the necessary documents to amend the Agreement with WINDSTREAM (formerly known as "PAETEC") for the life of the present agreement which concludes June 13, 2016.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014 - 82

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, SUPPORTING THE NJDOT'S REQUEST TO CLOSE A PORTION OF MAIN STREET AND TO UTILIZE NORTH ERNSTON ROAD AND WASHINGTON ROAD AS PART OF THE TRAFFIC DETOUR ROUTE

WHEREAS, the NJDOT has determined that deteriorated bridge deck panels on the Main Street (CR 670) bridge over the Garden State Parkway in Sayreville were in need of replacement; and

WHEREAS, the NJDOT caused a Field Investigation to be conducted reviewing the request to *temporarily* close a portion of Main Street (CR670); and use N. Ernston Road and Washington Road (CR535) as the traffic detour route in order to accomplish the replacement of bridge deck panels; and

WHEREAS, the Governing Body of the Borough of Sayreville has reviewed the Certification Report prepared by Mr. Lawrence M. Diffley, P.E., PTOE, of Cherry, Weber & Associates, PC, who are the consulting engineers for the New Jersey Turnpike Authority (NJTA), and had clarifying correspondence with Mr. Diffley; and

WHEREAS, the Governing Body of the Borough of Sayreville has agreed to the *temporary* closing of a portion of Main Street (CR670) for a period of more than 48 hours; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Governing Body of the Borough of Sayreville, County of Middlesex and State of New Jersey supports the NJDOT's plan to *temporarily* close portions of Main Street for periods of more than 48 hours; however, said closings shall not take place on the following dates:

1. June 28, 2014 through June 29, 2014;
2. March 16, 2014;
3. April 19, 2014 through April 27, 2014;
4. August 17, 2014;
5. October 18, 2014 through October 25, 2014.

/s/ Arthur Rittenhouse, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-83

WHEREAS, on February 19, 2013 the Borough of Sayreville awarded a contract for "Water Department Chemical-Sodium Bisulfite" to Miracle Chemical Company, 1151 B Highway #33, Farmingdale, NJ 07727; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract for a one-year period at no additional increase in price contained therein; and

WHEREAS Miracle Chemical Company, has indicated their interest in extending their terms of the aforesaid contract for one (1) additional year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for "Water Dept. Chemical - Sodium Besulfite" is hereby renewed for one additional year period at no additional increase in price.

/s/ Lisa Eicher
Councilwoman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-84

WHEREAS, on February 19, 2013 the Borough of Sayreville awarded a contract for Misc. Water Department Supplies to Water Works Supply Co., Inc., 660 St. Highway #23, Pompton Plains, NJ 07444; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract for a one-year period at no additional increase in price contained therein; and

WHEREAS Water Works Supply Co., has indicated their interest in extending their terms of the aforesaid contract for one (1) additional year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for "Misc. Water Department Supplies is hereby renewed for one additional year period at no additional increase in price.

/s/ Lisa Eicher
Councilwoman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-85

BE IT RESOLVED that the following person is hereby appointed to the following department, in accordance with the Classification received from the Civil Service Commission:

NAME OF APPOINTEE: Jeffrey Schnitzer
POSITION: Clerk II (Senior Clerk)
DEPARTMENT: Recreation
EFFECTIVE: January 31, 2014

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/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-86

BE IT RESOLVED that the following person is hereby appointed to the following department, in accordance with the Classification received from the Civil Service Commission:

NAME OF APPOINTEE: Allen Hays
POSITION: Senior Water Treatment
Plant Operator
DEPARTMENT: Water & Sewer
EFFECTIVE: November 26, 2013

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/ Lisa Eicher, Councilwoman
(Water & Sewer Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-87

BE IT RESOLVED that the following person is hereby appointed to the following department, in accordance with the Classification received from the Civil Service Commission:

NAME OF APPOINTEE: David Leitner
POSITION: Senior Water Treatment
Plant Operator
DEPARTMENT: Water & Sewer
EFFECTIVE: November 26, 2013

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/ Lisa Eicher, Councilwoman
(Water & Sewer Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayo

RESOLUTION #2014-88

BE IT RESOLVED that the following person is hereby appointed to the following department, in accordance with the Classification received from the Civil Service Commission:

NAME OF APPOINTEE: Guy Targonski
POSITION: Senior Water Treatment
Plant Operator

DEPARTMENT: Water & Sewer

EFFECTIVE: November 26, 2013

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/ Lisa Eicher, Councilwoman
(Water & Sewer Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-89

BE IT RESOLVED that the following person is hereby appointed to the following department, in accordance with the Classification received from the Civil Service Commission:

NAME OF APPOINTEE: Mark Jarusiewicz

POSITION: Truck Driver

DEPARTMENT: Public Works

EFFECTIVE: January 23, 2014

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-90

BE IT RESOLVED that the following person is hereby appointed to the following department, in accordance with Civil Service procedures:

NAME OF APPOINTEE: Marie Esposito

POSITION: Senior Account Clerk

DEPARTMENT: Admin. & Finance

EFFECTIVE: March 25, 2014

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
(Admin. & Finance Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-91

BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of Sayreville that the soccer fields at the Sayreville Sports Complex is hereby named in honor of Sayreville's fallen Korean War Veteran Corporal Woodrow Haussermann.

/s/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-92

BE IT RESOLVED that the proper officials are hereby authorized to execute Agreement and Application for permission to conduct Fireworks Display between International Fireworks, PO Box 6, Sycamore Road, Douglasville, PA 19513, and the Borough of Sayreville, covering display to be held at Kennedy Park on June 28, 2014 (rain date June 29, 2014) at a cost not to exceed \$12,500.00, subject to International Fireworks providing the appropriate insurance coverage as required by the Borough and further subject to said insurance indemnifying the Borough with regard to liability caused by the fireworks including personal injury and or property damage.

/s/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-93

BE IT RESOLVED, that the Borough Clerk is hereby authorized and directed to advertise for the receipt of bids for the following:

- Two (2) 2014 Harley Davidson FLHP Road King or Equivalent Law Enforcement Motorcycles
- Playground Equipment Installation

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2014-94

WHEREAS, on February 20, 2014 the Mayor and Council of the Borough of Sayreville received bids for the "Ernston Road Tank Rehabilitation"; and

WHEREAS, Certification as to Availability of Funds is annexed hereto.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 24th day of March, 2014 that:

1. Contract for the “Ernston Road Tank Rehabilitation” be awarded to RML Construction, Inc. of Carlstadt, NJ on their low bid price of \$1,044,500.00 as appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities.

/s/ Lisa Eicher, Councilwoman
 (Water & Sewer Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
 Municipal Clerk

/s/ Kennedy O’Brien
 Mayor

RESOLUTION #2014-95

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2013 Budget Appropriation Reserves be and the same are hereby authorized to be made in the following manner to wit:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Central Mail and Postage (1100-102-2-9060)	\$ 5,000	\$
Public Buildings & Grounds (1310-150-1-1301)		5,000
Commuter Parking (1414-414-1-1102) (1414-414-2-1)	500	500
Office on Aging (1428-720-1-1001) (1428-720-2-11080)	2,000	2,000
	<u>\$ 7,500</u>	<u>\$ 7,500</u>

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
 Municipal Clerk

/s/ Kennedy O’Brien
 Mayor

Business Session Agenda - March 24, 2014

COMMUNICATIONS & COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE - Councilman Buchanan**

a) **Minutes & Departmental Reports:**

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

- 1) Board of Education Minutes of February 25th Special Meeting
 March 3, 2014 Special Meeting
 March 4, 2014 Combined Meeting

- 2) Municipal Clerk's Report for the Month of February, 2014
 - Motion seconded by Councilwoman Novak.

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

- 1) **Wilson School PTO** to conduct Bingo Games and On-Premise Raffles on May 2, 2014 at 65 Dane St. (School), BA:487 & RA:1863.
- 2) **Our lady of Victories HSA** to conduct Bingo Games on April 25, 2014 at Monsignor Dalton Hall, BA:488.
- 3) **Sayreville Little League** to conduct an Off-Premise Draw Raffle at Burkes Park on June 8, 2014, RA: 1864.
- 4) Faith and Trade Helping Hands to conduct an Off Premise 50/50 at their office on July 4, 2014, RA:1865.

- Approved

c) **2014 Tax Appeal(s) received from:**

Plaintiff/Petitioner	Block	Lot	Address
Sayreville Plaza	439.01	6	960 Route 9
Gold Rock, LLC	13	3.01	4500 Bordentown Avenue
Paul Moodey	366.05	3	151 Jackson Avenue
William & Cynthia Slavicek	497	275	14 Parker Court
Helmy Abedlhameed	447.04	7	7 Gillen Drive
Skytop Gardens	449.07	4	Back Section #2
Gerdau Ameristeel US Inc.	246	1.07	Off Main Street
Gerdau Ameristeel Sayreville Inc. (f/k/a) New Jersey Steel & Structural Corp.)	246	1.05	Rear of Main Street
Lakeview Developers Limited	254.01	2	Lakeview D-Kulas L-Swider
Minteq International, Inc./Specialty Minerals	9	1	Bordentown Avenue
Parry, Thomas H & Katherine A.	358	231.01	53 Coolidge Ave
DCH Investments, Inc.	413	5	955 Route 9
Thomas H. & Katherine A. Parry	358	231.01	53 Coolidge Avenue
Verizon	439.01	5	934 Route 9

- Forward to Tax Counsel

d) **Application for Person to Person Transfer** of PRCL # 1219-33-012-008

From: Pub 35, LLC - **To:** Ale House Tavern & Tap, LLC, 899 Route 35 So., Sayreville, NJ 08879 (Old Connies)

-Authorization for Resolution approving the transfer.

e) Committee Reports -

- 1) Progress.

- **PLANNING & ZONING - Councilman McGill**

a) **Minutes & Departmental Reports:**

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

- Middlesex County Planning Board Minutes of February 11, 2014
- Sayreville Housing Authority Minutes of November 8, 2013
- Sayreville Planning Board Minutes of February 19, 2014
- Construction Official and Zoning Officers Report for the month of February, 2014

- Motion seconded by Councilwoman Novak.

b) Memo received from the Sayreville Planning Board that at the January 15, 2014 meeting it was voted to **refer the General/Village Business District Zone Amendment to the Council for adoption or action** by the governing body.

- Referred to the Borough Attorney for Ordinance.

c) **Notice to Adjacent Property Owner(s)** on applications appearing before the following Boards:

- 1) Zoning Board of Adjustment on March 26, 2014:

- Resident of 388 Washington Road, Block 92, Lot 97.01, 98.01-100.01, 93/1, 148.01-152.01 for a Use Variance for a child care facility occupying two zone districts.
- Resident of 973 Rt. 9 North, block 440, Lot 4.01 & 4 for a Use Variance to allow medical and dental use and sign variance.

-Receive & File

2) Planning Board on April 2, 2014

- The Attorney for Sayreville Nursing, LLC for Preliminary and Final Site Plan with Bulk Variances covering Block 438, Lot 1; Block 452, Lot 1, 901 Ernston Road, in order to construct improvements to a nursing home facility in the P-Prime Zone.

-Receive & File

d) Committee Report:

1) Progress.

- **PUBLIC SAFETY – Councilman Rittenhouse**

a) **Minutes & Departmental Reports:**

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

- Board of Health minutes of February 6, 2014 and Board of Health Registrar's and County reports for the month of February.
- Municipal Court Administrator's Report for the month of February, 2014
- Fire Prevention Report for the month of February, 2014.
- Police Chief's Report for the month of February, 2014.

Motion seconded by Councilman Buchanan.

b) Request received from Sgt. Bartlinski of the Sayreville PD for a **Resolution supporting the Distracted Driving 2014 Crackdown of April 1-21, 2014.**

-Authorization for Resolution/Approved.

c) Received **the Middlesex County Mosquito Extermination Commission's Operations report** which is on file in the Clerk's Office, Posted on the Bulletin Board and posted on the web.

- Post Notice & File.

d) Request for permission to conduct a **coin toss** at the corner of Washington & Ernston Roads from 10am-2pm received from Sayreville Touchdown Club-Bombers Football Team on October 11 & 12, 2014.

- Approved.

e) Notice of the intended **retirement of Police Officer** John P. Ziola, Jr., effective February 1, 2015.

- Receive & File

f) Committee Reports-

1) Councilman Rittenhouse reported that May 10, 2014 will be the States 350th Anniversary and a State History Fair to be held at Washington Crossing State Park, Tutisville, NJ. There will be registration for free bus transportation at the Senior Center.

- **RECREATION – Councilwoman Eicher**

a) **Minutes & Departmental Reports:**

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

- Recreation Directors Report for the month of February, 2014

Motion seconded by Councilwoman Novak.

b) **Request for a Resolution** supporting New Jersey State Funding for Tobacco-Control Cessation and Prevention Programs.

-Authorization for Resolution approved.

c) Request from **Sayreville Girls Little League** for permission to **post sign** at the top of the driveway to Laurel Park Field to allow for the ease of field recognition.

- Approved

d) Application for **Special Event Permit** received from:

1) **Sayreville Engine Co. No. 1** to conduct a **flower sale** at the Engine Co. on April 18, 19 & 20, 2014 with proceeds to be used for their 100th Anniversary Parade.

1) Approved

2) **Club 35**, 7090 Route 35 No to conduct a **Car Meet** in their Parking lot on May 4, 2014 at 11:00 am (rain date May 18) No vendors, No alcohol (in parking lot), No proceeds.

2) Approved

e) Committee Reports:

1) Progress.

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

a) **Minutes & Departmental Reports:**

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

- Water & Sewer Director's report for the month of February, 2014.
- Motion seconded by Councilman Buchanan.

b) Committee Reports-

1) Progress.

- **PUBLIC WORKS – Council President Novak**

a) **Minutes & Departmental Reports:**

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

- Rent Leveling Board minutes of March 11, 2014
- Public Works Reports for the month of February, 2014 for the following divisions:
 - Buildings & Grounds, Parks, Recycling, Roads, Garage Services & Sanitation.
- Office on Aging Supervisor's Report for the month of February, 2014.

Motion seconded by Councilman McGill.

b) Committee Reports:

1) Progress.

- **MAYOR – Kennedy O'Brien**

Appointments:

Main Street By-Pass Committee

- Paul Campagna
- Gary Lattanzi

Mayor reported on the loss of a Member of the Planning Board, Sal Candella

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

a) Bill List Resolution

b) Purchasing Policy (Verbal Report)

c) Authorization to advertise for bids for Licensed Electrical Services as needed.
- Resolution.

d) Budget Update

- April 7, 2014 meeting will be the Public Hearing on the 2014 Municipal Budget.
- Reported on receiving revised reduced pension bills and waiting to hear how the borough can apply the reduction.

- **BOROUGH ENGINEER -Jay Cornell**

1. Water Department Maintenance Services – Receipt of Bids (Report Attached)
- Resolution 4/7/14.

- **BOROUGH ATTORNEY - Michael DuPont**

1. Red Oak Pipeline – Authorization for the Execution of a LURP-1 Form for the

Red Oak Pipeline Project.

Mayor said that they were looking for the council to vote on this matter tonight and asked the Attorney to state the motion.

The Borough Attorney said this motion would be for a Resolution authorizing the Mayor and Clerk to execute the LURP-1 Form/Agreement for the Red Oak Pipeline Project. Motion was moved by Councilwoman Eicher and seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Melendez, Novak, Rittenhouse, all Ayes. Carried and a Resolution Memorializing this action will be listed on the next meeting agenda.

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

- **Announcement**

- Sayreville has been presented with a Certificate of Participation by Central Jersey Joint Insurance Fund for our participation in the 2013 Safety Incentive Program and a rebate check in the amount of \$750.00.

- **Admin. & Finance**

- **Planning & Zoning**

- **Public Safety**

- **Public Works**

- a) Request received from the **Twp. of Edison** for the use of the **Borough's portable stage** for their Fourth of July Celebration at Papaiani Park at the Edison Municipal Complex on July 4, 2014 from 4 PM – 10 PM. All cost will be reimbursed by the Twp. of Edison.

- Approved.

- **Recreation**

- **Water & Sewer**

- a) Authorization to extend contract for Water Department Chemicals for a one year term at no increase in price to:
 - Coyne Chemical – Citric Acid
 - Univar USA, Inc. – Sodium Hydroxide (Caustic Soda) & Sulfuric Acid.

- Approved/Resolution.

- b) Authorization to waive all charges for water usage by the contractors engaged in the demolition of buildings in connection with the Blue Acres program.

- Approved/Resolution.

- **Personnel**

- **Executive Session Items**

- Contract Negotiations (no longer necessary)
 - Personnel – Rice Notice Jerry Ust

- Rice Notice served upon Jerry Ust, Recreation Director who wishes the matter be discussed in Open Session.

Mayor O'Brien called upon Robert Merryman, Labor Counsel to chair this portion of the meeting.

Mr. Merryman stated that Mr. Ust, the Recreation Director was Riced for this meeting which would normally entail the discussion of Personnel in Closed Session. He has exercised his right to have the discussion in Open Session. So if there are any matters to be discussed they are to be discussed now in Open Session.

Councilwoman Novak asked if the public would have the ability to speak now on this matter or have to wait for the public Portion. She was advised that they would discuss any matters during the Public Portion.

For the record:

Gerry Ust, Director of Recreation (last 8 years)
93 North Edward Street, Sayreville, NJ

Introduced his attorney Mr. Roman Rabinovich,
299 Broadway, New York and licensed to practice in New Jersey.

Mayor O'Brien explained to Mr. Ust why the Rice Notice was served upon him. He said that there were two particular issues in the past that he had wanted to ask him about his actions.

1) The issues with the recreation ordinance. As he gave specific instructions that it was to be reviewed by the sub-committee and himself then with the Athletic organizations then back to the governing body. What the Mayor understood what happened was that Mr. Ust pushed through a lot of this and took the discussion to the Recreation Board. Then told the members of the Recreation Groups that they no longer had to appear before this body and ended up with a room full of people and not you and stated that it was confusing and unprofessional and the mayor said he held him accountable for countermining his very specific instructions. He said that there is a chain of command that has to be followed.

2) Concerns about the baseball charters with specific instructions when the ordinance was being put together that he wanted everyone to resolve this and the matter not come before this board again and there are allegations made that he overstepped his authority as Recreation Director.

So with this being said on Friday he requested the Business Admin. to issue you a RICE Notice and subsequently found out that he was not in the office. The Mayor questioned the procedure for department heads on notification of their absenteeism. The Business Administrator explained to the Mayor that he would get a phone call from the department head or an e-mail, but in this particular case there was neither so when he issued the RICE Notice as requested by the Mayor he had the police department deliver it as he wanted to have this discussion with you tonight regarding the chain of command. He said that he does not understand why there is a full house or where the discussion started about firing him. He said this was to be a fairly routine management review.

Councilwoman Novak stated that first of all State Law and local ordinance prohibits the Mayor and Council from getting involved in the day to day activity of any department head, everything should go through the Business Admin.

She said she became confused with the number of version of the ordinance and who and how the ordinance was going to affect. She then requested the report through the Business Administrator to Jerry Ust and immediately gave it to the Recreation Committee who was meeting with the Organizations on Saturday then on Monday. She said that she distributed the report at the council meeting. She said that it was Jerry Ust's duty to answer questions so she can make an informed decision as to her vote on the Ordinance. Mr. Rittenhouse said that he never received a copy of the report as it was not distributed.

Mayor agreed that we are not supposed to actively manage. He said that there is a chain of command and he did give instructions and he assumed that the instructions were going to be followed. There is a sub-committee and they are working on this Ordinance in conjunction with Recreation. Then Councilwoman Novak wanted a separate hearing to go over the recreation ordinance. Councilwoman said that the Ordinance was being introduced and the people there would not get a chance to speak on it before it was voted on it.

Mayor asked Jerry who told him he was getting fired. Mr. Ust responded that he was told that these comments were made at the Democratic Screening and that No that he (the Mayor) did not.

Councilwoman Novak explained what she heard – that he was going to be fired and that he was going to be fired on Monday night.

Mayor said that he received phone calls regarding what had been said but not one call was from anyone here tonight.

Further comments made by Councilwoman Novak regarding her concern for Jerry and the comments she was told. She then asked for a legal opinion regarding the Mayor's Authority to request a Rice Notice be sent.

Mr. DuPont responded that he spoke with the Mayor on Friday and informed him that upon his review of the Ordinance it did not allow for that... and then spoke with Mr. Clarke and Mr. Merryman who took a contrary position and here we are today.

Mayor stated that this was a Minor Management review issue and it got blown out of proportion.

Mr. Ust told the Mayor that he was not aware of any sub-committee to review anything. He was called to meet with Business Administrator then after the Board meeting he met with Councilwoman Eicher and the Business Admin. and they reviewed the entire ordinance. The ordinance was never presented to the Advisory Board for their comments and changes.

Jerry said that he was not sure why he was writing ordinances in the first place but he said he put it together the best he could in connection with Councilwoman Eicher. Then received several e-mails regarding changes and thought everyone was on the same page and in agreement at this point. He then took it to the Recreation Advisory Board and invited all the organization groups and took their recommendations, made other minor changes then excluded himself from the vote because it was not his job to make policy but to enforce it. The changes were made and it was brought to the next meeting and it passed without any problems. He did not instruct anyone not to come to any meeting on Tuesday.

Councilwoman Novak said that she wanted to attend the Recreation Advisory Board meeting but it was not advertised as a public meeting she could not attend. Ms. Eicher e-mailed her and felt that the other meeting was not necessary.

Mr. Ust then commented on the report the Councilwoman Novak had requested. He explained where he gets his information from to come up with his calculations on the cost of lining the fields per season.

Councilwoman Novak commented on what the changes were to the ordinance and when changes can be made and who it would affect if the changes were not made. She then questioned Mr. Ust when the Recreation Advisory Board received the ordinance for review. He responded that the first version was given to the Rec. Advisory Board on Dec. 6th meeting.

Mayor said that he will need to review the ordinances/tapes from that night and follow the sequence. What was simple is getting more complicated.

He said the second issue is with the Sayreville Girls Softball and phone calls made to Little League and Babe Ruth Organizations about charters. He also commented about signs going missing in which he contacted the police and a file was created on this issue. Mayor again asked what was his involvement with regards to phone calls to these Charters. Mr. Ust said that he received a phone call from the Sayreville AA, Mr. Pollando stating that he tried to apply for the Babe Ruth Charter for girls softball. He said that they had this charter for 20+ years and when the new organization took over they switched the Charter to Sayreville Girls Little League. There was a disagreement between the Sayreville AA and Sayreville Girls Little League over the summer. Little League advised everyone that the Charter belongs to the new Sayreville Girls Little League and he thought it was all solved. He went to apply to the Babe Ruth Charter and said that they already issued another Charter to the Sayreville Softball Association/Joe Schaline and he did not understand how one organization could have two (2) Charters so that is when he called to check and see what Babe Ruth says and what Little League says and find out what is going on. Mayor asked Mr. Ust what the difference when Sayreville Athletic Association has both Cal Ripken and Babe Ruth. Mr Ust indicated that you could have both and that difference is it is baseball with

different age groups. But softball is much larger and different and the only reason an organization would need to get a charter is to play in State Tournaments, District Tournaments, Regional and World Wide Tournaments. Mayor said that his complaint is that he overstepped his authority. Jerry explained his conversation with Paul Signello who is the head person for the Softball Organization in Trenton, NJ. And asked him to explain if an organization could have two charters and who filed for what. Jerry explained his major concern was insurance and which insurance would be primary and which secondary and how was he to know what to apply when and looking to protect the town. Jerry passed out copies of e-mails to the governing body. Mr. Signello explained to Mr. Ust that he never had this issue before and would find out and let him know. Councilman Buchanan asked if requests for permits were put in by the Sayreville Girls Little League. Mr. Ust said by the Sayreville Girls Softball Association. Mr. Signello said that Babe Ruth Insurance would cover any Babe Ruth Game whether or not its Little League kids playing or Babe Ruth and that Sayreville Softball Association is going to have the 12 and over kids play on their Babe Ruth and 10 and under kids play on Little League Charter and next year they would convert their Charter all to Babe Ruth. Further comments regarding the charters was made by Councilwoman Eicher and why they applied. She asked if he called anyone from the Sayreville Softball before making these other phone calls. He said that he did not. Mr. Ust said that he has worked hard for this town for over 8 years and did not understand why the police would deliver the Rice Notice to his home at 5:30 PM. Councilwoman Eicher said that she received an e-mail from the Mayor on Friday and was not sure who received it or what the protocol was. Mayor indicated to Jerry that if he would ever have a question with regards to his employment he should reach out to him or the business administrator first.

Mayor said that at this point he intends to go back and review the tapes but at the end of the day he does not want any of this coming up here. This is something that should be resolved in the recreation dept. amongst those who provide youth services/adult services/recreation for the Borough of Sayreville. As manager he will review the items but want the issue resolved so he will be getting back to him but in the mean time lets keep the adults out of the matter and get the kids playing.

Mayor asked if there were any other questions or comments.

Councilman Rittenhouse said that he heard on Wednesday what had transpired at the democratic screening meeting. He said he spoke with Jerry on Thursday on the issue. He then said that what is going to come out of this is going to be positive for all department heads and council people. He said that he also spoke with Tom Pollando and told him the purpose of this meeting was not to terminate Jerry Ust but to reach a positive step forward. We do not need any outside influences to our managers or our people sitting up here.

Councilwoman Eicher asked why the Rice notice was delivered by the Police. Response by Councilwoman Novak as to the 48 hour requirement. Mr. Frankel said that the reason the police delivered the notice was because it was after the council packets went out so the delivery person was done and gone and that it was delivered by the police as innocuous as possible.

A conversation followed regarding why Jerry was not in the office on Friday and where he was and who he advised.

Mr. Ust asked if this matter was over – does he have to worry about being Riced again. Mayor said that it was not concluded and will keep it open because he wants to review it further and will meet one more time hopefully with some positive results then we will be done.

Mr. Ust commented that he felt that what he does in this town was positive and will try and stay in the order of command.

Councilwoman Novak stated that she heard a lot about protocol here tonight and said that if the Mayor had concerns he should have asked the Business Administrator to investigate and get back to you with a report but instead had this Rice Notice issued she also stated that the Mayor has slandered Mr. Ust in past meetings. She went on to say comments she heard about Jerry being fired at the democratic meeting. These accusations were disputed.

She also thanked the people who came out to support Jerry tonight as she felt the results may have been different if not.

Mayor said that he will review that tapes and if he slandered him he would apologize then apologized in advance if he imbued his honesty.

Councilwoman Novak made a motion that Jerry Ust's Attorney meet with our attorney and work out a deal before this turns into an unfair labor practice lawsuit. Motion seconded by Councilman McGill.

Roll Call: Councilpersons Buchanan, Eicher, McGill, Melendez, Novak – all Ayes
Councilman Rittenhouse – Nay with comments.

Mayor told the Labor Counsel Merryman that he had his orders.

Mayor then said this portion was closed and opened the meeting to the Public for questions or comments on any and all issues.

PUBLIC PORTION

At this time the Mayor opened the meeting to the public for questions or comments on any and all subjects.

Those appearing were:

- Michael D'Addio, Zaleski Drive
 - 1) Commented on why he felt everyone was in attendance at this meeting tonight and the comments he overheard at the meeting the other night when Co. Eicher did not get the party line.
- Bill Tumbleson, 12 Wick Drive
 - 1) Commented on an e-mail he sent.
 - 2) He said that the past Recreation Directors did a wonderful job – but Jerry Ust took it to the next level.
- Jennifer Herrick, 14 Rappelyea Street
Lifelong resident of Sayreville and Hurricane Sandy survivor. She expressed what a vital member Jerry Ust was during and after Hurricane Sandy giving selfless hours caring for people and volunteers, as was Lisa Eicher. Don't want to see political maneuvering on innocent people.
- Bill Henry, Orchard Street
Questioned why the Rice Notice had to be issued late on Friday and not wait another two weeks.
- Mayor responded that he felt issues were escalating and wanted this resolved.
Mr. Henry suggested that when the Mayor has questions he call Jerry and find out what the issues are before this.

Questioned why the DeCotiis firm was hired tonight for Special Litigation.

- Mayor responded that there has been a notice received from the Temple regarding Planning Board, Zoning Board and the Borough and with there being three entities within the borough we need an expert to coordinate the activities of the three rather than three separate contacts for all on an application issue.

- Stanley Drwal, Bissett Street
Came in support of Jerry Ust.
Asked the Mayor and Council to consider continuing with the Conservation Corp.

There were no further appearances.

Council President Novak made a motion to close the public Portion. Motion seconded by Councilman McGill.

Roll Call: Voice vote, all Ayes.

- **EXECUTIVE SESSION ITEMS** - None
- **ADJOURNMENT**

Before adjourning – Councilwoman Novak commented that Councilwoman Eicher’s efforts after Superstorm Sandy were nothing short of heroic for this town and deserves a great deal of thanks.

Councilwoman Eicher thanked everyone for their support. She commented that on her Financial Disclosure Statements she neglected to put that her husband umpires and makes less than two thousand dollars and became a political pawn.

Mayor also mentioned that he received two letters as a testament to our employees. One regarding Bruce Totten of our water dept. for going above and beyond and being a dedicated borough employee for Miriam Berman and from Lynn Loyd commending three people in the Dept. of Public Works from truck 328.

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:40 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved