

Mayor O'Brien opened the Agenda Meeting at 7:22 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 Monday, February 13, 2017 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: Kennedy O'Brien, Mayor
Wayne A. Kronowski, CFO/Treasurer
Theresa A. Farbaniec, Municipal Clerk
Jay Cornell, P.E., Borough Engineer
Michael DuPont, Borough Attorney

Others Absent: Daniel E. Frankel, Business Administrator

- **OLD BUSINESS:**

- **NEW BUSINESS:**

COMMUNICATIONS & COMMITTEE REPORTS

- **ADMINISTRATIVE & FINANCE – Councilwoman Novak**

a) **Minutes & Departmental Reports:**

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

- 1) Board of Education minutes of Dec. 20, 2016, Jan. 3 & 24, 2017
- Seconded by Council President Buchanan.

- b) Request received from **Pure Event Center**, holder of PRCL #1219-33-058 for the Licensing Authority to **waive or relax Condition #17** on their Liquor License which limits occupancy to 600 patrons and application to expand the use of the licensed premise to the entire building and to operate as a club.
All other conditions, including those of the Planning Board remain part of the license.

- Approved – Prepare Resolution.

- c) Open Space's response to a request received from **Gary & Louanne Nowak to purchase property known as Mason Ave**, Blk 458, Lots 32-34 and / or trade for Block 215, Lots 30 & 31, which Open Space does not feel would be an even fair trade (See recommendation made by Open Space in packet).
- No decision – list on next agenda.

- d) Applications received for **Bingo/Raffle Licenses** from the following Organizations:
1) **Old Bridge School of Dance Competition Team, Inc.** to conduct an On-Premise 50/50 and an On-Premise Draw (Tricky Tray) on March 5, 2017 at the VFW (#RA:2088 & 2089).

- Approved.

- e) Committee Reports – Councilwoman Novak:

- 1) Budget Workshop Meeting scheduled for Wednesday, February 22, 2017 at 6PM.

- **PLANNING & ZONING – Councilman Lembo**

a) **Minutes & Departmental Reports:**

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

- 1) Board of Adjustment minutes of Dec. 14, 2016
- 2) Planning Board minutes of Jan. 18, 2017
- 3) Middlesex County Planning Board minutes of Jan. 10, 2017
- Seconded by Council President Buchanan.

b) Moved the following **Planning Board Resolution** that was **Memorialized on February 11, 2017** be received and filed.

- 1) **New Jersey Truck Stop Corp.**, 929 Route 9, Block 411.05, Lot 4,
Minor Site Plan.

c) Notice to Adjacent Property Owners:

- 1) Of the following applications before the Planning Board on March 1, 2017
 - a) **John Jarmolowski for a Minor Subdivision** approval with Bulk Variance for the development of two residential lots on Block 535, Lot 87-91, frontage on Tyler Street.
 - b) **Jernee Mill Center, LLC** for Preliminary Major Site Plan for property known as Block 62, Lot 15, 16, 17.01 to develop office, warehouse and or manufacturing space in a SED Zone.
- 2) Hearing being held at the Feb. 22, 2017 Twp. of Woodbridge Planning for comments on a proposed amendment to their Master Plan.

- 1, 2) Receive & File

d) Committee Reports:

- 1) Progress.

- **PUBLIC SAFETY – Councilman Grillo**

a) Councilman Grillo moved the following **Minutes & Departmental Reports be Received & Filed:**

- 1) Board of Health minutes of December 1, 2016
- Seconded by Council President Buchanan.

b) Wrecker Ordinance Amendment

- Review of draft ordinance.

Borough Attorney Michael DuPont explained the Police Chief's recommendations and the Ordinance that was created and if all were in favor would be listed for introduction at the next meeting.

- Approved, Ordinance to be introduced on Feb. 27, 2017.

c) **Request for Coin Toss** received from the following for the intersection of Washington & Ernston Roads from 10am-2pm.

- 1) April 8 & 9, 2017 Knights of Columbus Council #2061
- 2) May 13, 2017 Sayreville Bombers Golf Program
- 3) July 22 & 23, 2017 Morgan Parlin Panthers
- 4) August 12 & 13, 2017 Sayreville Leprechauns Pop Warner Football & Cheer
- 5) November 25 & 26, 2017 Sayreville Riverdogs – Grey Travel Baseball Team

- All approved pending county approvals.

d) Firefighter Application of Lucas Pereira accepted by Engine Co. #1 on Jan. 23, 2017.

- Approved.

e) Request to Travel received from President Park Fire Co. to attend a parade in Belmar on March 5, 2017.

- Approved.

f) Committee Reports n- Councilman Grillo:

- 1) Reported on complaints he has received regarding pot holes on Lee and Hilltop Ave. Councilman Grillo asked the DPW to go out and make repairs.

• **PUBLIC WORKS – Councilwoman Kilpatrick**

a) **Minutes & Departmental Reports - (None)**

b) Request to participate in and hang Banners and Bows for **Paint the Town Pink Event** to raise awareness of the importance of annual mammography and early detection.
- Approved.

c) Committee Reports – Councilwoman Kilpatrick:

1) Requested that the Business Admin. (upon his return) check with our Joint Insurance fund to see if there would be any issues in having an internship program here in Sayreville and having students from Middlesex County College intern here for the borough. This would help the borough and students who graduated and now attend Middlesex County College.

• **RECREATION – Councilman Melendez**

a) Councilman Melendez moved the following **Minutes & Departmental Reports be Received & Filed:**

1) Recreation Advisory Board minutes of December 1, 2016
- Seconded by Council President Buchanan.

b) Committee Reports – Councilman Ricci Melendez:

1) Reported on various recreation sponsored programs.
2) Reported that the Library now has, free of charge, Rosetta Stone programs and free digital magazines.
3) Technology – Radio System Update.

• **WATER & SEWER/ENVIRONMENTAL – Council President Buchanan**

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

b) Committee Reports – Council President Buchanan:

1) Request received for the CDBG Committee to have staggered terms and authorization for the Borough Attorney to prepare the necessary Resolution or Ordinance to have this accomplished.
- No objections / Approved.

2) Asked the borough engineer if there was a response from the County regarding the traffic light issue on Bordentown Ave & Ernston Roads. Mr. Cornell indicated that the Business Admin. had written a few letters and the council adopted a resolution with no response. Borough Attorney said the he will be meeting with the DOT Commissioner so he will bring up the issues and see if he could do a follow-up. Council President Buchanan said that the left turn lane is too short and traffic is backing up. Councilwoman Kilpatrick expressed not only the traffic issues but the dangers caused the drivers.

APPOINTMENTS:

Council President Buchanan moved to appoint the following professionals:

Financial Advisor - NW Financial LLC

Seconded by Councilwoman Novak.

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

Nays: None.

Special Council ABC Matters - Parker, Ibrahim & Berg

Mayor brought up a letter the governing body received from the police chief requesting that we retain our current ABC Attorney Peg Schaffer to cover the open issues for continuity in these cases. Mayor asked if there would be any objection in appointing her **Special ABC Council to cover these matters.**

Council President Buchanan amended his motion to **include the appointment of Peg Schaffer, Esq. to continue to represent the five open cases as listed by the Police Chief.**

Motion was seconded by Councilwoman Kilpatrick.

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

Nays: None.

Special Counsel Other Matters - Inglesino, Webster, Syciskala & Taylor, LLC
Seconded by Councilwoman Novak.

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

Nays: None.

Litigation Counsel - Weiner Lesniak, LLC

Seconded by Councilwoman Novak.

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

Nays: None.

Occupational Health Services - JFK Medical Center

Seconded by Councilwoman Novak.

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

Nays: None

BOARDS AND COMMISSIONS:

Council President Buchanan made a motion to appoint **Ron Green as a 4 Yr. Member on the Board of Adjustment.** Motion was seconded by Councilwoman Novak.

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

Nays: None

Council President Buchanan made a motion to appoint **Phil Emma to the Board of Adjustment Alt. 1.** Motion was seconded by Councilwoman Novak.

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

Nays: None

Council President Buchanan made a motion to appoint **Gaynell O'Leary and Juan Rodriguez - 3 Yr. Member on the Human Relations Commission.** Motion was seconded by Councilwoman Novak.

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

Nays: None

Council President Buchanan made a motion to appoint **Ken Olchaskey - 5 Yr. Member on the Housing Authority.** Motion was seconded by Councilwoman Novak.

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

Nays: None

Council President Buchanan stated that no one applied for the Liaison to the Board of Education and asked if they would like to discuss putting on a Council member in this position.

Councilwoman Novak made a motion to nominate **Councilman Buchanan as the Liaison to the Board of Education.** Seconded by Councilwoman Kilpatrick.

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

Nays: None

- **MAYOR – Kennedy O’Brien**

Mayor asked the CFO to cover the Business Admin. report.

- **BUSINESS ADMINISTRATOR**

- Admin. & Finance**

- Planning & Zoning**

- Public Safety**

- 1) Authorization to renew Contract for Animal Control Services for Mach 1, 2017 through February, 2018.

- Approved/Resolution.**

- 2) Authorization to purchase a 2017 Special Service Ford 150 through State Contract #T-2776/A88728 from Winner Ford of Cherry Hill, NJ in an amount not to exceed \$28,675.00.

Councilwoman Kilpatrick asked that this purchase include a plow.

- Approved/Resolution.**

- Public Works**

- 1) Authorization to execute a Shared Services Agreement between the Borough Sayreville and the County of Middlesex for Goose Control in Sayreville Parklands at a fee not to exceed \$9,885.00.

- Approved/Resolution.**

- 2) Authorization to fill one (1) vacancy in the Dept. of Public Works, replacing a retiree, effective Feb. 28, 2017(Recommendation in packet).

- Approved/Resolution.**

- 3) Authorization to advertise for the receipt of bids for Library Renovations.

- Approved/Resolution.**

- Recreation**

- Water & Sewer**

- 1) Request for authorization for CME to conduct a Dam Safety Visual Inspection as required by the NJDEP.

- Approved/Resolution.**

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

- 1) Transfer Resolution
- 2) Budget Workshop Meeting was scheduled earlier and set for Feb. 22, 2017 at 6PM.

- **BOROUGH ENGINEER -Jay Cornell**

- 1) Public Safety Complex Boiler Replacement – Closeout of Contract and Change Order (Report Attached).

- Approved/Resolution.**

- **BOROUGH ATTORNEY - Michael DuPont**

- 1) Authorization for COAH Implementation Ordinances and Resolution which were approved by the Planning Board at their Jan. 18, 2017 meeting. Once drafts have been created Ordinances and Resolutions will be presented for Introduction.

Objection made by Councilwoman Novak. Stating that she is not prepared to change any zoning ordinances to a residential from something that is industrial. Councilwoman Kilpatrick agreed.

Council President Buchanan also agreed commenting about the overcrowding throughout the borough. Changing zoning to increase density would only set us back further.

Mayor asked what the instructions would be to the attorney handling COAH to the Judge.

Borough Attorney Mike DuPont said that he would speak with Mr. Leoncavallo and express the council's sentiments and get back to the council.

Councilman Grillo asked where we are in the court proceedings.

Mr. DuPont said the matter has been resolved in terms of a settlement agreement which was approved by the court. He said that there have some other pieces of litigations that have come down from the Supreme Court such as the gap period-right between when COAH started or stopped doing affordable housing and when it resumed. Municipalities were trying to claim that they did not have to fill that gap period and now that has been changed which lead to these ordinances.

Mayor asked what the Supreme Court ruled. Mr. DuPont said that the Supreme Court ruled that the Municipalities had to fill in the gap period. That the Affordable Housing obligations continue. Mayor asked what the number was given by Judge Wolfson. Councilman Grillo responded that 799 new construction and of that (15%) or 120 would be affordable housing. This is what the Planning Board agreed to and that this body also agreed to.

Mayor asked what would happen now if the borough did not go through with it. Councilman Grillo said that according to Larry Sachs, our COAH attorney we would be in violation of a court order and would expose us to legal liability for violating a court order. We need clarification as to the liability that this council would be exposing the borough to if we did not proceed with the agreement changes. Councilwoman Novak said that at no time did she agree to change any zoning ordinance in this town. Mr. DuPont requested that he have the opportunity to meet with John Leoncavallo and Larry Sachs and get back with the information.

Councilwoman Novak said that she agreed to a certain number of units that would have to be built in this town once these areas were built out. Never agreed in telling the developer they could build three times the number of homes here. That is not what was explained. Councilwoman Novak asked for the minutes to be pulled.

Councilman Grillo said that he would not violate a court order.

The attorney said that he would meet with the planner and COAH attorney.

Councilman Buchanan said that he would also like the Closed Session minutes because there was no discussion of a change in zoning.

Councilman Grillo said that he thought it was understood that it was commercial zoned properties that would have to be used for residential, which was the point of COAH. Discussion continued about the parcels of property that were to be included in the COAH Settlement agreement.

Mayor warned about the "builders remedy" and who would have control.

Councilman Grillo asked that the Planning and COAH Attorney appear before the next meeting.

Agreed.

Nothing further.

- **EXECUTIVE SESSION – None**

- **PUBLIC PORTION PUBLIC PORTION**

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

There being no appearances the Mayor called for a motion.

Motion to close the Public Portion made by Council President Buchanan and seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business.

Mayor called for a motion to adjourn.

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

Roll Call: Voice Vote, all Ayes.

Time: 7:53 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved