

Mayor O'Brien opened the Agenda Meeting at 9:55 PM followed by a salute to the flag.

❖ **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this Agenda Session Meeting being held on Tuesday, September 11, 2018 has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

• **ROLL CALL:**

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

Absent: None

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

Others Absent: None

• **OLD BUSINESS:**

a) The following Ordinances were introduced by the Council at their August 20, 2018 Council Meeting and is scheduled for Public Hearing and Adoption on September 11, 2018:

None

• **NEW BUSINESS:**

• **COMMUNICATIONS & COMMITTEE REPORTS**

• **ADMINISTRATIVE & FINANCE – Councilwoman Novak**

A) **Minutes & Departmental Reports: (No Reports)**

B) Applications for **Bingo/Raffle Licenses** received from the following Organizations:

- 1) **PTO Center for Lifelong Learning**, to conduct an On-Premise 50/50 and a Bingo on their premises on October 5, 2018 (RA:2216, BAS:526).

- Approved

C) **Notice of public hearings received from PSE&G** for Basic Generation Service Charges and Proposed Recovery through its BGS Charges of costs resulting from Statewide Auction for Basic Generation Service.

- Receive & File

D) **Notice received from JCP&L for filing and public hearing** for Basic Generation Service Charges on behalf of its Default Electric Service Customers and Notice Proposed Recovery through its BGS Charge of Costs resulting from Statewide Auction for Basic Generation Service.

- Receive & File

E) **Notice of Civil Action Summons** received from Gianna Rizzo v. Towne Lake East Homeowner's Assoc and Camelot at Town Lake;  
Borough of Sayreville, Saswata Sengupta and Dheetal Fedge.

- File with JIF and Borough Attorney

F) Application for **Person to Person Transfer** (Change on Corporate Structure) filed by Chris Toa to 980 Infinity, Inc., PRDL #1219-44-047-009 for location known as 980 US Hwy 9 South, PO South Amboy, NJ.

- Approved – Clerk to prepare Resolution

G) Committee Reports: 1) Progress

• **PLANNING & ZONING – Councilman Lembo**

A) **Minutes & Departmental Reports:**

**Move the following minutes be received and filed:**

1) Board of Adjustment minutes of July 25, 2018

- Receive & File

B) **Notice to Adjacent Community/Property Owner -**

1) Received from the Allerassap Holdings for an application before the Twp. of Old Bridge Planning Board on Sept. 11<sup>th</sup> for preliminary and final site plan approval and variance relief to construct a 2-story commercial warehouse building and office space on the first floor and office space on the second floor on property known as 3105-3123 Bordentown Avenue, Block 5001, Lot 13.22.

- Receive & File

2) Received from Premier Media, LLC for an application before the Twp. of Old Bridge Zoning Board held on Sept. 6 for a use/bulk variance relief together with Preliminary and Final Site Plan to construct an outdoor advertising sign on property known as Block 5000, Lot 3.

- 1&2 - Receive & File

C) Committee Reports: 1) Progress

• **PUBLIC SAFETY – Councilman Buchanan**

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

B) Notice of approval of a **transfer of Firefighter** Louis Kwiatek from Melrose Hose Co. No. 1 to President Park Fire Co.

- Receive & File

C) **Firefighter application** of Nicholas J. Gay was accepted by the President Park

Fire Co. No. 1 at their June 4, 2018 meeting.

- Approved

D) **Firefighter application** of Johnathon DelPino was accepted by Morgan Hose & Chemical Co. No. 1 at the meeting in July, 2018

- Approved

E) **Cadet Firefighter application** of Jacob M. Rivera was accepted by the Melrose Hose Company No. 1 at their Aug. 6, 2018, effective upon his 16<sup>th</sup> birthday.

- Approved

F) Committee Reports – Councilman Buchanan

1) Reported on inconsistencies with architectural reports on studies that were done on the various firehouses.

2) Report on the floor in the Morgan fire House has dropped and requested authorization for the borough engineer to review and report on the cause of the drop.

- No objection, borough engineer to review.

- USA Architect to correct inconsistencies.

3) Commented on a miscommunication regarding the Mayor being out of town and the council did not receive notification.

• **RECREATION – Councilman Melendez**

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

- B) Application for a **Special Event Permit** received from Anjana Desai, resident of 40 Glynn Court to hold a religious ceremony procession on Glynn Ct. #26-40 on September 14<sup>th</sup>, from 10:30-11:30am, 75-100 people.

- Denied. Neighbors did not sign off on the event and road closure that would have to take place. Police did not report. Expressed concerns regarding it being a thoroughfare and there being safety issues. The Council said that they could move the ceremony over to Fielek Park with no fees.

- Clerk asked for a Motion to deny the application for Special Event Permit for the following reasons.

- 1) Application was not received 45 Days Prior to the Event.
- 2) All reports were not received.
- 3) Council would accommodate the event being held at Fielek Park with fees to be waived on that date.

**Motion made** by Councilman Buchanan and seconded by Council President Kilpatrick.

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

- C) Application for a **Special Event Permit** received from Sayreville Soccer Club to hold a Trunk or Treat Halloween gathering on Oct. 27<sup>th</sup> from 6-9pm at the soccer complex.

- Approved

- D) Committee Reports – Councilman Melendez:

- 1) Reported on various events sponsored by the Recreation Dept.

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

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

- B) Committee Reports – Councilman Grillo:

- 1) Requested that the money being received from Williams Transco in the amount of \$75,000. be placed in a fund specifically to be used in Morgan. If paperwork is necessary that it be prepared for the next meeting

- 2) Asked if we received a response from Kaplan regarding the Phase I report for the Prime Site. Borough Attorney indicated that he spoke with Mr. Hoff this past Monday and they have a meeting with Mr. Edwards this Thursday and they would be calling him from Mr. Edwards' office to discuss the Prime Site and where we are at.

3. Progress.

• **PUBLIC WORKS – Council President Kilpatrick**

- A) Council President Kilpatrick moved the following Minutes/Reports be Received & Filed:

- 1) Solid Waste Council meeting minutes of July 10, 2018  
- Motion seconded by Councilwoman Novak.

- B) Committee Reports – Council President Kilpatrick:

- 1) Spoke about the lighting needs in the borough specifically Kennedy Park. Only one functioning light. She asked who is responsible for maintaining the lights around the lake. Business Administrator said that it was JCP&L. She asked that we request that they get in there for repairs and upgrades. The engineer stated that the DPW Director reached out to JCP&L go out and look at the lights that were not working.

- 3) Commented that some issues we having with PSE&G and that they need to be held accountable with regards to the re-paving of streets for Road Opening Permits or the contract for the pipe maintenance and complying with our ordinance. She asked what could be done. She also commented about them not obtaining Road Opening Permits for many roads opened by PSE&G.

- The engineer indicated that there should be a bond on file associated with this type of work for a utility company.
- The Borough Attorney indicated that he will look into filing a notice of claim / bond claim notice for not complying. Councilman Buchanan spoke about issuing summonses. Councilman Grillo agreed that some sort of violation should be issued.

3) Progress.

- **MAYOR – Kennedy O’Brien**

Mayor read a letter into record from the Sayreville VFW Memorial Post 4699 regarding the restoration being completed on the M42 Duster Armored Vehicle located at the front of the post home. On Sunday, Sept. 23<sup>rd</sup> they will be re-dedication ceremony at the Post 4699, 575 Jernee Mill Road, at 1PM and everyone is invited.

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

- **Admin. & Finance**

- 1) Authorization to appoint Jeanmarie O’Leary Permanent Part-Time in the Borough Clerk’s Office, effective October 1, 2018.

- Resolution.

- 2) Authorization to appoint a Clerk I full time position in the Tax Collector’s Office, effective Sept. 25, 2018 (additional information to be submitted prior to council meeting).

- Resolution.

- 3) Authorization to introduce an Ordinance creating the title of Employee Benefit Specialist in the Finance Office.

- Ordinance followed by Resolution.

- **Planning & Zoning**

- **Public Safety**

- 1) Authorization to appoint School Traffic Guards for the period of Sept. 1, 2018 through August 31, 2019.

- Resolution.

- 2) Authorization to appoint two School Traffic Guards to be utilized on a call-in basis at no additional cost to the Borough, effective September 1, 2018.

- Resolution.

- 3) - Fire Authorization to purchase Hurst Edraulics through NJ State contract A80968 from Tasc Fire Apparatus, Inc. in an amount not to exceed \$39,691.75

- Resolution.

- 4) Authorizing the execution of in Inter-Local Services Agreement with the Board of Education to provide police officers for each school in the district.

- Need a vote on tonight for a resolution at the next meeting memorializing the Council’s Action.

- \* - **The Borough Attorney stated that this would be a Resolution authorizing the Execution the Inter-Local Agreement for the School Security Program between the Sayreville Board of Education and the Borough of Sayreville.**

**So moved by** Councilman Buchanan and seconded by Council President Kilpatrick.

Comments:

Councilwoman Novak said that she thought it was decided that they would be going ahead with it for the beginning of the year, then we were going to get a report on Class III's. Now we have this agreement before us tonight to vote on that no one has seen. Agreement explained by the Borough Attorney.

Discussion followed regarding providing security in private schools.

Councilwoman Novak said that she is still uncertain of what the agreement reads.

Mr. DuPont read:

The Board of Education of Sayreville approved an inter-local security shared services agreement with Sayreville Borough in which the Sayreville Police Department will provide and make available to the Board a uniform regular police officer on a full time basis to provide security services for each school in the district without a full time SRO during the school year for an annual fee of \$200,000. This service shall also include a police officer for those schools that have a full time SRO, but only on the regular days off of the SRO of the school year. He said that this is the resolution of the Board of Education regarding the agreement.

Councilwoman Novak stated that this is not what was said at the meeting with regards to the saving and the use of Class III Officers. Now we are agreeing to pay full time officers. Chief was supposed to investigate and report if there were Class III's available.

Discussion followed regarding the agreement, it's termination rights, etc. Concern expressed by Councilman Grillo as to the Board of Education terminating this agreement and there being no security.

The Borough Attorney indicated that you will not be able to approve the agreement in its regular form if you want to make changes.

Councilwoman Novak indicated that action is not supposed to be take place during an agenda meeting.

Mr. DuPont indicated that you can wait two weeks to get it amended or adopt it now and amend it at a later date.

Lengthily discussion followed.

The **Borough Attorney suggested approving the agreement** this evening then allowing the Borough Administrator to go back to the Board to amend it to include the language that Co. Novak is recommending. (Para. 3).

**Which is the Option to use Class III Police Officers at the sole discretion of the Borough to provide security services for each school district.**

**He said that you can pass it with the amendment knowing that it still has to go back to the School Board for their approval.**

- Discussion.

Councilman Buchanan agreed with approving the agreement with the amendment the Borough Attorney stated.

**Councilwoman Novak made a motion to amend the motion that is on the floor and approve the agreement with the amendment to include the "Option" that the Borough Attorney read. Seconded by Councilman Grillo.**

**- Add Class III's to be used at the discretion of the Borough Council. -  
- Amending paragraph 3.**

**Seconded by Councilman Grillo.**

Councilman Buchanan asked what the recourse could be if amended down the road.

The Borough Attorney stated that we could amend it but it would be subject to two options the Board of Education could take.

- 1) The Board of Education not agreeing to the amendment.  
Then the Borough would have the recourse to terminate the agreement. OR
- 2) They could say "Okay" - pass the resolution approving the amended agreement and we would do the same.

Council President Kilpatrick expressed her concerns about the use of Class III Officers. She said that she supports the Chief's recommendation for the use of regular officers and this agreement here tonight. She gave further opinions on the use of Class III Officers. She said she wants security at the best we could afford.

Councilwoman Novak said that there are many municipalities using Class III Officers and that they are qualified, if not more qualified because they are recently retired police officers who have experience.  
Councilman Buchanan felt that we would not have the necessary pool of Class III officers for our needs.

Mayor asked for a **straw vote for a Class III Option.**

Clerk asked for clarity. Mayor told her that was not necessary to record.

Clerk recorded:

Kilpatrick - No

Lembo - Yes

Novak - Yes

Grillo - Yes

Buchanan - No

Melendez - No

Mayor said that would be a tie and he would vote No for the option and wants regular police officers in the schools.

The Borough Attorney said that to clear the record:

That the 1<sup>st</sup> motion by Co. Buchanan was to adopt the contract as it is presented and seconded by Co. Kilpatrick.

Then there was a motion to amend the motion to add an option for Class III officers. This motion was seconded by Co. Grillo.

He went on to say that the straw poll proved that the second motion would not pass and the Mayor would vote and break the tie and vote for the original agreement for the use of regular police officers.

So knowing this the Borough Attorney asked that Councilwoman Novak withdraw her motion to amend .....Councilwoman Novak said No, because action is not taken at an Agenda Meeting and they want to vote on something they never read. Councilwoman Novak made a motion to table this action tonight. (No second).

**The Borough Attorney then stated that should be a motion to adopt the agreement in its current form that was delivered to us, subject to a memorialization of a resolution authorizing the execution at the next meeting of Sept. 24, 2018.**

So moved by Council President Kilpatrick. Seconded by Councilman Buchanan.

Roll Call: Ayes: Councilpersons Kilpatrick, Buchanan, Lembo, Melendez = 4.

Nays: Grillo (voting no because of poor government, very sloppy)  
& Novak (under protest) = 2.

- Memorialization Resolution.

**- Public Works**

- 1) Authorization for CME to prepare plans and specifications for the Hercules Village Road Reconstruction Project in an amount not to exceed \$70,000. and upon approval of said plans and specifications the Borough Clerk is hereby ordered to advertise for bids.

- Resolution.

2) -Recycling

Authorization to purchase leaf bags through a non-fair and open process from PABCO Industries in an amount not to exceed \$21,261.60.

3) Request received from Progressive Fire Co., South Amboy for the use of the Borough Stage and the fees be waived. The cost incurred is at a minimum the cost of the stage, the cost of a supervisor and 2 men, etc. See report from DPW Director.

- Denied.

4) -Library Accepting work and contract close-out of Library Roof Repairs, authorizing final payment in the amount of \$88,486 upon 45 day hold period

- Resolution.

**- Recreation**

**- Water & Sewer**

1) Authorization for CME to update the Borough of Sayreville's Water System Supply and Distribution Master Plan at a fee not to exceed \$98,500.

- Resolution.

2) Authorization to contract with Unified Technology Partners to provide Design/Consultant Services for the Borough as it relates to Phase I Physical Security at the Water Treatment Facility on Bordentown Avenue at a cost not to exceed \$57,595.00.

- Resolution.

3) Authorization to appoint Christopher Baist, Connor Deecken and Vincent Schlesier as Laborers in the Water & Sewer Dept., effective October 1, 2018.

- Resolution.

➤ **C.F.O. - Denise Biancamano**

➤ **BOROUGH ENGINEER - Jay Cornell**

1) 2018 Roadway Paving and Reconstruction Project – Phase II – Receipt of Bids (Report Attached)

- Done

2) Winding Woods Wastewater Pump Station Reconstruction – Closeout of Contract and Change Order (Report Attached)

- Resolution.

3) La Mer – Section 6 – Phase 6-2 – Bond Reduction Request (Report Attached)

- Resolution.

4) Pulaski Avenue Tank Rehabilitation – Tank Industry Consultants Proposal (Report Attached)

- Resolution.

5) NJ Transportation Trust Fund – 2019 Municipal Aid Program (Verbal Report)

- Resolution.

6) 2018 Roadway Paving and Reconstruction Project – Phase I – Receipt of Bids (Verbal Report)

- Resolution.

➤ **BOROUGH ATTORNEY - Michael DuPont** - No Report

➤ **EXECUTIVE SESSION - None**

➤ **PUBLIC PORTION**

At this time the Mayor opened the meeting to the public for any questions or comments. There were no appearances.

Council President Kilpatrick moved the Public Portion be closed. Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business. **Council President Kilpatrick moved to adjourn the Agenda Session. Motion was seconded by Councilman Buchanan.**

Roll Call – Voice Vote, all ayes. Carried.

Time: 11:08 P.M.

Respectfully Submitted,

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Theresa A. Farbaniec, RMC  
Municipal Clerk

10/9/18  
Date Approved