

Mayor Kennedy O'Brien opened the Council Meeting at 7:02 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this council meeting being held on Monday, February 9, 2015 had been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Kilpatrick, McGill,
Melendez, Rittenhouse

Absent: Councilwoman Novak (excused)

Others Present: Kennedy O'Brien, Mayor

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

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

- **Approval of prior Minutes** of the Mayor and Borough Council

Council President McGill moved the following minutes be approved on Roll Call Vote, subject to correction if necessary.

- ⓧ December 15, 2014 - Executive Session
- ⓧ January 1, 2015 - Re-Organization Meeting
- ⓧ January 12, 2015 - Combined Meeting

Motion was seconded by Councilman Buchanan.

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

- **PRESENTATIONS & PROCLAMATION:**

- Mayor and Council presented Certificates of Appreciation to the following:

- ❖ **Morgan First Aid Squad – 45 Years of Service to Borough of Sayreville & 2014 Best of the Best Recipient**

- ❖ **Joe Scanlon – 45 years of dedicated service and volunteer work associated with the Morgan First Aid Squad**

- **PROCLAMATION**

Municipal Clerk Farbaniec read the following Proclamations into record:

- ❖ **April 25, 2014 was observed as Arbor Day** (Housekeeping for Shade Tree Comm.)

PROCLAMATION

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Kennedy O'Brien, Mayor of the Borough of Sayreville, do hereby acknowledge that **ARBOR DAY** was observed April 25, 2014 and urge all citizens to support efforts to protect our trees and woodlands to support our town's urban forestry program.

IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 9th day of February, 2015 and the same duly attested by the Municipal Clerk.

/s/ Kennedy O'Brien, Mayor

Attest:

/s/ Theresa A. Farbaniec, R.M.C. – Municipal Clerk

❖ **April 24, 2015 Observance of Arbor Day**

PROCLAMATION

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Kennedy O'Brien, Mayor of the Borough of Sayreville, do hereby proclaim April 24, 2015 as **ARBOR DAY** in the Borough of Sayreville and urge all citizens to support efforts to protect our trees and woodlands to support our town's urban forestry program.

IN WITNESS WHEREOF, I have caused this

Proclamation to be issued and the official seal of the Borough duly affixed this 9th day of February, 2015 and the same duly attested by the Municipal Clerk.

/s/ Kennedy O'Brien, Mayor

Attest:

/s/ Theresa A. Farbaniec, R.M.C. – Municipal Clerk

Motion made by Councilman Buchanan to receive and file the proclamations with the appropriate departments and agencies. Motion seconded by Councilman McGill.

Roll Call: Voice Vote, all Ayes.

- **OLD BUSINESS**

- a. Public Hearing on the following Ordinance(s): (None)

- **NEW BUSINESS:**

- a. Municipal Clerk Farbaniec reported having received the following from CFO Wayne A. Kronowski:

- ❖ **Annual Debt Statement and Annual Financial Statement** which was filed with the Division of Local Government Services for the **year 2014**.

- On file in the Municipal Clerk's Office.

Motion made by Councilman Buchanan to receive and file. Motion seconded by Councilman McGill.

Roll Call: Voice Vote, all Ayes.

- b. Introduction of the following Ordinance(s):

ORDINANCE # 278-15

**AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",
SECTION 2.3 "MEETINGS" OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF SAYREVILLE**

Co. Rittenhouse – Admin. & Finance (Public Hearing February 23, 2015)

Councilman Rittenhouse moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on February, 23, 2015. Motion seconded by Councilman Buchanan.

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

- **CONSENT AGENDA/RESOLUTIONS**

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

Those appearing were:

- Michael Pinkiewicz, 32 Becker Drive

Mr. Pinkiewicz handed out information he would like to discuss. Clerk Farbaniec distributed to the Council.

Questioned Resolution #2015-42 and asked the council to clarify that the agreement was with the Tinton Falls location of Associated Humane Society. Mayor confirmed that it was.

He questioned why we selected them and did not keep Woodbridge.

Mayor said that Woodbridge was servicing Sayreville on a temporary basis and that they do not have the excess capacity to keep on permanently.

Mr. Pinkiewicz asked when they submitted their RFP as it was noted on Dec. 15th that there were none received.

Mayor said that the Business Admin. was not in attendance and that he would be the one to respond.

Municipal Clerk Farbaniec stated that the authorization to negotiate a contract was given after it was noted that there were no RFP's received on the designated date.

He questioned why we selected Associated Humane Society.

Mayor responded that it had a lot to do with them having capacity and price. That they would provide services at the lowest reasonable costs.

Mr. Pinkiewicz stated that in his handout was a report and for 2014 for the Associated Humane Society and that he could not find intake, adoption and euthanasia rates for their animals. He said that he was not sure if this choice would be any better than Helmetta. He then commented on their filing of a lawsuit against the City of Newark in 2011 regarding the possession of "Patrick the Pit Bull" and their losing fundraising potential. He said that he is concerned that there are not other options presented and this is the only choice. He said that they do not advocate for their pets and expressed concerns regarding the traffic to reach Tinton Falls.

Councilman McGill said that he did visit Tinton Falls facility and felt comfortable with what they saw and was told. Woodbridge does not want to take us any longer, he was not comfortable taking animals up to the Newark facility. He understood the amount of time it may take for the residents to get there but felt this facility was much better than Helmetta, until more shelters became available to contract with.

Mr. Pinkiewicz stated that there were rumors that Woodbridge would not contract with us because we do not support TNR. Further response by Councilman McGill.

Councilwoman Kilpatrick stated that it was her understanding that Animal Control would be located in the town locally during regular business hours. She also spoke about the scramble for many towns to locate a shelter after the issues with Helmetta.

- Rachel Collier, 42 Garfield Place
Commented on her concerns about the facility and concerned that we will be distancing local control to other neighborhoods. She also commented on a pleasant experience she had dealing with Woodbridge. She also referred to certain comments that were made by the Sayreville Police Dept. She felt it should be up to the residents to vote if we want animal control back in Sayreville.
Mayor informed her that she could have a non-binding referendum placed on the next ballot but he follows that mandate to supply services at the lowest reasonable cost available.

Mayor said that it is a lot more than just housing the animals. You have to have proper facility, personnel, vehicles, etc. which is a large expense. When Helmetta built their facility it was meant to be a revenue generator to offset the costs and keep taxes down.

Ms. Collier asked how many towns Tinton Falls house.

Mayor suggested she put together a committee with an odd number of people who are residents of **Sayreville** of like mindedness-form it and you can do the inspections on behalf of the Borough of Sayreville and work with the Board of Health and Police Dept. Discussion followed.

Council President Dave McGill made a motion to close the public portion and approve the Consent Agenda Resolutions on Roll Call Vote. Motion was seconded by Councilman Buchanan.

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

RESOLUTION #2015-29

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/ Councilman Daniel Buchanan

/s/ Councilman Ricci Melendez

/s/ Councilwoman Victoria Kilpatrick

(Absent)
Councilwoman Mary J. Novak

/s/ Councilman David McGill

/s/ Councilman Arthur Rittenhouse

Bill list of February 9, 2015 in the amount of **\$11,915,815.41** in a separate Bill List File for 2015 (See Appendix Bill List 2015-A for this date,).

Bill list of January 13, 2015 - January 26, 2015 in the amount of **\$6,114,721.38** in a separate Bill List File for 2015 (See Appendix Bill List 2015-A for this date,).

RESOLUTION#2015-30

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2014 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>		
Human Resources (1105-108-2-3115)	\$	\$ 10,000
Legal Services (1155-130-2-3112)		60,000
Group Insurance (1220-205-2-8010)	40,000	
Police Department (1240-310-1-1003)	32,000	

Emergency Management
(1252-345-2-7090)

2,000

\$ 72,000

\$ 72,000

/s/ Arthur Rittenhouse, Councilman
(Admin. & Finance Committee)

ATTEST: BOROUGH OF SAYREVILLE

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/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

(Pocket License)

RESOLUTION #2015-31

**RESOLUTION OF THE COUNCIL OF THE BOROUGH OF SAYREVILLE
TO RENEW P.R.C.L. #1219-33-043-006, SHRI HANS, LLC
FOR THE 2013-2014 and 2014-2015 LICENSE TERMS**

WHEREAS, Shri Hans, LLC, is the holder of Plenary Retail Consumption License No. 1219-33-043-006 (the "Licensee"), issued by the Council of the Borough of Sayreville as the Issuing authority (the "Issuing Authority") for a "pocket license" in the Borough of Sayreville, New Jersey for the 2013-2014 and 2014-2015 licensing years; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc; and

WHEREAS, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2013/2014 and 2014/2015 license terms; and

WHEREAS, on December 29, 2014, Michael I. Halfacre, Director of the State Division of Alcoholic Beverage Control, did make a special Ruling to permit the filing of a renewal application of a pocket license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 12-14-8986 for a two-year period, covering the 2013-2014 and 2014-2015 license terms; and

WHEREAS, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the 2013-2014 and 2014-2015 license terms and to grant or deny said application in the reasonable exercise of its discretion; and

WHEREAS, Tax Clearance Certificate was issued by the Division of Taxation for the 2013-2014 and 2014-2015 License term on May 30, 2014;

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT Plenary Retail Consumption License Number 1219-33-043-006, Shri Hans, LLC (pocket license) is hereby renewed for the 2013/2014 and 2014/2015 license year.

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License Certificate and that a certified copy of this Resolution be forwarded to the licensee and the Division of Alcohol Beverage Control.

BE IT FURTHER RESOLVED THAT this Resolution shall take effect immediately and/or as required by law.

/s/ Arthur Rittenhouse, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-32

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
NEW JERSEY, DECLARING THE LAPSE OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 1219-33-028-008, HERETOFORE HELD BY VICTORY ENTERTAINMENT,
INC.**

WHEREAS, Victory Entertainment, Inc. (the "Licensee"), has heretofore been the holder of New Jersey Alcoholic Beverage Control Plenary Retail Consumption License No. 1219-33-028-008 (the "License"); and

WHEREAS, pursuant to N.J.S.A. 33:1-12.18 as amended by P.L. 2010, c. 14, a plenary retail consumption license may not be renewed later than June 30 of the year ending the license; and

WHEREAS, P.L. 2010, c.14, enacted on May 6, 2010, included a one-time amnesty provision permitting renewal of a plenary retail consumption license that has not been renewed within the five years immediately preceding the enactment of P.L.2010, c.14, but who pays the municipal and State renewal fees for each year for which a timely renewal application was not filed, may file for issuance of a new license in accordance with subsection a. of N.J.S.A. 33:1-12.18, provided such application is filed no later than November 8, 2010; and

WHEREAS, the "Alcoholic Beverage Control Handbook for Municipal Issuing Authorities" ("Handbook") published by the State of New Jersey Office of the Attorney General, Division of Alcoholic Beverage Control, provides that If a licensee fails to file a renewal application on or before the statutory deadline, the licensee has abandoned its license, and the municipality should pass a Resolution stating that the license has lapsed for failure to renew. The Handbook further provides that a copy of the Resolution must be forwarded to the Licensing Bureau; and

WHEREAS, the Licensee applied for renewal of the License for the 2012-2013 license year; and

WHEREAS, the License was renewed for the 2012-2013 license year by Sayreville Resolution No. 2014-38; and

WHEREAS, no application or fees for renewal were filed, and the License was not renewed for the 2013-2014 license term; and

WHEREAS, no application or fees for renewal were filed, and the License was not renewed for the 2014-2015 license term; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville as follows:

1. The recitals set forth above are hereby incorporated into the body of this Resolution as if set forth at length herein.
2. Victory Entertainment, Inc. ("Licensee") is hereby deemed to have abandoned Plenary Retail Consumption License No. 1219-33-028-008 ("License").

3. Plenary Retail Consumption License No. 1219-33-028-008 is hereby declared to have lapsed for failure to renew, and same is declared to have ceased to exist upon the Licensee's failure to renew the License by the statutory deadline.
4. The Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the Licensees file.
5. A certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:
 - a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P. O. Box 087
Trenton, New Jersey 08625-0087
 - b. Chief, Sayreville Police Department
 - c. Victory Entertainment, Inc.

/s/ Arthur Rittenhouse, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-33

WHEREAS, the following named persons have applied for the renewal of an auto wrecker's license under the existing ordinances covering the following locations for the year 2015:

<u>APPLICANT</u>	<u>LOCATION</u>
Joseph V. Juliano Julian's Garage	919 Route #9 South Amboy, NJ 08879
John Krist A-1 Auto Center	236 Main Street Sayreville, NJ 08872
Donald M. Rzepka Al's Auto Body	2070 Hwy. #35 South Amboy, NJ 08879
Wayne Wagner-Wagcar, Inc. Walter's Auto Body	502 Raritan Street Sayreville, NJ 08872
Steve Vrabel Economy Auto, Inc.	Victory Bridge Plaza South Amboy, NJ 08879
Thomas DePasquale Wayne's Auto Body	South Pine Ave. & 10 th St. South Amboy, NJ 08879

WHEREAS, the Governing Body has considered the applications and the same appear to be in conformity with the terms of the ordinances; and

WHEREAS, it further appears that there are no present violations pending against said applicants;

NOW, THEREFORE, BE IT RESOLVED:

- 1.) That the said applications are hereby approved and granted for the year 2015.
- 2.) That upon receipt of the proper insurance coverage and satisfactory

wrecker inspection reports, the Borough Clerk is hereby authorized and directed to issue said licenses.

/s/ Dave McGill, Councilman
(Public Safety Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

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RESOLUTION #2015-34

WHEREAS, on January 13, 2014 the Borough of Sayreville awarded a contract for "Annual Maintenance and Repair of borough HVAC Equipment" to GRM Facilities Management, Inc., 188 Fries Mill Road, suite F-2, Turnersville, NJ 08012; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract One (1) - two (2) year period at no additional increase in price contained therein; and

WHEREAS, GRM Facilities Management, Inc., has indicated their interest in extending their terms of the aforesaid contract for one (1) - two (2) year term.

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 the "Annual Maintenance and Repair of Borough HVAC Equipment" is hereby renewed for one additional two (2) year period at no additional increase in price.

/s/ Victoria Kilpatrick, Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-35

WHEREAS, on December 9, 2014 the Mayor and Council of the Borough of Sayreville, received bids for the "Landscape Maintenance for Various Borough Properties"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 26th day of January 26, 2015 that:

1. Contract for the "Landscape Maintenance for Various Borough Properties" be awarded Greenleaf Landscape, Eatontown, NJ on their bid price of \$123,185.00 as appears on copy of bid document attached hereto and made a part hereof.

2. This resolution shall take effect immediately, upon execution of the proper documents.

/s/ Victoria Kilpatrick, Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-36

WHEREAS, on December 11, 2014 the Mayor and Council of the Borough of Sayreville, received Request for Proposals on "2014 Sewer Pump Station Repairs & Maintenance"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 26th day of January 26, 2015 that:

1. Contract for the "2014 Sewer Pump Station Repairs & Maintenance be awarded Municipal Maintenance Co., Cinnamonson, NJ on their proposal and report attached hereto and made a part hereof.

2. This resolution shall take effect immediately, upon execution of the proper documents.

/s/ Arthur Rittenhouse, Councilman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-37

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear in Closeout Contract Change Order No. 2:

- Project: 2013 Roadway Paving and Reconstruction – Phase I Project
- Contractor: Lucas Construction Group, Inc.
173 Amboy Road
Morganville, NJ 07751
- Net Decrease: \$84,724.09
- 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 Borough Engineer referred to above and in said Closeout 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/ Victoria Kilpatrick, Councilwoman
(Public Works Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-38
ACCEPTING FINAL WORK AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD

WHEREAS, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: 2013 Roadway Paving and Reconstruction – Phase I Project
- Contractor: Lucas Construction Group, Inc.
173 Amboy Road
Morganville, NJ 07751
- Balance Due \$18,233.42

WHEREAS, the Borough Engineer has fully issued a certificate certifying to the completion of the work and recommending payment in accordance with the terms thereof; and

WHEREAS, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

WHEREAS, the Statutes of New Jersey pertaining to the enforcement of mechanic's and materialmen's liens on municipal projects provide that notice thereof may be filed at any time within 45 days of the final acceptance of said work;

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.

2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.

3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.

4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$136,750.64 and the approval of same as to form and sufficiency by the Borough Attorney.

/s/ Victoria Kilpatrick, Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-39
RESOLUTION OPPOSING THE SPECIAL PANEL'S REPORT
AND RECOMMENDATION TO LIMIT PATH SERVICE

WHEREAS, on Saturday, December 27, 2014 New York Governor Andrew Cuomo and New Jersey Governor Chris Christie issued a joint press release "accept(ing) the comprehensive and wholesale changes recommended by the Bi-State Special Panel on the Future of the Port Authority", and

WHEREAS, the Special Panel's report included a recommendation to "implement PATH service changes" including eliminating overnight service; and

WHEREAS, New Jersey residents depend on a reliable, 24-hour transit system, in and out of New York City; and

WHEREAS, the PATH train is an important economic engine for New Jersey, and

WHEREAS, THE Borough Council has serious concerns about the potential impact eliminating late night PATH service may have upon the New Jersey residents who use late night PATH service either for work or recreation; and

WHEREAS, any shutdown of PATH service during overnight hours is likely to have a severe and adverse impact on the lives of working families who rely upon the service to commute to and from work during these hours, and

WHEREAS, because mass transit is the most efficient and effective means of moving around the New York metropolitan area while reducing traffic and our carbon footprint, we should be doing more to support mass transit opportunities, not reducing them; and

WHEREAS, New Jersey residents have spoken out against any cuts to late night PATH service which would disrupt life for many people in our state;

IT IS THEREFORE RESOLVED that the Borough Council of the Borough of Sayreville strongly opposes the Special Panel's recommendation to limit late night PATH service, including, but not limited to, shutting down the PATH system between 1 a.m. and 5 a.m. on weekdays and/or weeknights; and

BE IT FURTHER RESOLVED that the Clerk of the Borough of Sayreville shall deliver a certified copy of this resolution to each of the Commissioners of the Port Authority of New York and New Jersey, each member of the Bi-State Special Panel on the Future of the Port Authority, the Governor of the State of New Jersey, and each State Legislator serving in the Port Authority's jurisdiction; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

/s/ Ricci Melendez, Councilman
Sponsor

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-40

BE IT RESOLVED that the following person is hereby provisionally appointed to the following department, as per NJDOP Promotional Procedures:

NAME OF APPOINTEE: Tracey Baszak
POSITION: Data Entry Operator II
DEPARTMENT: Water & Sewer Department
EFFECTIVE: January 27, 2015

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/ Arthur Rittenhouse, Councilman
(Water & Sewer Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-41

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING THE
EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE
BOROUGH OF SAYREVILLE AND THE TOWNSHIP OF
WOODBIDGE FOR ANIMAL CONTROL**

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 a Shared Services Agreement with the Township of Woodbridge 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 Township of Woodbridge which Agreement will run for one (1) month from the 1st day of February, 2015 through the 28th day of February, 2015.

/s/ David McGill, Councilman
(Public Safety Committee)

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ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-42

**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, 2015 through the 28th day of February, 2016.

/s/ David McGill, Councilman
(Public Safety Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2015-43

**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**

WHEREAS, the Borough of Sayreville received the resignation of its' standing Municipal Court Judge and recognized the need for a Municipal Judge; and

WHEREAS, the Borough of Sayreville is desirous of having a standing Municipal Judge for its' Court; and

WHEREAS, the Governing Body of the Borough of Sayreville resolved to appoint Michael T. Sica, Esquire as its' standing Municipal Judge; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that on January 12, 2015 the Governing Body of the Borough of Sayreville appointed Michael T. Sica, Esquire as its' Municipal Court Judge.

/s/ David McGill, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

2-9-15 Mayor Retuned Unsigned
Mayor

Clerk Farbaniec read the following Resolution in Full:

RESOLUTION 2015-44

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF
CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Mayor and Council of the Borough of Sayreville wishes to apply for funding of approximately \$60,000.00 with a match of \$276,079 for an approximate project total cost of \$336,079 for a project under the State of New Jersey called Safe and Secure Communities Grant Program; and

WHEREAS, the Mayor and Council of the Borough of Sayreville has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Borough of Sayreville for the purpose described in the application;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that:

1. As a matter of public policy the Borough of Sayreville wishes to participate to the fullest extent possible with the Department of Law & Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

/s/ Arthur Rittenhouse, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

At this time Mayor O'Brien opened the meeting to the public for questions or comments on Resolution #2015-44.

There being no appearances, Mayor called for a motion. Councilman Buchanan closed the public portion and moved the resolution be adopted on Roll Call Vote. Motion seconded by Councilman McGill.

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

COMMITTEE REPORTS

- **ADMINISTRATIVE & FINANCE - Reported on by Councilman Rittenhouse.**

a) **Minutes & Departmental Reports:**

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

- 1) Board of Education Minutes of January 6 & 20, 2015
- 2) Municipal Clerk's report for the month of December, 2014
- 3) Investment Activity Report for the month of November, 2014

Motion seconded by Councilman Buchanan.

b) Committee Reports - Progress.

• **PLANNING & ZONING - Councilman Buchanan**

a) **Minutes & Departmental Reports:**

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

- 1) Middlesex County Planning Board Minutes of December 9, 2014
- 2) Construction Officials Report for the month of December, 2014
- 3) Zoning & Code Enforcement report for the month of December, 2014 included in their 2014 Annual Report.
- 4) Fire Prevention reports for the months of November & December, 2014.
- 5) Planning Board minutes of January 7, 2015.
- 6) Board of Adjustment minutes of Dec. 10, 2014

Motion seconded by Councilman McGill.

b) Committee Reports - Councilman Buchanan wanted to comment about the Temple Litigation and the e-mail he read. Mayor informed him that it is a Litigation matter and Mr. DuPont said it will be brought up at the appropriate time.

c) Progress.

• **PUBLIC WORKS - Councilwoman Kilpatrick**

a) **Minutes & Departmental Reports:**

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

- 1) Rent Leveling Board Minutes of January 13, 2015
- 2) Public Works Reports - Buildings & Grounds, Parks, Recycling, Roads, Garage Services, Sanitation and
- 3) Office on Aging Report all for the month of December, 2014.

Motion seconded by Councilman Buchanan.

b) Committee Reports -

Councilwoman Kilpatrick reported on her concerns on the working conditions for the employees in the Dept. of Public Works garage. She said we need to take a look at new facility.

She reminded everyone that there is an ordinance in place regarding the parking of vehicles on the streets when they are snow covered and to also be mindful when removing snow that you do not throw it back into the roadway.

Expressed her concerns about the serious issues with the salt dome which the borough does not currently have and the use of manpower waiting for salt deliveries. She said that we need to invest in our public works.

Councilwoman Kilpatrick acknowledges the receipt of an e-mail from a Jacob Ebstein for the YMCA NJ to be able to utilize our parks department for a program. She said that she turned the request over to our parks dept. to look into the program and see if we could work with them.

Progress.

• **RECREATION - Councilman Melendez**

a) **Minutes & Departmental Reports:**

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

- 1) Recreation Director's report for the month of Dec., 2014

Motion seconded by Councilman Buchanan.

- b) Committee Reports -
- Reported on various recreation department sponsored programs and events.
- Progress.

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

a) **Minutes & Departmental Reports:**

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

- 1) Water & Sewer Director's report for the month of Dec., 2014
and 2014 Annual Report.

Motion seconded by Councilman Buchanan.

b) Committee Reports - Councilman Rittenhouse

- Councilman said that for the past two meetings he has asked for clarification regarding HomeServe who offers a water warranty service for the residents for the purchase of an insurance policy covering the water line from the street to the residence house regarding if the box in the street would be covered. He requested to see the written warranty because the public is getting mixed answers regarding coverage. Councilman Rittenhouse said that when he called HomeServe they would have their advisers call him back.

Mr. DuPont asked for their name and number and will reach out to them for clarification.

- Progress.

• **PUBLIC SAFETY – Council President McGill**

a) **Minutes & Departmental Reports:**

Council President moved the following Minutes and or Reports be Received & Filed:

- 1) Court Administrator, Police Chief, Board of Health,
Registrar and County Reports for the month of Dec., 2014.

Motion seconded by Councilman Buchanan.

b) Committee Reports

- Councilman McGill reported on his meeting with the Police Chief regarding cameras at the police dept. He assured the chief that they get there.
- He also reported on their radio system being antiquated and will be looking into the issues.

APPOINTMENTS:

Council President McGill made a motion to appoint Phoenix Advisors.

Councilman Rittenhouse called a Point of Order.

He said that the January 29th meeting that was not held due to lack of a quorum and is filing a complaint that the Open Public Meetings Act was not followed. If that complaint is upheld the Mayor would still have the opportunity to make his appointments. He said that four members of the council collaborated and told the clerk that they would not be in attendance. He said that is a violation of the Open Public Meetings Act. He said that he also had an objection to the January 12th meeting and has been in contact with the prosecutor's office.

Councilman McGill objected to his accusation that he collaborated in any fashion. He said that he was stuck in Boston in a snowstorm. Councilwoman Kilpatrick also objected, stating that she was with her daughter who had emergency surgery on her foot.

Council president McGill continued with his appointments –

- Financial Advisors - Phoenix Advisors

Motion seconded by Councilman Melendez.

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

- Special Counsel/Other Matters - Kravis, File & Wurgaft -

Motion seconded by Councilman Melendez.

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

Councilman Rittenhouse, Nay.

➤ Board of Adjustment - 4 yr Term William Henry
Motion seconded by Councilman Melendez.
Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Ayes.
Councilman Rittenhouse, Nay.

➤ Board of Adjustment- 2 yr unexp. Term. Anthony Esposito
Motion seconded by Councilman Melendez.
Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Ayes.
Councilman Rittenhouse, Nay.

➤ Board of Health - 3 Yr Term Kenneth Revolinsky
Motion seconded by Councilman Melendez.
Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Ayes.
Councilman Rittenhouse, Nay.

➤ Board of Health - 3 Yr Term William Henry
Motion seconded by Councilman Melendez.
Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Ayes.
Councilman Rittenhouse, Nay.

➤ Commission on Aging- 3 Yr Term Kenneth Olchaskey
Motion seconded by Councilman Melendez.
Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Ayes.
Councilman Rittenhouse, Nay.

Mayor stated that Patricia Dunn had filed an application for reappointment to the Commission on Aging as the Non Voting member.

Councilman Buchanan asked if it could be held over until the next meeting and the Clerk can send out a copy of her application.

➤ Cultural Arts Council - 1 Yr Term Mike Tumbleson
Motion seconded by Councilman Melendez.
Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Ayes.
Councilman Rittenhouse, Nay.

➤ Human Relations Commission- 3 Yr Term Carol Gentles
Motion seconded by Councilman Buchanan.
Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Ayes.
Councilman Rittenhouse, Nay.

➤ Housing Authority of the
Borough of Sayreville - 5 Yr Term Ronald Green
Motion seconded by Councilman Buchanan.
Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Ayes.
Councilman Rittenhouse, Nay.

➤ Special Counsel/Temple Litigation -1 Yr Term Weiner Lesniak

Mayor said that this is the biggest and most important legal case the borough has and right now and that a court motion has to be responded to by next week and expressed that he was upset that they wanted to appoint a completely new law firm of which he was not confident in. He expressed his disappointed in his colleagues for doing this. He said that the attorney from DeCotiis firm that we currently have specializes in this type of matter and he sent me an e-mail this afternoon which was forwarded to the governing body. Mayor read the e-mail which laid out all the dates for responses to the courts. He said that this appointment would be putting the borough at great risk.

Councilman Buchanan stated that his concerns were the fees the DeCotiis firm keeps charging.

Councilman Rittenhouse further commented that he agreed with what the Mayor said and asked what Weiner Lesniak's fees are.

Councilman Buchanan said that they are proposing \$20,000. and the same hourly rate as the DeCotiis firm.

Mayor said what rate that was and that he had not seen any fee schedules.

Councilman Buchanan said that Weiner Lesniak had submitted multiple proposals for Jan. 1st. But he did have a discussion with them and they agreed to \$20,000. plus same hourly rate as DeCotiis.

Councilman Rittenhouse further commented that we will also be paying for Lesniak to obtain the information from DeCotiis.

The Clerk Called Roll Call on the motion to appoint the Weiner Lesniak firm.

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

Appointment confirmed/Memorializing Resolution for the next meeting.

Mayor stated for the record that this was the first time the governing body ever appointed a law firm without first seeing a proposal.

Councilman Melendez asked why the rescheduled meeting was called for on Thursday and why he was not called.

Mayor responded that in the past he has had no problem calling from Brazil or elsewhere.

Councilman Rittenhouse said that Councilwoman Novak spoke for the four when she e-mailed the Clerk. Councilman Melendez stated that he responded himself.

Councilman McGill said that he is on various boards and committees and that he schedules his work schedule around meetings and was scheduled to attend the meeting on Monday but was scheduled for a meeting in Boston that Thursday. He heard about Monday night but heard nothing about Thursday night until Thursday afternoon.

Clerk Farbaniec stated that on Monday when the meeting was cancelled and rescheduled she prepared the notice to the newspaper and sent it out to each individual Councilperson notifying them of the new date.

She requested that if someone cannot make any meeting that they kindly call her or e-mail her directly, as she is the person scheduling and advertising meetings.

Mayor stated for the record that he received notification that the Governor called a State of Emergency and met with the Business Admin. and the Clerk and proceeded to cancel the meeting and rescheduled until Thursday. She notified the newspaper and the governing body.

OTHER APPOINTMENTS

Councilman McGill made a motion to appoint **Thomas Cassidy to the title of Police Lieutenant** as per Civil Service promotional procedures, effective January 27, 2015. Motion seconded by Councilman Buchanan.

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

- Resolution memorializing appointment 2/23/15.

Council President McGill made a motion to appoint **Alfred Gawron to the title of Police Sergeant** as per Civil Service promotional procedures, effective January 27, 2015. Motion seconded by Councilman Buchanan.

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

- Resolution memorializing appointment 2/23/15.

- **MAYOR – Kennedy O’Brien**
 - Mayor appointed Joe Crisafi, 21 Ash Terrace as his Chief of Staff
- **BUSINESS ADMINISTRATOR – Daniel E. Frankel**
(none)
- **C.F.O. - Wayne Kronowski**
(none)
- **BOROUGH ENGINEER -Jay Cornell**
(none)
- **BOROUGH ATTORNEY - Michael DuPont**
(none)

PUBLIC PORTION

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

- Bill Henry, 22 Orchard Street
 - Questioned what Councilman Rittenhouse meant by “box” when mentioning the water warranty.
Councilman Rittenhouse responded that in the street where the line met the water main there was a box that was in question of whether it is covered. It was further described by the Borough Engineer.
Councilman Melendez said that it was his understanding that it was covered from the street to the house.
Councilman Rittenhouse said his concern was that when people called questioning what is covered they are not getting a straight answer.
- Chuck Kelly, 93 Reids Hill Road, Morganville, NJ
 - Retired police officer of 23 years of service and retired in 1999 due to a service injury. Currently President of Sayreville Retired Police Officers Association and currently represent 54 retired police officers.
 - Offered his condolences to Dan Frankel on the passing of his mother.
 - Praised the clerical staff of the Clerk’s Office and Finance Office for outstanding job in trying to locate these requested documents.
 - Commented on an OPRA request he submitted stemming from a notice he received from AETNA replacing Horizon as the borough’s health and dental care provider. He stated the information he received was outdated and that it appears that a policy has not been received by the borough. No insurance cards have been provided to anyone yet and members are being hit with deductibles which have not in the past.
 - Further stated that on Jan. 27th he wrote a letter to Mr. Frankel regarding the documents he did not receive and to this date no response, except for a letter from him previous to that date regarding the change in coverage.

Mayor requested that he put together a list of information he is looking for and e-mail it to him and he will get it over to the insurance broker to respond to you directly. He will also set up a meeting with you and members of the association.

- Bill Gawron, Orchard Street
 - Questioned how many water lines are replaced in the borough over the course of a year. Suggested that if the borough were to have a self insurance policy and we charge

every homeowner an additional \$10.00 and we pick up the expense if there aren't that many breaks during the year.

Mayor responded that he was not comfortable going into the insurance business.

- Mr. Gawron further stated his frustration about the health and dental coverage and lack of information.

- Commented to Council President McGill regarding the radio system at the police department because when he was police captain before his retirement he was very instrumental in development the system and it was the best in the County if not the State at that time and was very saddened that the system has gotten as bad as described.

No further questions or comments

Mayor announced that the next meeting is going to be held in room 310 and asked for a show of hands from the public as to who would be staying. He said that he was concerned about accommodating the public.

Mayor asked if was all the same to the council he would rather stay in the Council Chambers for the next/agenda meeting. No objections from the council.

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

Roll Call: Voice Vote, all Ayes. Carried.

Councilman McGill wanted to discuss salaries.

Clerk Farbaniec explained that is listed on the next agenda.

Councilman Rittenhouse questioned closed session.

Clerk Farbaniec responded that you could call for a closed session at any time the council wants, but it is listed on the agenda meeting session agenda.

- **ADJOURNMENT**

No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 8:25P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved