

Mayor O'Brien opened the Agenda Meeting at 8:54PM followed by a salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this Agenda Meeting being held on Monday, July 11, 2016 has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Grillo, Lembo, Novak, Rittenhouse

Absent: Councilwoman Kilpatrick

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

Others Absent: Wayne A. Kronowski, C.F.O./Treasurer

- **OLD BUSINESS:**

a) -If the following Ordinance(s) were introduced at Council meeting they will be listed for Public Hearing and Adoption on July 25, 2016.

ORDINANCE #338-16

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF AN EMERGENCY GENERATOR FOR THE BOROUGH HALL BUILDING IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION

(Admin. & Finance Committee – Public Hearing July 25, 2016)

- **NEW BUSINESS:**

- **COMMUNICATIONS & COMMITTEE REPORTS**

DISPOSITION

ADMINISTRATIVE & FINANCE – Councilwoman Novak

1) Councilwoman Novak moved the following reports or minutes be received & filed.

a) Board of Education Minutes of June 7, 2016.

- Seconded by Councilman Buchanan.

2) Application for Raffle License received from:

a) **Sayreville Leprechauns Pop Warner Football & Cheerleading** to conduct an Off Premise draw on October 9, 2016 (RA:2041).

- Approved

3) **2016 Tax Appeal(s) received from:**

Plaintiff/Petitioner	Block	Lot	Address
106 Fort Dix Realty LLC	292.03	3	Highway 35
106 Fort Dix Realty LLC	295	3	6056 Highway 35 & 9

- Forward to Tax Counsel

4) Committee Reports: 1) Progress.

PLANNING & ZONING – Councilman Grillo

1) Councilman Grillo moved the following minutes or reports be received and filed:

a) Housing Authority Minutes of April 12, 2016.

Seconded by Councilwoman Novak.

- 2) **Applications before the July 27, 2016 Board of Adjustment** received from Paul Syslo for a proposed driveway expansion which encroaches side setback for accessory structure on property known as 124 Dolan St., Block 168.12, Lots 146-150.

- Receive & File

- 3) Committee Reports – Councilman Grillo:
- Encourages the residents of Sayreville to donate to food pantries and food banks. Asked that residents visit www.mciauth.com to see how they can help out the needy in your town.
 - Commenting on the Dog Tethering Ordinance that he is looking to be introduced and to be cautious when leaving your pets outside.

PUBLIC SAFETY – Councilman Lembo

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

- 2) Discussion regarding **crossing guards salaries**. Councilman Lembo gave background information for the need for the increase and then recommended \$10.00 Starting/Training period (2 weeks); \$12.00 for the remainder of the 1st year; \$13.00 for the 2nd school year; \$15.00 for the 3rd school year; after completion of their 3rd school year they be brought to permanent status; taking the 6 Per Diem Guards and making them permanent in accordance with Sgt. Bartlinski's proposal.

Mayor asked that he speak with the C.F.O. to see if it is in the budget and for further details.

Councilwoman Novak said that she has been in agreement with this for a long time and called Wayne today to discuss the matter. She said that the Finance Committee will be working on the funding.

- 3) **Request to Travel** received from **Melrose Hose Co. No. 1** to display Engine #3 at the 2016 Firemen's Convention and Parade from September 15-18, 2016. Insurance would be provided by Fire and Safety Services. Also requesting Engine #4 to join them on Sept. 17, 2016 for the parade only.

-Approved.

- 4) Committee Reports-Co. Lembo.
a) **Revised Wrecker Ordinance** was received from the Borough Attorney and asked the Borough Clerk to have it prepared and listed for the next meeting.

PUBLIC WORKS – Councilwoman Novak

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

- 2) Letter from Ted Petersen appealing the Rent Leveling Board's Decision of June 16, 2016. This matter was discussed earlier and will be scheduling a hearing when he receives the necessary information.

- 3) Committee Reports: a) Progress.

WATER & SEWER/ENVIRONMENTAL – Councilman Rittenhouse

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

- 2) Committee Reports – Councilman Rittenhouse
a) Reported having met with a representative from Sustainable NJ and was informed that the National Fish and Wildlife have some grants at no cost to the town and will be forwarding this information to the Environmental Commission and Green Team. He said that this could also supplement some of the work that Rutgers is doing and possibly help with flood remediation.

b) Reported that he attended the Independence Day celebration at the Sr. Center given by the Commission on Aging.

He gave thanks and kudos to everyone who volunteered and participated in our Independence Day Celebration as everything went so smoothly.

RECREATION – Council President Buchanan

1) Minutes & Departmental Reports: (None)

2) Committee Reports – Councilman Buchanan:

a) Also thanked everyone involved in our Independence Day Celebration and reported on the other various recreation sponsored events on going and up-coming.

b) Council President Buchanan asked that the appointments that were made to SERA at the last council meeting be rescinded because there were no vacancies at the time as the terms do not expire until July 15th of every year.

Mayor asked for a legal opinion. Mr. DuPont stated that the Clerk has to post a notice of the vacancy at least 10- days prior to the expiration. He said that in this case there was no vacancy at the time so there is some concern that the appointment was not done properly allowing other people aware of the vacancy.

Mayor asked the clerk for the normal procedure. Ms. Farbaniec stated that at the end of the year she puts together a registry of vacancies for all boards and commissions and that registry is distributed to the Mayor and Council and it is posted on the bulletin board for a period of time.

Councilwoman Novak read from the Ordinance that prior to filling any municipal position, the appropriate appointing authority shall review each application for that position..... she said that they were still receiving applications up until last Friday and that appointments were made without seeing an application.

Mayor commented on SERA holding their re-org. meeting on the Friday of 4th of July Weekend before the new people were appointed and the meeting wasn't recorded.

Councilwoman Novak said that it was not malicious, it was a mistake by a Borough employee.

Discussion followed about appointing someone without there being a vacancy.

Mayor asked for counsel advice. Mr. DuPont gave the council the two options – 1) Do nothing or 2) rescind the previous appointments until such time as there is a vacancy because there some issues that question the validity of the appointment.

Councilman Rittenhouse brought up the fact that this was posted in the beginning of the year, more than 10 days prior, it does mention SERA and that there would be vacancies occurring. Councilwoman Novak brought up the fact that there was an appointment made that she never had an application for. She said that the appointments are done in the appropriate way according to the ordinance. Councilman Rittenhouse read from the Ordinance regarding the 10 day posting. He went on to talk about the re-organization meeting taking place prior to the terms expiring and why they have a July 15th expiration date. He then commented on what their By-laws read and that he did not see an agenda nor was it posted.

Lengthy discussion followed regarding the SERA appointments and the ordinance and by-laws.

Councilwoman Novak made a motion that the SERA Appointments be rescinded. The Borough Attorney advised that the only person who can rescind a motion is one who voted in favor.

Councilman Grillo than made a motion to rescind. Seconded by Councilwoman Novak. Mayor asked that if this goes through, when does his 30 days start. Councilwoman Novak and Councilman Buchanan both indicated that it would be July 16th to Aug. 15, 2016. Mayor asked what this motion was to do. Councilwoman Novak stated that inasmuch as is was clarified about the 10 day posting that Don Newton's appointment was legitimate

because we had his application for over 2 weeks but Rosetta's was not. The Borough Attorney clarified that it is a motion to rescind the appointment of Rosetta Fisher to SERA. Comments made by Mayor O'Brien.

	<u>Ayes</u>	<u>Nays</u>
Roll Call:	Grillo	Lembo
	Buchanan	Rittenhouse
	Novak	
Clerk Announced	3 Ayes	2 Nays – Appointment was rescinded.

Mayor asked if he had the ability to make an appointment tonight. The Borough Attorney said that based upon the ordinance he now has the ability to appoint.

Mayor stated that he would like to appoint Rosetta Fisher to the Sayreville Economic & Redevelopment Agency, replacing Dennis Grobelny, effective July 16, 2016. Moved by Councilman Rittenhouse and Seconded by Councilman Lembo. Discussion followed regarding why he wanted to remove Dennis Grobelny.

	<u>Ayes</u>	<u>Nays</u>
Roll Call:	Rittenhouse	Buchanan
	Lembo	Grillo
		Novak
Clerk Announced	3 Ayes	2 Nays – Appointment was rescinded.

Mayor stated that he would like to appoint Rosetta Fisher to begin July 16, 2016 to replace Darrel Hartsfield on SERA. Moved by Councilman Rittenhouse, Seconded by Councilman Lembo.

	<u>Ayes</u>	<u>Nays</u>
Roll Call:	Rittenhouse	Buchanan
	Grillo	Novak
	Lembo	

Clerk Announced 3 Ayes 2 Nays – Appointment carried.

MAYOR – Kennedy O'Brien

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

- Admin. & Finance

- a) Request for Ordinance amending AFSCME salary guide to include the title of Pumping Station Operator.
- Ordinance for introduction.

- Planning & Zoning

- Public Safety

- a) Request for Ordinance amending Chapter IX, Animal Control, to include regulations on dog tethering.

Councilwoman Novak asked if they wanted to adopt the entire Plainfield ordinance. She commented on the harshness of the ordinance such as the weight of a leash, etc. Discussion followed.

Borough Attorney stated that he would meet with the Animal Control Officer and review the ordinance paragraph by paragraph.

- b) Authorization to rescind Resolution #2016-218 adopted on June 27, 2016 and replace with an amended resolution to correct wording authorizing the Office of Emergency Management to apply for Emergency Management Agency Assistance.

- Resolution.

- c) Authorization to purchase seven (7) Police Utility Vehicles through NJ State Contract Number T2776/A88728 from Winner Ford of Cherry Hill, NJ in an amount not to Exceed \$174,402.00.

- Resolution

- d) Authorization to equip new police vehicles with lights and security equipment through NJ State Contract T0106/81338 from East Coast Emergency Lighting for an amount not to exceed \$70,344.50.

- Resolution

- e) Authorization to award a contract for a Police Extra Duty Detail Management System to Extra Duty Solutions of Westport, Ct at no cost to the Borough.

- Resolution

- f) Authorization to purchase Watchguard in vehicle cameras and related equipment, software through New Jersey State Contract T0106/81300 from Advanced Electronic Design of North Attleboro, MA in an amount not to exceed \$38,759.00.

- Resolution

- Public Works

- Recreation

- Water & Sewer

C.F.O. - Wayne Kronowski

- 1) Closed Session 7-25-16.
- 2) Resolution setting forth details of the 2016 Sale of Bonds.

BOROUGH ENGINEER - Jay Cornell

- 1) Repairs to the Kennedy Park Skate Park – Receipt of Bids (Report Attached).
Award made tonight.
- 2) Borough Hall Emergency Generator – Receipt of Bids (Verbal Report).
Bond Ordinance up for Public Hearing and adoption at the next meeting so if it goes through we need a resolution.
- 3) Site Improvements for the Former Bordentown Avenue Water Treatment Plant Building – Receipt of Bids (Verbal Report).
- May need Bond Ord.

BOROUGH ATTORNEY - Michael DuPont

• **EXECUTIVE SESSION: Police Personnel**

At this time the Borough Attorney announced that there is a need to go into Closed Session.

- 5 minutes / Personnel

Mr. DuPont read the following Resolution into record:

RESOLUTION FOR CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 5 minutes to discuss the following matters:

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/ Daniel Buchanan, Council President

APPROVED:

/s/ Kennedy O'Brien
Mayor

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

Roll Call: Voice Vote, all Ayes. Carried.
Time: 9:32PM

• **RECONVENE – 9:38 PM**

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

Roll Call: Voice Vote, all Ayes.

• **PUBLIC PORTION**

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

Those appearing were:

- Michael D'Addio, SERA Chairman

Apologized – he did not know the meeting wasn't recorded. He said that the secretary was there and was operating the machine and will follow up and see what happened. He also made the correction to the council stating that the secretary was not an employee of the borough but of SERA.

Comments made by Councilman Rittenhouse in response.

He said that their meeting in July was advertised, everything was done legally. They did hold their re-org. meeting before the July meeting

- Ted Petersen, Crestview Apts.

Asked if there was an ordinance requiring all meetings to be recorded and if so does it apply to the Rent Leveling Board.

Attorney responded that there was a Resolution and it did not pertain to the Rent Board. Commented about the Mayor's remarks about SERA members.

Commented about rules and regulations on time constraints.
Commented on the Pet Ordinance.
Asked Co. Grillo for a list of food programs.
Co. Grillo said that he will reach out to the County and get a list put together.
Councilwoman Novak informed Mr. Petersen that Sayreville has a food bank at the Sr. Center as well as Our Lady of Victories.

There were no further questions or comments.

Mayor asked for a motion. Motion to close the public portion was made by Councilwoman Novak. Seconded by Council President Buchanan,

Roll Call: Voice Vote, all Ayes.

Before adjourning the Mayor asked for a **Motion to appoint Paula Siarkiewicz** to SERA to Dennis Grobelny's term.

No one moved the Mayors request for appointment.

- **ADJOURNMENT**

Mayor called for a motion to adjourn.

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

Roll Call: Voice Vote, all Ayes.

Time: 9:45 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved