

Mayor Kennedy O'Brien opened the Council Meeting at 7:00 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 23, 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, Novak, Rittenhouse

Absent: None

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

Others Absent: None

- **Approval of prior Minutes** – None

- **SWEARING IN**

Police Chief John Zebrowski was called to introduce the following Officers who were promoted and were sworn into office by Municipal Clerk Farbaniec and signed their Oaths of Office as Police Sergeant and Lieutenant, respectively.

☞ Police Sergeant Thomas Cassidy  
☞ Police Lieutenant Alfred Gawron.

Mayor O'Brien also recognized Police Officer Richard Belotti for his heroism in saving the life of a choking victim as he performed the Heimlich maneuver and did not want any public recognition.

Mayor O'Brien also recognized the son of Chief John Zebrowski, Mat for his win in the Big East Conference in swimming the Butterfly 200 meter.

- **PRESENTATIONS TO:**

**Certificate of Recognition and Congratulations presented to:**

Connor Milne and Mark Whitford for being chosen to play in Pennsylvania at the "IV Star Elite all Star Showcase" and in Dallas Texas at the "Brett Cooper Junior Academic All American Bowl Game" representing Sayreville Middle School and Parlin Panthers.

Councilman Melendez gave the background on how they were chosen to play in each conference. He said that besides their football skills it was also based on their Academic Skills. The council congratulated each young man.

- **OLD BUSINESS**

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

Clerk Read the heading for Ordinance #278-15 for Public Hearing.

Mayor O'Brien opened the meeting to the public for questions or comments on **Ordinance #278-15.**

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street  
Questioned the new meeting schedule. She also disagreed with the verbiage in the ordinance on the council meetings at other locations other than the borough hall.

Councilwoman Novak explained the only change in the ordinance is the time as it still read 6:30 from years back and not 7PM and that the annual meeting schedule is advertised the beginning of the year stating 7PM at Borough Hall. Councilman Buchanan stated that one of the Re-organization meetings was held in the High School because it was after Hurricane Sandy and there were a lot of people the Council wanted to honor.

No other questions or comments. Councilman Rittenhouse moved the ordinance be adopted on second and final reading and advertised according to law. Motion seconded by Councilwoman Novak.

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

**ORDINANCE # 278-15**  
**AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",**  
**SECTION 2.3 "MEETINGS" OF THE REVISED GENERAL**  
**ORDINANCES, OF THE BOROUGH OF SAYREVILLE**  
(Introduced by Co. Rittenhouse, 2<sup>nd</sup> - Admin. & Finance)

**2.3 MEETINGS**

2.3-1 Organization, Regular and Special Meetings.

The Borough Council shall meet for organization on January 1 at 12:00 noon, following each general election or during the first seven (7) days in January in any year. Thereafter, agenda and regular meetings of the Borough Council shall be held on the second and fourth Monday of each month, to be called to order at ~~6:30 p.m.~~ **7:00 p.m.** prevailing time. The meetings shall be held at the Borough Hall. The Mayor shall, when necessary, call special meetings of the Council. In case of his neglect or refusal, any four (4) members of the Council may call special meetings at such time and place in the Borough shall retain the authority to direct by way of resolution that any meeting be held at another Borough location other than Borough Hall. The Borough Clerk shall provide the usual prescribed notice for such meetings.

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that Chapter 2-3, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect such change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

**ATTEST:**

/s/ Theresa A. Farbaniec  
Theresa A. Farbaniec, RMC  
Municipal Clerk

**APPROVED:**

/s/ Kennedy O'Brien  
Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont  
Michael DuPont, Borough Attorney

- **NEW BUSINESS:**  
Municipal Clerk Farbaniec read the following Ordinances into record for Introduction:

**ORDINANCE #279-15**

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

(Co. Ricci Melendez – Recreation Committee, Public Hearing March 9, 2015)

Councilman Melendez moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be held on March 9, 2015. Motion seconded by Councilman McGill.

Councilman Rittenhouse questioned why the ordinances for introduction are listed on this agenda as well as the next agenda.

Municipal Clerk responded that the next agenda lists the ordinances but just above them reads that if the ordinances are introduced at the Council Meeting they will be further listed on March 9, 2015 for Public Hearing.

Councilman Rittenhouse also asked that all of his colleagues speak into the microphone because the audio is poor when it is televised.

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

**ORDINANCE #280-15**

**AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",  
SUBSECTION 2-58.2, "COMMUNITY UNITY/SAYREVILLE DAY COMMITTEE -  
MEMBERSHIP OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF SAYREVILLE**

(Co. Ricci Melendez – Recreation Committee, Public Hearing March 9, 2015)

Mayor O'Brien commented on the way the ordinance is written – stating that the members may be residents and/or property owners of the borough. He expressed that he felt it was a dangerous road with property owners wording, with the only qualification would be to own property in Sayreville. Requested clarification so that if a question comes up that if I live in Sayreville but rent can I serve, or be a property owner. Felt it was a bad road when you appoint non residents to serve on Sayreville boards or commissions. He asked that his colleagues remove "property ownership" wording as it does not serve the people of Sayreville well. Felt that there were no limitations on it. Why should we have non Sayreville residents determine our future, this is a bad idea. He said that he will not sign the ordinance, he will veto it in its current form.

Councilman Melendez said that a resident is someone who owns a home here or rents. He asked the Attorney if that was a correct statement and Mr. DuPont said that was correct. So if you are a property owner here and pay taxes here you have a right to be on boards and commissions in this town.

Mayor said that he disagrees with that. He said that the thinking is flawed, it doesn't serve the taxpayers and residents well. He said that he sees this as a special favor and could be corrupted.

Councilwoman Novak said that there are currently several committees in Sayreville that have members serving that not only do not live in the town but do not own property.

Councilman McGill said that this is all about volunteers and felt this is a good thing. That if you rent you are a resident and the more volunteers we have the better.

Mayor said that there are approx 43,000 people living in Sayreville. The State law allows attendance at meetings to take place via the telephone and if we have someone that lives

out of the country but owns property or an interest in property here they can be appointed to this committee and attend from their remote location. He recommended the property owner portion be removed.

Councilman McGill said that we should move forward with this ordinance because it deals with a good person for this committee.

Councilwoman Kilpatrick said that we do not have people banging down our doors here wanting to donate their time and volunteer for an appointment. Someone calling in and that commitment that would demonstrate. When on a committee it is not just one person solely making the decisions it is a combined effort. Things get voted on and brought before this council as well. If you own property here, if you rent here you should have an opportunity for that voice. She would like to see these vacancies filled.

Mayor commented it getting to the level of a person possibly owning a share in a corporation being on a board or commission.

Councilwoman Novak said that this ordinance is for Community Unity/Sayreville Day and are arguing about a committee that puts together this one special event in town. Most of the ordinances do not stipulate that you must be a resident. We have far more important boards and committees in town that we should be concerned about. Why argue about someone that works for Community Unity Day Committee.

Mayor asked if there was a motion.

Councilman Melendez moved the Ordinance be approved on first reading, advertised according to law and a public hearing be held on March 9, 2015. Motion seconded by Councilman McGill.

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

**ORDINANCE # 281-15**  
**AN ORDINANCE AMENDING CHAPTER II, "ADMINISTRATION",**  
**SUBSECTION 2-62, "RECREATION ADVISORY BOARD"**  
**OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE**  
(Co. Ricci Melendez – Recreation Committee, Public Hearing March 9, 2015)

Comments:

Mayor said that this ordinance reads that the Recreation Advisory Board will consist of 33 members – 2 Boat Owners; 6 Members of Municipally Sponsored Youth Organizations; 1 a representative of the Sayreville Association of Brain Injured Children and shall include the chair of the recreation committee.

- First issue, you have to be a Boat Owner, not a Sayreville Boat Owner. Then it does not say which Municipally Sponsored Youth Organization and why the liaison to the recreation committee becomes a voting member. He expressed his further concerns with regards to this ordinance. Ordinance is not well written and the organizations would have to be named and specific on boat owners. He recommended that it be brought before the boat owners and organizations for input. He said that he will not be signing this ordinance and would also be vetoing this ordinance.

Councilman Rittenhouse said that he agreed with the mayor and that there was a lack of consistency and he would also be voting no.

Mayor O'Brien stated that the Sayreville portion was crossed off. It originally said Sayreville Boat Owners.

Borough Attorney clarified that the ordinance has to be read in its entirety, in conjunction with paragraph 6.2.3 which specifically defines, the Mayor with the advise and consent of the Council shall appoint thirty-three residents and or property owners of the Borough of Sayreville".

Mayor again brought up his concern about the issue of non Sayreville residents now being on our recreation board and may end up being run by someone from out of town. Bad business, serves no purpose, poorly written and many inconsistencies.

Co. Novak said that last year we set up as a sub-committee of the six organizations and met and gave their recommendations and papers to the Recreation Advisory Board and now all we are doing is bringing that sub-committee to the board.

Co. Melendez started to clarify the "six municipally sponsored organizations" stating that there are six. And a previous ordinance declared that. It does not say it on this page here because there is a sub set.

Attorney DuPont said that when he sat down with Mr. Ust and Mr. Frankel the discussion was to bring a member of each of the six municipally sponsored organizations to be part of the board and its meetings.

Mayor recommended that they have a meeting with the municipally sponsored organizations and Councilman Melendez stated that they are.

Mayor called for a Motion on this Ordinance.

Councilman Melendez moved that the Ordinance #281-15 be approved on first reading, advertised according to law and a public hearing be held on March 9, 2015. Motion was seconded by Councilman McGill.

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

**ORDINANCE # 282-15**  
**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION**  
**LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**  
(Co. Mary J. Novak - Admin. & Finance, Public Hearing March 9, 2015)

Mayor asked if there were any questions or comments on Ordinance #282-15.  
None made and he called for a motion.

Councilwoman Novak moved that the Ordinance #281-15 be approved on first reading, advertised according to law and a public hearing be held on March 9, 2015. Motion was seconded by Councilman McGill.

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

**ORDINANCE #283-15**  
**AN ORDINANCE SUPPLEMENTING AND AMENDING**  
**ORDINANCE #257-14 AND ORDINANCE #258-14 FIXING THE**  
**SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES**  
**FOR THE YEARS 2013, 2014, 2015 AND 2016**  
(Co. Mary J. Novak - Admin. & Finance, Public Hearing March 9, 2015)

Mayor asked if there were any questions or comments on Ordinance #283-15.

Councilman Rittenhouse questioned if this was changing a contract that was negotiated. Mr. Frankel said that it will go to the Union for a vote/confirmation. Councilman Rittenhouse asked why this wasn't done first. Mr. Frankel responded that we needed council's approval on the figures to take it to them. Mayor asked who gave the authority to open up negotiations with the union, as we just finished contract negotiations.

Clerk explained to the Mayor that as a result of conversations held during closed session and open session at the last meeting, authorization was given to list on this agenda.

Councilwoman Novak stated that the Court Administrator in the last contract was left out of raises, even though the SAMS Contract said that she was suppose to get a raise.

Mayor stated that he would like the Labor Counsel to review this and meet with the governing body. He went on to say that he did talk to the previous business administrator and he indicated that at the time he went without a raise and he asked the other Non Statutory managers to go without a raise, it was never discussed or promised that they be made whole. It was very hard economic times. Everyone had a job. The borough furloughed employees a few days and this was just making the best of hard times in our Country. He also went on to say that we have to recover from the loss of Weber, MacArthur Ave & William Streets. He also commented on our senior citizens.

Councilwoman Novak said that seniors once 65 can apply to have their taxes frozen. She also said that at that time there were only four people who did not get a raise. They do not have a contract, never anything in writing but four people were told you are not getting a raise. We now find out, although they do not have a contract, as part of SAMS Contract that what SAMS negotiates these four people should receive.

Councilman Rittenhouse asked that we take our time, look at the issue and performance reviews. I don't know how raises are given without looking at performance reviews.

Mayor felt you are saying that there are no rules. And you are setting a dangerous precedent and you are going down a road that no good will come from.

Councilwoman Kilpatrick questioned if the agreement made then was due to tough times and some of the employees in the SAMS recognition clause should have been a part of the raise everyone else received but now it should be based on an employee performance record.

Mayor said that it was a statement that reminded him that at that time we had furloughs. They were hard times and as a leadership initiative for the non statutory positions they were asked to forgo the raise so we could soften the blow for furloughs, etc.

Discussion on who were SAM's employees, management and statutory employees.

Councilwoman Kilpatrick read from SAMS Recognition page and that these employees were covered. These employees were not treated the same as the other department heads.

The Mayor asked if there was an objection on having our Labor Counsel review and advise us on this?

Councilman McGill said no we do not. He said that we have employees go for a period of time without a raise. Mr. Kronowski corrected saying that four years ago they did not get the raise that everyone else got.

Further discussions prevailed regarding the individuals not receiving these increases.

Councilman McGill made a motion to have Ordinance #283-15 approved on first reading, advertised according to law and a public hearing be scheduled for March 9, 2015. Motion seconded by Councilwoman Novak.

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

- **CONSENT AGENDA/RESOLUTIONS**

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

Those appearing were:  
- Barbara Kilcomons, 22 Schmitt Street

- ❖ Questioned Resolution #2015-57, the appointment of Kravis, File & Wurgaft as Special counsel- Conflicts and Other Matters.

Mayor deferred to Council President McGill who responded that he would cover any conflicts in which our regular borough attorney could not handle due to a conflict. Councilman Buchanan further explained that in the case of where the attorney had a conflict representing someone this attorney would take over. Councilwoman Novak stated that he does not get paid unless any of our attorneys have a conflict in any particular matter then he would take over.

Mayor mentioned that the most important one was on the replacement of the DeCotiis firm with Weiner Lesniak firm representing the borough in the Temple litigation.

- ❖ Questioned Resolution #2015-59, the appointment of Phoenix Advisors and asked why we need Financial Advisors.

Mr. Kronowski explained that we used Phoenix Advisors last year and the SEC now has more stringent requirements regarding bonding for State and Local governments where more information has to be made public. Insurance companies that insure our bonds have to be monitored and any issues have to be disclosed to the public. Phoenix will also be used for other evaluation services as well.

- ❖ Questioned Resolution #2015-55 and the salaries involved in this resolution and commented on each.

- Doug Gumprecht, PBA President

- ❖ Commented on the raises given and ranges. Questioned the percentages and how they arrived at these figures. Mentioned the contract they negotiated. He then went into the change in Health benefits. He mentioned the need for a radio system and the use of the money for salaries. He said that if these employees were wronged in 2009 there is a legal process they could follow.

Councilwoman Kilpatrick stated that these are salary adjustments not based upon if they took legal recourse how much the borough would pay out, so this is an adjustment.

Mayor further commented that they did have a period of time to take legal recourse and they did not, and they agreed to as leaders. He asked that we bring in the labor attorney to review and give his advice.

Councilman Rittenhouse commented to the borough attorney on his opinion on past practice.

Mr. DuPont responded that the issue we are dealing with is highly different than a labor issue and there is no reason to support any past practice here.

Doug asked the council to show the PBA as well as the other unions where the numbers are, where they started and where these numbers end.

Councilwoman Novak responded that every time a labor contract is negotiated the salary ordinance changes and gave examples and that when they changed the ordinance changed but not their salaries.

Mayor commented on 19 years ago when the public works director was hired he had a public works vehicle which eventually was rolled into his salary and he used his own vehicle. Mayor asked what this salary was.

Wayne responded \$144,066.00 for 2015. Doug asked what it was last year and what percent this was. CFO stated he received the 2% increase January 1<sup>st</sup> just as everyone else. He said that the governing body is now taking where he/they were at in 2008 and put on the percent he should have received going into 2009; the percent he should have received in 2010. He did receive the 2% in 2011 just as the rest of the employees received. This would be making them whole from 2009.

Mayor stated that they agreed to it back then. Councilwoman Novak commented that we only recently found out that we were contractually

obligated. We always thought that it was on a handshake and no contract was necessary. They would always get what SAMs negotiated and now we find out that we are contractually obligated.

Doug stated their issues should have been addressed then.

Mayor recommended and requested a motion to have the Borough Labor Counsel to review all of this and advise the governing body.

Motion made by Councilman Rittenhouse.

Mayor called for a second.

Died for lack of a second.

❖ Walter Lesinski, 25 South Pulaski Avenue

He stated that when his wife received here Deputy Court Administrator's position they asked here to wait 6 months before she would receive a raise. He said that 6 months turned into 7-8 years. She makes \$1,700. dollars less than everyone else in the SAM's union, and her position requires her to be certified. He questioned how many of the others have to be certified.

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 Councilwoman Novak.

Roll Call:

Councilpersons Buchanan recused himself from voting on Resolution #2015-54 and Ayes on the rest.

Councilpersons Kilpatrick, McGill, Melendez, Novak.

Councilman Rittenhouse, Ayes on all except on Resolution #2015-55 and Resolution #2015-58 Nays. He commented that they were supposed to have the exact information after the last meeting due to Mr. Frankel being absent. No one knew how much the raises were and that was supposed to be given before discussed and voted on. Also wanted to look at the personnel evaluations before raises.

Mayor commented about the labor counsel coming in.

Councilman Rittenhouse's comments regarding #2015-58 said that he had phone calls wanting to know why they went with that firm. He also said that they did not bid on the RFP for Special Counsel.

Mayor stated that he had not received a proposal from Weiner Lesniak yet to date to represent the borough in the Temple Litigation.

## CONSENT AGENDA/RESOLUTIONS

### RESOLUTION #2015-45

**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

/s/ Councilwoman Mary J. Novak



/s/ Councilman David McGill

/s/ Councilman Arthur Rittenhouse

Bill list of February 23, 2015 in the amount of **\$3,279,996.59** in a separate Bill List File for 2015 (See Appendix Bill List 2015-A for this date,).

**RESOLUTION #2015-46**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized and directed to refund property taxes for a portion of 2014 in the amount of \$4,018.84, effective May 29, 2014 due to the Approval by the Tax Assessor of a 100% Disabled Veteran's Tax Deduction covering Block 442.10, Lot 239, 2 Frederick Place.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

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**RESOLUTION #2015-47**

**WHEREAS**, on April 22, 2014, Brighton builders, LLC, posted a Performance Bond with the Borough of Sayreville for the installation of Playground Equipment at laurel Park and Oak Tree Park; and

**WHEREAS**, site inspections indicate that the required improvements have been completed and has recommended release of Performance Bond.

**BE IT FURTHER RESOLVED** that the proper borough officials are hereby authorized and directed to release said Bond #EAIC011500217 in the amount of \$5,445.00 covering Installation of Playground Equipment at Laurel Park and Oak Tree Park.

/s/ Daniel Buchanan  
Daniel Buchanan, Councilman  
(Planning & Zoning Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Kennedy O'Brien, Mayor

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**RESOLUTION #2015-48**

**BE IT RESOLVED**, that the Mayor and Borough Clerk are hereby authorized and directed to execute an Amendment to the 2013 Residential Maintenance Services Contract between the County of Middlesex, Department of Human Services approving an extension to the contract for a third year (calendar year 2015) and the contract shall be increased an \$4,500.00 for calendar year 2015 and remain in full force and effect through December 31, 2015.

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec  
Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Kennedy O'Brien  
Mayor

**RESOLUTION #2015-49**  
**RESOLUTION MEMORIALIZING ACTION TAKEN ON**  
**CERTAIN COMMUNICATION ITEMS AT THE**  
**FEBRUARY 9, 2015 MEETING**

**BE IT AND IT IS HEREBY RESOLVED THAT** this Resolution hereby memorializes action taken by the Governing Body at the February 9, 2015 Council meeting appointing the following employee to the following position.

**BE IT RESOLVED** that the following are hereby permanently appointed to the following as per NJCSC Promotional Procedures:

**NAME OF APPOINTEES:** Thomas Cassidy  
**POSITION:** Police Lieutenant  
**DEPARTMENT:** Police  
**EFFECTIVE:** February 10, 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 Civil Service Commission.

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE:** \_\_\_\_\_  
/s/ Theresa A. Farbaniec, RMC \_\_\_\_\_ /s/ Kennedy O'Brien, Mayor  
Municipal Clerk \_\_\_\_\_

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**RESOLUTION #2015-50**  
**RESOLUTION MEMORIALIZING ACTION TAKEN ON**  
**CERTAIN COMMUNICATION ITEMS AT THE**  
**FEBRUARY 9, 2015 MEETING**

**BE IT AND IT IS HEREBY RESOLVED THAT** this Resolution hereby memorializes action taken by the Governing Body at the February 9, 2015 Council meeting appointing the following employee to the following position.

**BE IT RESOLVED** that the following are hereby permanently appointed to the following as per NJCSC Promotional Procedures:

**NAME OF APPOINTEES:** Alfred Gawron  
**POSITION:** Police Sergeant  
**DEPARTMENT:** Police  
**EFFECTIVE:** February 10, 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 Civil Service Commission.

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE:** \_\_\_\_\_  
/s/ Theresa A. Farbaniec, RMC \_\_\_\_\_ /s/ Kennedy O'Brien, Mayor  
Municipal Clerk \_\_\_\_\_

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**RESOLUTION #2015-51**

**BE IT AND IT IS HEREBY RESOLVED** that the proper borough official are hereby authorized and directed to execute the renewal an Interlocal Services Agreement between the Borough of Sayreville and the Board of Fire Commissioners of Fire District #1 in the Township of East Brunswick for Fire Protection Services in the "Old Bridge" section of Sayreville and along Bordentown Avenue up to Jernee Mill Road for the period covering May 1, 2015 through April 30, 2018.

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE:** \_\_\_\_\_  
/s/ Theresa A. Farbaniec \_\_\_\_\_ /s/ Kennedy O'Brien \_\_\_\_\_  
Theresa A. Farbaniec, RMC \_\_\_\_\_ Kennedy O'Brien, Mayor \_\_\_\_\_  
Municipal Clerk \_\_\_\_\_

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**RESOLUTION #2015-52**

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

**NAME OF APPOINTEE:** Gary Aich  
**POSITION:** Supervisor  
(from provisional to permanent status)  
**DEPARTMENT:** Dept. of Public Works  
**EFFECTIVE:** February 24, 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 Civil Service Commission.

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

**ATTEST:** \_\_\_\_\_ **BOROUGH OF SAYREVILLE:** \_\_\_\_\_  
/s/ Theresa A. Farbaniec, RMC \_\_\_\_\_ /s/ Kennedy O'Brien, Mayor \_\_\_\_\_  
Municipal Clerk \_\_\_\_\_

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**RESOLUTION #2015-53**

**WHEREAS**, Kaplan Companies has posted Performance Bonds and Letters of Credit for Camelot Phase 1 and Phase 2 to guarantee improvements of the Towne Lake project in the following amounts:

	<b><u>-CURRENT BONDS ON FILE-</u></b>	
<b>Section</b>	<b>90% Performance Bonds</b>	<b>10% Letters of Credit</b>
Phase I	\$1,361,922.97	\$151,324.77
Phase II	\$ 777,169.48	\$86,352.16

; and

**WHEREAS**, the Borough engineer's office has recently performed a site inspection and has indicated that the developer has completed a considerable amount of site related improvements

within these various sections and has recommended that the Performance Bonds and Cash Bonds be further reduced as follows:

**-REVISED AMOUNTS TO BE POSTED-**

<b>Section</b>	<b>90% Performance Bonds</b>	<b>10% Letters of Credit</b>
Phase I	\$ 544,634.18	\$60,514.91
Phase II	\$ 419,072.44	\$46,563.60; and

**NOW, THEREFORE, BE IT RESOLVED** that the proper Borough Officials are hereby authorized and directed to reduce said bonds in the amount so stated.

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

1. The proper borough officials are hereby authorized to reduce the above-captioned bonds in the amounts so stated.

/s/Daniel Buchanan, Councilman  
(Planning & Zoning Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/Kennedy O'Brien  
Mayor

**RESOLUTION #2015-54**

**WHEREAS**, WJS, owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2011, 2012, 2013 and 2014 affecting Block 423, Lot 2.01 commonly known as 2028 Highway 35; and

**WHEREAS**, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

**WHEREAS**, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for WJS, duly recommend the following:

- Appeal of 2011 be reduced to \$625,000
- Appeal of 2012 be reduced to \$630,000
- Appeal of 2013 be reduced to \$650,000
- Appeal of 2014 be reduced to \$680,000
- 2015 Assessment be set at \$660,000

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

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above- proposed and authorized.

2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

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

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien,  
Mayor

**RESOLUTION #2015-55**

**WHEREAS**, N.J.S.A. 40A:9-165 provides for salaries, wages or compensation be fixed and determined by Ordinance; and

**WHEREAS**, the Mayor and Council of the Borough of Sayreville wish to make the necessary administrative corrections and adjustments for certain non-represented management and SAM's employees.

**NOW THEREFORE BE IT RESOLVED** that the following shall represent the base salary for the following employees for the year 2015 unless otherwise noted.

**Other Management Employees:**

Municipal Department Head – Public Works	\$144,064.00
Municipal Department Head – Recreation	\$ 90,301.00
Municipal Court Administrator	\$ 84,508.00

**SAM'S Employees**

Deputy Court Administrator	\$ 65,890.00
Supervisor Senior Citizen Activities	\$ 71,206.00
Fire Official	\$ 72,540.00

Business Administrator	2015	\$115,601.00
	2016	\$125,601.00
	2017	\$135,601.00

**Creation of** – Safety Coordinator Stipend \$ 1,500.00

**BE IT FURTHER RESOLVED**, that this Resolution shall become effective immediately.

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

**ATTEST:** BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC                      /s/ Kennedy O'Brien  
Municipal Clerk                                      Mayor

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**RESOLUTION #2015-56**

**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:

<b><u>CURRENT FUND</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
Computer Data Processing (1140-109-1-1001)	\$ 15,000	\$
Legal Services (1155-130-2-3112)		10,000
Fire Department (1265-301-2-14110)		5,000
	<u>\$ 15,000</u>	<u>\$ 15,000</u>

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

**ATTEST:** BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC                      /s/ Kennedy O'Brien  
Municipal Clerk                                      Mayor

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**RESOLUTION #2015 -57**  
**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE**  
**COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,**  
**MEMORIALIZING THE APPOINTMENT OF KRAVIS, FILE & WURGAFT AS SPECIAL**  
**COUNSEL – CONFLICTS AND OTHER MATTERS**

**WHEREAS**, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough may require the services of a Special Counsel – Conflicts and Other Matters to advise the Mayor and Council on various matter pertaining to the Borough; and

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

**WHEREAS**, funds are available for this purpose; and

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

**WHEREAS**, said RFP’s were received in the Office of the Municipal Clerk no later than 12 noon on December 3, 2014.

**WHEREAS**, the Mayor and Council of the Borough of Sayreville wishes to award this contract in accordance with the “fair and open process” which has included public solicitation of qualifications for **Special Counsel Conflicts and Other Matters**; and

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

**BE IT AND IT IS HEREBY RESOLVED** that on February 9, 2015 the Governing Body of the Borough of Sayreville:

1. Appointed the firm of Kravis, File & Wurgaft as Special Counsel for Conflicts and Other Matters for the period of one (1) year.
2. That the services to be rendered by Kravis, File & Wurgaft shall be in compliance with the Laws of New Jersey.
3. A copy of this Resolution certified to be a true copy by the Borough Clerk shall be published as required by law within ten (10) days from the date of adoption.

**BE IT FURTHER RESOLVED** that the appointee for **Special Counsel on Conflicts and Other Matters** are hereby directed to prepare a written employment contract to be executed by said Special Counsel and the Borough which shall include the following:

1. Hourly Rate to be charged for the work assigned;
2. What the Retainer Fee covers;
3. A provision that a “not to exceed” amount be set for each project assigned pursuant to the terms of the contract to be executed by both parties; and

**BE IT FURTHER RESOLVED** that the Borough Clerk be and she is hereby authorized to forward a true copy of this Resolution to Kravis, File & Wurgaft.

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

**ATTEST:** BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec  
Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Kennedy O'Brien  
Mayor

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**RESOLUTION #2015 - 58**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,  
MEMORIALIZING THE APPOINTMENT OF WEINER LESNIAK**

**AS SPECIAL COUNCIL – SPECIAL LITIGATION  
FOR THE BOROUGH OF SAYREVILLE**

**WHEREAS**, the Governing Body of the Borough of Sayreville has before it's Zoning Board of Adjustment the application of Bhakti Nidhi, Inc. (Dwarkadhish Temple); and

**WHEREAS**, because of certain deficiencies in the application of Bhakti Nidhi, Inc. the Zoning Board of Adjustment issued a Notice of Default Approval; and

**WHEREAS**, the Governing Body of the Borough of Sayreville has decided to hire outside counsel to defend the ensuing litigation; an

**THEREFORE, BE IT AND IT IS HEREBY RESOLVED** that on February 9, 2015 the Governing Body of the Borough of Sayreville awarded a contract to the firm of Weiner Lesniak to serve as Special Counsel to defend the Borough of Sayreville in the lawsuit filed by Bhakti Nidhi, Inc. (Dwarkadhish Temple) for the period of one (1) year.

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

**ATTEST:** **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

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**RESOLUTION #2015 - 59  
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, MEMORIALIZING  
THE ACTIONS OF THE MAYOR AND BOROUGH COUNCIL GRANTING A CONTRACT FOR  
PROFESSIONAL FINANCIAL ADVISOR  
SERVICES TO PHOENIX ADVISORS**

**WHEREAS**, the Mayor and Council of the Borough of Sayreville are knowledgeable that the Borough may require the services of professional financial advisor services associated with the issuance of Municipal Bonds; and

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

**WHEREAS**, funds are available for this purpose; and

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

**WHEREAS**, said RFQ's were received in the Office of the Municipal Clerk no later than 12 noon on December 3, 2014.

**WHEREAS**, the Mayor and Council of the Borough of Sayreville wishes to award this contract in accordance with the "fair and open process" which has included public solicitation of qualifications for **PROFESSIONAL FINANCIAL ADVISOR**; and

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

**BE IT AND IT IS HEREBY RESOLVED** that on February 9, 2015 the Governing Body of the Borough of Sayreville:

1. Appointed the firm of Phoenix Advisors as financial advisors for professional financial advisor services associated with the Borough of Sayreville issuing Municipal Bonds; and
2. That the services to be rendered by Phoenix Advisors shall be in compliance with the Laws of New Jersey.

3. A copy of this Resolution certified to be a true copy by the Borough Clerk shall be published as required by law within ten (10) days from the date of adoption.

**BE IT FURTHER RESOLVED** that Phoenix Advisors are hereby directed to prepare a written contract to be executed by said Phoenix Advisors and the appropriate Borough officials.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and she is hereby authorized to forward a true copy of this Resolution to Phoenix Advisors.

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

**ATTEST:** **BOROUGH OF SAYREVILLE**

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/s/ Theresa A. Farbaniec  
Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Kennedy O'Brien  
Mayor

**RESOLUTION #2015-60**

**BE IT AND IT IS HEREBY RESOLVED** that the following Recreation Department sponsored program be and the same is hereby amended as follows:

- Mommy and Me Program - 10 week program \$ 45.
- Rec Fun Days - 10 week program
  - 1 Day \$ 80.
  - 2 Day \$135.
  - 3 Day \$190.
- Little Kids Playtime - 10 week program
  - 2 Day \$115.
  - 3 Day \$160.
  - 4 Day \$190.
  - 5 Day \$220.
- Little Kids Playtime Summer Class -6 week program
  - 2 Day \$105.
  - 4 Day \$210.
- Burkes PARK Camp - 6 week program
  - 2 Day \$105.
  - 4 Day \$210.
- Gymnastics/Cheer/Dance - 6 week program
  - 1 Day each \$ 55.
- Sayreville Rec Sports Camps - 1 week each
  - Soccer Camp \$105.
  - Basketball Camp \$105.
  - Softball Camp \$105.
  - Volleyball Camp \$ 85.
- Hunting Residents Only
  - New Hunters \$ 35.
  - Hunter Renewals \$ 20.
- Mickey Sedlak Rec Center Summer Programs - 6 week each
  - All About sports \$ 65.
  - Projects Galore \$ 65.
  - Snacks R-Us \$ 65.
  - Stations of Fun \$ 40.
  - Summer Fun \$ 65.





**RESOLUTION #2015-62**

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE  
MAYOR AND BOROUGH CLERK TO RETAIN THE SERVICES OF  
SOCKLER REALTY SERVICES GROUP, INC. TO PREPARE APPRAISALS**

**WHEREAS**, the Borough of Sayreville, Middlesex County, New Jersey (hereinafter "Borough") is the defendant in certain Real Property Tax Appeals; and

**WHEREAS**, the property owners who are seeking Tax Appeals are:

1. Pol-Mic, Inc., commonly known as Block 29.04 Lot 2; 3145 Bordentown Road;
2. Skytop Gardens, Inc., commonly known as Block 449.07 Lots 4 & 4.01; Ernston Road;
3. D&A Investment Group, Inc., commonly known as Block 169.20 Lot 2; 309 Main Street;
4. SRCL 361 Main Street, LLC, commonly known as Block 169.25 Lot 4; 361 Main Street;
5. Lakeview Developers, Ltd., commonly known as Block 254.01 Lot 2 and Block 253 Lot 2; Lakeview/Kulas/Swider;
6. Michael Vail, Trustee, commonly known as Block 276 Lots 8 & 12; 7076 Highway 35 & 9.

**WHEREAS**, an appraisal is required to attach a fair market value to each of the aforesaid properties.

**BE IT AND IT IS HEREBY RESOLVED** Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to retain the firm of Sockler Realty Services Group, Inc. to provide expert appraisal services and prepare reports for the above referenced Tax Court matters for a total appraisal fee of \$37,000.00.

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

**ATTEST:** **BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec  
Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Kennedy O'Brien  
Mayor

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**7. COMMITTEE REPORTS**

**• ADMINISTRATIVE & FINANCE – Councilwoman Novak**

**a) Minutes & Departmental Reports:**

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

- 1) Municipal Clerk's 2014 Year End Report and January 2015 report.
- 2) Investment Activity Report for the months of December 2014 and Jan. 2015.
- 3) Office on Aging Report for the month of January, 2015.

Motion seconded by Councilman Buchanan.

b) Committee Reports – Councilwoman Novak reported on the Budget progress the finance committee has made and that they will be having a budget workshop on Wednesday night and will be introducing the budget on March 9<sup>th</sup>.

Progress.

• **PLANNING & ZONING – Councilman Buchanan**

a) **Minutes & Departmental Reports:**

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

- 1) Construction Officials Report for the month of January 2015.
- 2) Zoning & Code Enforcement report for the month of January 2015.

Motion seconded by Councilwoman Novak.

b) Committee Reports – Councilman Buchanan:

- 1) Thanked the DPW employees, Emergency Services volunteers, Water & Sewer Department for all of their hard work during all of the storms and ice.  
- 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 February 10, 2015
- 2) Public Works Reports – Buildings & Grounds, Parks, Recycling, Roads, Garage Services, Sanitation all for the month of January, 2015.

Motion was seconded by Councilman Buchanan.

b) Committee Reports-Councilwoman Kilpatrick

- 1) Reported a “hats off to our DPW” during the past storms as well as the last ice storm. She said that there were a few issues but were quickly taken care of.

- 2) Councilwoman Kilpatrick added that she wants to move ahead with the new Public Works Facility Idea and asked Dan and Jay how we can move ahead and look at the different properties proposed in the past.

It was stated that this need to be discussed during the Agenda session.

• **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 Jan. 2015
- 2) Cultural Arts Council minutes of January 14, 2015.

Motion seconded by Councilwoman Novak.

b) Committee Reports – Councilman Melendez reported on:

- 1) Various recreation sponsored events.
- 2) Reported that the resolution adopted earlier increasing fees was due to the new on line registration system through Myrec.com. This will allow parents to look at programs being offered, register on line and look at the schedule.

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 Jan. 2015.

Motion seconded by Councilwoman Nova.

b) Committee Reports- Councilman Rittenhouse reported on:

- 1) Complemented our Water & Sewer Dept. on their hard work and efforts on battling the water main breaks especially in such frigid weather.
- 2) Clarified the questions regarding HomeServe Warranty and their coverage. Further comments made by Borough Attorney DuPont regarding the coverage and who to call 1-855-695-1498, ext. 6226 Kendra Gross for and questions.

Progress.

- **PUBLIC SAFETY – Council President McGill**

- a) **Minutes & Departmental Reports:**

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

- 1) Court Administrator's report for the month of Jan. 2015
- 2) Board of Health, Registrar and County Reports for the month of Jan., 2015 and year end 2014.

Motion was seconded by Councilwoman Novak.

- b) Committee Reports –

Progress.

- **MAYOR – Kennedy O'Brien**  
- **Appointments**

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

1) Business Admin. reported on having been approached and a request made by an organization called LEAD, which is the evolution of our DARE program. LEAD is requesting to hold a carnival the week after Easter in April and half proceeds will go to their organization and half will benefit our own bureau.

Police Chief Zebrowski came forward and addressed the council and explained that Law Enforcement Against Drugs (LEAD), which is the evolution of DARE which has serves us very well in our community. This gives our community the ability to get onboard with an early venture, where NJ is in lead in this new program. DARE US and DARE NJ are experiencing some issues with curriculum and would like to recommend this new program and he and the Chief's Association, State Superintendent's Association and a number of other organizations have felt that this is the natural progression to move into in for our students.

Mayor asked if all were in favor of approving this carnival, all Ayes.  
- Resolution Memorializing the councils' action on for next meeting.

2) Mr. Frankel thanked everyone for their thoughts and cards and support for the loss of his mother.

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

- **BOROUGH ENGINEER -Jay Cornell**

- **BOROUGH ATTORNEY - Michael DuPont**

Councilman Rittenhouse said that he wanted to further discuss the appointment of the Weiner Lesniak firm and not having a quote from them.

Mr. DuPont stated that he saw an e-mail from them and they were \$5.00 cheaper per hour than DeCotiis.

Mayor upheld not receiving anything from the Weiner Lesniak firm.

Mr. DuPont stated when we retained DeCotiis it was an evolving assignment. At first no retainer agreement but there was a not to exceed figure and are coming back for more money. The Weiner Lesniak firm is \$5.00 cheaper per hour and are asking for a cap.

Councilman Rittenhouse said that we need to see it. The Clerk clarified that the document she received was not a proposal it was a Professional Services Agreement which she e-mailed to the Borough Attorney like all other agreements for his approval as to form.

- **EXECUTIVE SESSION -**

**PUBLIC PORTION**

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

- Bill Gawron, Orchard Street  
-He said that after last meeting he spoke with the Chief, Capt. Batko, and the Fire dept. They are all in agreement that the radio system is outdated and obsolete and there are

no parts available for the current system which was installed about 15 yrs ago and now everyone is in the digital world and asked the council to support the police chief and hire a consultant for the installation of a new radio system. There is nothing more important than that radio system. He also requested that if the Pointe gets built that they make sure that there is radio coverage on all floors of all buildings.

Councilman Melendez responded that the borough recently hired a CTO and this radio system is at the top of his list and it will not just be for today but for the future. Councilman Buchanan agreed with moving this issue forward. He then asked with regard to the Pointe Project and inasmuch as it is SERA property would SERA have to draft it requiring the towers and/or repeaters. Mr. DuPont stated that he would have to speak with the Director of SERA as well as the attorney for SERA to see if that is the case or even a joint action. Councilman McGill said that he is going to meet with the chief tomorrow and he intends to move forward with this project.

- John LaPatriello, Third Street  
Questioned what happened to the Senior Center getting a security system.  
Councilman Melendez said that is also in the plan.
- Barbara Kilcomons, 22 Schmitt Street
  - Complained about snowplowing.
  - Storm drains being cleaned by residents and plowed back in.
  - Why parks and the senior center were being cleaned and streets only had one path up and down.Response by Councilwoman Kilpatrick.
  - Commented on why the borough could not expand our web site and why we still have old meetings accessed on the web.
  - Commented on the No Show Meeting and felt that it was obvious that it was staged so that the Mayor could not make appointments.And who e-mailed who to advise that they would not be in attendance.  
Response made by the Municipal Clerk as to whom she received e-mails from. Also addressed by Councilwoman Kilpatrick and Councilman McGill.

Councilwoman Novak said that the meeting for Jan. 23 was cancelled due to snow and rescheduled for Thursday the 29<sup>th</sup> and never saw a council meeting where the council was not called to check to see if there would be a quorum. Discussion followed regarding the council's ability to call in for attendance at council meetings as in the past.

No further questions or comments.

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

Roll Call: Voice Vote, all Ayes. Carried.

Councilman McGill stated that he would like to make the following appointments:

**Municipal Auditor** - Wiss & Co. - 1 Yr. term

Councilwoman Novak moved that the appointments be approved on Roll Call Vote. Seconded by Councilwoman Kilpatrick.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, all Ayes.  
Councilman Rittenhouse, Nay-Until such time as we determine whether the appointments were made legally.

**Recreation Advisory Board**

Stella Misiewicz - 3 Yr. Term  
Alexis Poplowski - 3 Yr. Term  
William Tumbleson - 3 Yr. Term  
Dawn Brophy - 3 Yr. Term  
Bruce D'Apolito - 3 Yr. Term

Tom Heaney - 3 Yr. Term  
Elizabeth Barreiro - 3 Yr. Term

Councilwoman Novak moved that the appointments be approved on Roll Call Vote. Motion seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Kilpatrick, McGill, Melendez, Novak, all Ayes. Councilman Rittenhouse, Nay-Until such time as we determine whether the appointments were made legally.

Councilman McGill stated for the record that he was here for the meeting on that Monday and when it came to the re-scheduled meeting that Thursday, he was snowed in, in Boston. He said that he always sets up his business schedule around meeting schedules so that he is able to attend and never misses meetings.

Mayor also stated for the record that the meeting on Monday was cancelled because the Governor declared a state of emergency. Councilman Melendez asked why he would set a date for rescheduling during the state of emergency. Clerk Farbaniec clarified that one of the reasons for rescheduling at that time was to come up with that date in order to notify the newspapers within 48 hours stating that the next time she would call each individual governing body member.

Mayor announced that they would be adjourning this meeting and going into the Agenda meeting and recommended the residents attend in case other action is taken during that meeting and asked how many people from the audience would be in attendance. He then announced that the agenda meeting would then be held here in council chambers.

He then called for a motion to adjourn.

- **ADJOURNMENT**  
No further business.

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

Roll Call: Voice Vote, all Ayes.

Time: 9:30P.M.

SIGNED:

\_\_\_\_\_  
Theresa A. Farbaniec, RMC  
Municipal Clerk

\_\_\_\_\_  
Date Approved