

Mayor 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**

Theresa Farbaniec, Municipal Clerk announced that this April 23, 2018 Council Meeting 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, Grillo, Kilpatrick, Lembo, Melendez, Novak

Absent: None

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

Others Absent: None

- **MOMENT OF SILENCE**

Mayor O'Brien called for a moment of silence in memory of Dana Schnitzer and former Councilman Frank Makransky.
- A moment of silence was observed by everyone in attendance.

- **APPROVAL OF PRIOR MINUTES OF THE MAYOR AND COUNCIL:**

Council President Kilpatrick moved the following Council Minutes be approved, subject to correction if necessary:

- ☒ February 26, 2018 -Budget Session
- ☒ March 12, 2018 -Special Meeting COAH Matter & Executive Session
- ☒ March 26, 2018 -Special Meeting (Police Officer Interviews) & Executive Session followed by the Hercules Redevelopment Plan Presentation

Seconded by Councilman Buchanan.

Roll Call – Councilpersons Kilpatrick, Buchanan, Grillo, Lembo-except for March 26th as he was not present, Melendez, Novak, all Ayes.

- **EXECUTIVE SESSION - COAH Litigation**

Borough Attorney Mr. DuPont read the following Executive Session Resolution into record.

RESOLUTION FOR CLOSED SESSION

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

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

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 15 minutes to discuss the following matters:

COAH Litigation

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

NOW, THEREFORE BE IT RESOLVED that the public be excluded and this resolution shall take effect immediately.

/s/ Victoria Kilpatrick, Council President

APPROVED:

/s/ Kennedy O'Brien, Mayor

Councilwoman Novak moved the Executive Session Resolution be adopted on Roll Call Vote. Motion seconded by Council President Kilpatrick.

Roll Call, Voice Vote, all Ayes.

Time: 7:04 PM

Reconvene

Council President Kilpatrick made a **motion to reconvene**. Motion was seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes. - Time 7:48 PM

• **PROCLAMATION**

The following Proclamation was read into record by Mayor Kennedy O'Brien.

PROCLAMATION

WHEREAS, The most widely accepted definition of a Sikh comes from the Sikh code of conduct, the Rehat Maryada. Originally written in Punjabi, it is translated as: A Sikh is any woman or man whose faith consists of belief in: One God, The ten Gurus, from Guru Nanak to Guru Gobind Singh, The Guru Granth Sahib, The utterances and teachings of the ten Gurus, Who has faith in and aspires to take Amrit, initiation ceremony into the Khalsa, And who does not owe allegiance to any other religion; and

WHEREAS, The Sikh tradition, known in the Punjabi language as Sikhi, is a relatively young tradition that was founded over 500 years ago in the Punjab region of South Asia. There are more than 25 million Sikhs around the world, which makes Sikhism the world's fifth largest religion. Sikhs first came to the United States in the late 1800s and there are an estimated 500,000 Sikhs living in America today; and

WHEREAS, Today, Sikhs live all over the world, are embedded within their local and national communities, and remain committed to the core values of spiritual growth and social justice. Sikhs continue to establish gurdwaras with and for their communities, and Sikhs strive to maintain basic aspects of the tradition within these contexts. Sikhs have established themselves as active contributors to civic society; and

WHEREAS, Everyone is welcome at a Gurdwara regardless of their race, religion, color or class; and

WHEREAS, A core teaching of the Sikh faith was that all people are equal — there are no high or low among them. As such, it was mandated that *all* Sikhs initiated into the faith cover their heads with a turban, thereby signifying the equal status among the faith's followers; and

NOW THEREFORE, I, Kennedy O'Brien, Mayor of the Borough of Sayreville, do hereby proclaim April to be Sikh Awareness and Appreciation Month, and have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 23rd day of April, 2018 and the same duly attested by the Municipal Clerk.

_____/s/ Kennedy O'Brien, Mayor

Attest:

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

- PRESENTATION - Rep. from MCUA

Mayor O'Brien called forward Manuel Ponte an Consulting Engineer representing the Middlesex County Utilities Authority.

Mr. Ponte gave his background with the MCUA, expressed the MCUA's commitment to finding a solution to what is bothering the neighbors of the treatment plant. He stated that the Superintendent of the plant made available to him the complaint reports since last September. He indicated that there were only six complaints with the MCUA. He stated that he is committed in finding a solution but needs a record of issues. He requested that the neighbors call the Treatment Plant and register all complaints. When they are experiencing the odor, give the date and time. He said that he has 40 yrs. experience in dealing with waste water treatment and odor control.

Mayor asked if he received the information from Mr. Frankel regarding the odor and if he has come up with a solution to fix it. He said that he wants to confirm that the process and the buildings are air tight, clearly there are some covers /buildings that are not as air tight as they should be. So he would need to confirm that these processes are followed.

Mayor opened the meeting to the public for their questions and comments. Those appearing were:

- Charlie Lukie, 324 Oak St., Melrose

Said that he has 203 complaints starting in 2003 the years with MCUA. Problems such as not being able to stay outside, burning eyes, throat would close up. He said he would like to know and see a paper that someone in Sayreville signed with someone from with the sewage treatment plant that they could do what they are doing. The Engineer stated that the only agreement dates back to the 1950's and may be on file with the Clerk's Office. He said that he even went to the EPA and their response was that he was not allowed on the property. Went to a Freeholder meeting and was told that they could not talk about the MCUA as it would be a conflict of interest. Commented on the new Director of the MCUA not having any credentials to be a director.

- Janice Benedetto, 1 Thomas Avenue, Melrose

Commented on the number of complaints Mr. Ponte has as opposed to the number Mr. Luckie has filed. Mayor said the Mr. Luckie files with the DEP and Mr. Ponte would only show the number filed with the MCUA. She then asked if Mr. Ponte was aware of complaints filed by Mr. Lukie so he would have for his records.

Mayor said that he is looking to hear the complaints and then determine the course of actions the governing body should take. He said Mr. Ponte was an engineer and wanted him to hear the testimony, so he too could be part of the solution.

Ms. Benedetto asked Mr. Ponte for his background in engineering.

Mr. Ponte said that he has a bachelors degree from Rutgers in Environmental Engineering. Bachelors in Engineering Science. 40 years in wastewater engineering field. Have been involved with this MCUA for over 30 years so he is aware of the processes. He said that they are in the process of replacing two of the scrubbers from the 1990's with better technology scrubbers and are being

put into operation now as we speak. He explained the other processes that they use to contain the odors and clean the air. Ms. Benedetto asked if he was aware of any times when the employees made a mistake or equipment was malfunctioning, dates and times when things were reported. Mr. Ponte said that he was aware of Mr. Frankel's calls and the response given regarding some tanks being out of service because they were under repair and other various things going on in February and March. He said that he would check with the MUA to see if they are aware of any reports filed with the DEP.

Mayor said that he would schedule a meeting that would deal with just this issue. But he wanted Mr. Ponte to gather some information from the residents first to take back to see if there is a solution short and long term.

Ms. Benedetto said that Mr. Ponte should provide the exact complaint procedure and that it be posted on the web site and cable access with what information is needed. Mr. Ponte said that they would have to call 732-721-3800 and the person answering the phone has a questionnaire to fill out. Mayor said that this procedure was laid out years ago, but will see if there is any update.

- Kathy Consiglio, 8 Thomas Ave.

She has been dealing with the MUA odors since 1978 and years ago they would call the Board of Health and they would come and fill out complaint forms, they would issue a violation to the MUA and the Board of Health would follow-up with the resident.

Mayor told Mr. Ponte that the governing body will discuss these matters and come up with a direction that they would ask the MUA to take to correct this problem for the residents. He thanked him for coming.

Co. Lembo asked Mr. Ponte how often he was physically at the plant and if he notices the odors. Mr. Ponte said that he is there 2-3 times per week and that he does from time to time and that hearing from the community would be helpful. He said that he is 20 minutes away and could go and check on it.

The council asked what the procedure was when a complaint call comes in and what the procedure would be to remedy these problems.

Mr. Ponte described the procedure and what he expects to do to make recommendations to correct the issues. He indicated that there are two scrubbers being replaced that were installed back in the 1990's.

Mayor said the Business Administrator would schedule a Town Hall type of meeting with the MUA.

Mayor called forward the Police Chief forward to address school security.

Police Chief said that he is here tonight with other police command staff to answer any questions or concerns regarding school security. He said that he has had discussions with the school board as well as members of council regarding bolstering security. Chief said the Board has requested armed officers in each school. The alternatives would be 1) Class III Officers which are retired officers who serve in a capacity of security 2) Zero Tolerance program, currently being used. He said they could refocus the efforts of that program in such a way as to get officers in each of the schools at a quicker less expensive means.

Mayor asked if there were any questions.

Councilwoman Novak said that the Board of Education passed in their budget that they wanted five Class III officers in their school everyday. Chief agreed and said that if they could accommodate they would like to do that only concern is the resources. Not having enough of officers to do that.

Councilman Buchanan preferred the second option. He said that this is something that they could test out right now.

Mayor asked what the number of officers would be. Chief said that it would not be 5-6 officers. The number would be reduced to 3 or 4 where they would be

manned at particular schools and presented the schedules to the Superintendent of schools and they felt it would be satisfactory to their needs.

Mayor asked if he needed some direction from the Governing Body. The Chief said that they would need to know the council's choice so they could move forward with a plan. Mayor felt it should be the one that the board would like.

Councilman Buchanan commented on both programs offered.

Council President Kilpatrick felt the second option would be the better and would be able to use it immediately and be able to test drive the program to be better prepared for September.

Councilwoman Novak said that she would like to know what the background on all of this is and if this can't be discussed in open we should go into Executive Session so before we agree to something we understand it.

Borough Attorney explained what the parameters would be for the closed session.

Mayor felt the Chief's recommendation was enough, especially as sensitive as a discussion as this.

Councilman Buchanan asked what the Chief's recommendation was. Chief said the second option would be the best at this point with the ability to get officers in the schools right away as well as managing the plan.

Mayor asked if the Chief needed any additional funds. The Chief indicated that there would not be.

Mayor asked the governing body to let the chief, his staff and the school superintendent and their select staffs' recommendation so this can be implemented as soon as possible.

Councilman Lembo agreed with the second option giving them security right away. Asked that the Chief check into the availability of Class III officers for September.

Councilwoman Novak asked what the alternate plan was and that we should talk about it in closed session. Mayor was apprehensive about going into closed session so not to disclose any info that may be accidentally leaked.

Councilwoman Novak made **a motion to go into closed session.**
Councilwoman Kilpatrick seconded the motion.

Mayor recommended that we do not.

Mayor recommended that the chief talk about the concept and not the detail.

Borough Attorney DuPont read the Closed Session Resolution into record.

- **EXECUTIVE SESSION** – 10-15 minutes School Security

Borough Attorney Mr. DuPont read the following Executive Session Resolution into record.

RESOLUTION FOR CLOSED SESSION

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

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

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 10-15 minutes to discuss the following matters:

School Security

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

NOW, THEREFORE BE IT RESOLVED that the public be excluded and this resolution shall take effect immediately.

/s/ Victoria Kilpatrick, Council President

APPROVED:

/s/ Kennedy O'Brien, Mayor

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

Roll Call, Voice Vote, all Ayes.

Time: 8:37PM

Reconvene

Council President Buchanan made a **motion to reconvene**. Motion was seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all Ayes. - Time 8:56 PM

Councilman Buchanan made a **motion to approve the Chief's Plan C as presented in Closed Session**. Motion was seconded by Councilwoman Novak.

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

Mayor called for the next order of business.

OLD BUSINESS:

a) Public Hearing on the following Ordinances:

Municipal Clerk Farbaniec read the heading for the following ordinances listed for Public Hearing:

Mayor O'Brien opened the meeting to the public on Ordinance #404-18.

The Business Administrator gave a brief synopsis of the ordinance.

There were no appearances. Councilwoman Novak moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Buchanan.

Roll Call:

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

Nays: None

ORDINANCE #404-18
AN ORDINANCE SUPPLEMENTING AND AMENDING
CHAPTERS I AND II OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO
AMEND SECTION 1.7 SERVICE CHARGE IMPOSED
AND AMEND SECTION 2-38.3 MISCELLANEOUS ITEMS
TO BE CHARGED BY THE TAX COLLECTOR

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows:

1.7.1 Service Charge Imposed.

A service charge in the amount of ~~twenty-five (\$25.00)~~ **twenty (\$20.00)** dollars shall be added to any account owing to the Borough if payment tendered on the account was by a check or other written instrument which was returned for insufficient funds.

2-38.3 Miscellaneous Items to be Charged by the Tax Collector.

b. Fees. Any person or party who applies to the Tax Collector for a certification that the real property taxes on a parcel of real property are paid in full, or are current, shall pay a fee of fifteen (\$15.00) dollars payable to the Borough of Sayreville. In the event that the Tax Collector, or his designee, cannot so certify, the applicant shall still be obligated to pay the fee of fifteen (\$15.00) dollars.

This fee of fifteen (\$15.00) dollars shall be paid in advance and at the time the application request is made to the Tax Collector.

c. Return check fee. ~~\$25.00~~ **\$20.00**

d. Tax status letter fee \$15.00

e. Duplicate bill \$5.00

f. ~~Tax redemption statement fee (request by property owner) \$20.00~~ ***Tax redemption statement fee (request by property owner). In accordance with N.J.S.A. 54:5-54, a property owner or person having interest is entitled to two redemption calculations within a calendar year at no cost, they shall pay a fee of fifty (\$50.00) dollars on each subsequent calculation request of the tax collector.***

g. Duplicate tax sale certificate fee \$100.00

h. Tax redemption statement fee (request by lienholder). In accordance with N.J.S.A. 54:5-97.1, a lienholder seeking the calculation of the amount due to redeem a tax lien shall pay a fee of fifty (\$50.00) dollars. Any request for a redemption calculation shall specify the date to be used for the calculation.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that Chapter 1 Section 7.1 and Chapter 2 Section 38 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/Mary J. Novak, Councilwoman
(Admin. & Finance Committee)

ATTEST:

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/Michael DuPont, Esq.
Borough Attorney

Municipal Clerk Farbaniec read the heading for the following Ordinance #405-18 listed for Public Hearing:

Mayor O'Brien opened the meeting to the public on Ordinance #405-18.

There were no appearances. Councilman Buchanan moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilwoman Kilpatrick.

Roll Call:

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

Nays: None

ORDINANCE # 405-18
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO ADD SECTION
7-19 TRAFFIC CONTROLS FOR STREET AND
HIGHWAY CONSTRUCTION AND MAINTENANCE
OPERATIONS FOR MUNICIPAL ROADS

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows:

7-19 Traffic Controls for Street and Highway Construction and Maintenance Operations for Municipal Roads.

7-19(a) Findings.

The Sayreville Mayor and Borough Council hereby finds and declares that problems of traffic control occur when traffic must be moved through or around road or street construction, maintenance operations and utility work, above or below ground, which requires blocking the roadway and obstructing the normal flow of traffic and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulations directed to the safe and expeditious movement of traffic through construction and maintenance zones and to provide safety for the workforces performing these operations.

7-19(b) Adoption of Manual.

The Borough of Sayreville, in the County of Middlesex, State of New Jersey, does hereby adopt the current Manual on Uniform Control Services for Streets and Highways hereafter known as the MUTCD as a minimum standard, except as hereby supplemented and amended, as it controls and regulates whenever construction, maintenance operations or utility work obstructs the normal flow of traffic. Any person, contractor or utility that fails to comply with the provisions of the MUTCD while performing such work is in violation of this section.

7-19.1 Preconstruction Meeting.

It shall be the responsibility of the person, contractor, or in the case of a public utility as required under the Public Utility Agreement, Section 16:25-9.2, wishing to conduct work on, under or above the street to contact the Traffic Bureau of the Sayreville Police Department in order to arrange a preconstruction meeting and submit a traffic control plan for the safe movement of traffic during such period of construction or work. Any person, contractor or utility who fails to comply with this section prior to the start of such work, or whose plan is not approved by the Chief of Police or his/her designee, is in violation of this section.

7-19.2 Emergency Contact Telephone Numbers.

The person, contractor or utility shall provide at least two emergency contact telephone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. The contractor or utility shall also provide the twenty-four (24) hour contact numbers for the Traffic Control Manager. If for any reason emergency contact cannot be made, or if the emergency contact person does not respond to a call from the Police Department to correct such hazardous condition(s), the Borough of Sayreville may respond to correct the hazardous condition(s). The reasonable fees for such emergency services by the Borough of Sayreville shall be charged to the person, contractor or utility responsible for the condition.

7-19.3 Hours.

There shall be no construction, maintenance operations or utility work on any roadway in the Borough before the hour of 9:00 a.m. or after 3:30 p.m. This time limit may be adjusted to permit work prior to 9:00 a.m. or after 3:30 p.m. by the Chief of Police or his/her designee. If it is determined that the construction or maintenance operations prior to 9:00 a.m. or after 3:30 p.m. would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 9:00 a.m. and 3:30 p.m.

7-19.4 Road Closing.

Road closing and/or traffic detours shall not be permitted unless approved by the Chief of Police or his/her designee.

7-19.5 Traffic Directors.

Traffic directors shall be posted at all construction or maintenance sites when determined by the Chief of Police or his/her designee that same is necessary to provide for the safe and expeditious movement of traffic.

7-19.6 Stop Work.

The Chief of Police or his/her designee shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, backfilling of open excavations and/or related work, in order to abate any nuisance and/or safety hazard for any violation of this section. This stoppage shall last until the conditions causing same are remedied to the approval of the Chief of Police or his designee.

7-19.7 Site Preparation and Conditions.

It is expressly understood that no materials, vehicles or equipment are to be placed in the roadway or sidewalk until any necessary traffic control devices, including, but not limited to, all construction, signs, light devices and pavement markings are installed. Furthermore there will be no materials, vehicles or equipment left in the roadway nor will there be any unprotected open excavations during non-working hours. All roadway will remain in satisfactory condition to accept vehicular traffic during non-working hours.

7-19.8 Violations and Penalties.

Any person, contractor or utility who commits a violation of this article shall, upon conviction thereof, be subject to a penalty as follows:

- i. The minimum fine to be imposed for a first offense shall be not less than \$500.00 and/or be imprisoned for a term not exceeding ninety (90) days.
- ii. For any second offense the fine shall be not less than \$750.00 and/or be imprisoned for a term not exceeding ninety (90) days.
- iii. For a third or subsequent offense, pay a fine of not less than \$1,000.00 and/or be imprisoned for a term not exceeding ninety (90) days.

A separate offense shall be deemed committed on each day during or on which violation occurs or continues. Failure to abate a violation within twenty-four (24) hours after notice of violation shall be considered a separate offense.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Seven Section 19 Traffic Controls for Street and Highway Construction and Maintenance Operations for Municipal Roads** of the Revised General Ordinances of the Borough of Sayreville, shall be amended to reflect said 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/Daniel Buchanan, Councilman
(Public Safety Committee)

ATTEST:

APPROVED:

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/Michael R. DuPont, Esquire
Borough Attorney

- **NEW BUSINESS:**
 - a) The Clerk read the Introduction of the following ordinances:

ORDINANCE # 406-18
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VIII LICENSING - SECTION 3 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE
"PEDDLERS AND HAWKERS"
(Admin. & Finance – Co. Novak, Public Hearing May 14, 2018)

Councilwoman Novak moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on May 14, 2018. Motion was seconded by Council President Kilpatrick.

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

- **CONSENT AGENDA/RESOLUTIONS**

At this time the Mayor opened the meeting for questions or comments on Consent Agenda Resolutions. There were no appearances. Mayor O'Brien called for a motion.

Council President Kilpatrick moved the public portion be closed and the Consent Agenda Resolutions be approved on Roll Call Vote. Motion was seconded by Councilwoman Novak.

Roll Call on Consent Agenda Resolutions:

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

Nays: None.

RESOLUTION #2018-127

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
Kennedy O'Brien, Mayor

/s/Daniel Buchanan
Councilman Daniel Buchanan

/s/ Pasquale Lembo
Councilman Pasquale Lembo

/s/Steven Grillo

/s/ Ricci Melendez

Councilman Steven Grillo

Councilman Ricci Melendez

/s/Victoria Kilpatrick
Councilwoman Victoria Kilpatrick

/s/Mary J. Novak
Councilwoman Mary J. Novak

Bill list of April 23, 2018 in the amount of \$6,782,761.84 in a separate Bill List File for 2018 (See Appendix Bill List 2018-A for this date).

RESOLUTION #2018-128

BE IT AND IT IS HEREBY RESOLVED that the following Recreation Program fees are established and sponsored by the Recreation Department:

“MELT” Exercise Program - 4 week Intervals

- **\$10.00 / Class**

/s/ Ricci Melendez, Councilman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

RESOLUTION #2018-129

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A CONTRACT WITH FIELDTRUF USA, INC. TO PURCHASE OUTDOOR SYNTHETIC TURF SURFACES

WHEREAS, the Borough of Sayreville is in need of certain goods/services; namely an Outdoor Synthetic Turf Surfaces at Veteran’s Field and the Recreation Complex in the Borough of Sayreville; and

WHEREAS, the Borough of Sayreville, being a member of the Keystone Purchasing Network Cooperative Purchasing Program #201801.01.20 has reviewed the KPM contractors and have found that a contract has been given to FieldTurf USA, Inc. under Contract #FTRV360-57; and

WHEREAS, the Governing Body of the Borough of Sayreville, through the due diligence of the Qualified Purchasing Agent, has ascertained that the contract price of FieldTurf USA, Inc. under the KPN contract is the lowest possible price; and

BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O’Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the necessary documents to award the contract to FieldTurf USA, Inc. under Contract #FTRV360-57 for an amount not to exceed \$1,109,228.71.

/s/ Ricci Melendez, Councilman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

RESOLUTION #2018-130
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A CONTRACT WITH MUSCO SPORTS LIGHTING, LLC

WHEREAS, the Borough of Sayreville is in need of certain goods/equipment; namely Lighting Structure Systems for the Borough of Sayreville; and

WHEREAS, the Borough of Sayreville, being a member of the National Joint Powers Alliance (NJPA) has reviewed the NJPA contractors and have found that a national contract has been given to Musco Sports Lighting, LLC under Contract #082114; and

WHEREAS, the Governing Body of the Borough of Sayreville, through the due diligence of its Qualified Purchasing Agent, has ascertained that the contract price of Musco Sports Lighting, LLC under the NJPA contract is the lowest possible price; and

BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the necessary documents to award the contract to Musco Sports Lighting, LLC of Oskaloosa, IA under Contract #082114 for the purchase price of \$227,866.08.

/s/ Ricci Melendez, Councilman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION 2018-131
RESOLUTION CANCELING BALANCES OF IMPROVEMENT AUTHORIZATIONS NO LONGER NEEDED

WHEREAS, certain Capital Improvement appropriation balances remain dedicated to projects are now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance and unused debt authorizations may be canceled;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Sayreville that the following unexpended balances be canceled:

ORD. NO.	DESCRIPTION	FUNDED	UNFUNDED
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Water Capital Fund

2010-141	Bordentown Ave. WTP Expansion		\$835,000.00
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BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officer for his records.

/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 2018-132

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 by Closeout Contract Change Order No. 2:

- Project: 2015 Roadway Paving & Reconstruction Project – Phase I - Improvements to Quaid Ave

- Contractor: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Road
Sayreville, NJ 08872
- Net Decrease: \$115,359.26
- 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 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 #2018-133
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: 2015 Roadway Paving & Reconstruction Project – Phase I - Improvements to Quaid Ave
- Contractor: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Road
Sayreville, NJ 08872
- Balance Due: \$11,180.18

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 \$83,851.36 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 2018-134

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 by Closeout Contract Change Order No. 1:

- Project: Lee Avenue Drainage Improvements
- Contractor: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Road
Sayreville, NJ 08872
- Net Decrease: \$41,386.79
- 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 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 #2018-135
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: Lee Avenue Drainage Improvements
- Contractor: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Road
Sayreville, NJ 08872
- Balance Due: \$ 8,318.69

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 \$62,390.21 and the approval of same as to form and sufficiency by the Borough Attorney.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

BOROUGH OF SAYREVILLE:

/s/ Kennedy O'Brien
Mayor

- **BOROUGH ENGINEER - Jay Cornell - None**

- **BOROUGH ATTORNEY - Michael DuPont - None**

PUBLIC PORTION-

- **PUBLIC PORTION**

At this time Mayor O'Brien opened the meeting to the public for questions or comments on any and all matters.

Those appearing were:

- Steve Melanaski, Scarlett Drive

Requested that in the future before the public hearing on the budget that there be a comparison of the two prior years' budget be put out for public review. Then questioned why we are approving a budget in April for the current year. Mr. Kronowski the CFO explained the requirements in the State Statute for the introduction and adoption of a Municipal Budget.

- Bob Kominkiewicz, 103 Ernston Road
Asked if National Lead pays taxes.
Mayor said that they did.

Questioned if the trailers on Jernee Mill Road passed.

Councilwoman Novak stated that they did not.

- Bob Kryzkowski, Gillen Drive.

He said that he wrote a letter to SERA and copied the Mayor and Council on it and asked that it be read into the record. So he appeared tonight to read it into record and proceeded to read his letter into record.

Dear Mr. Ambrosio,

I recently attended the presentation that was given by the developer North American Properties about the 440 Acre planned mixed use development not called Riverton. It was an interesting presentation but left many questions unanswered about the project. The developer explained a seven billion dollar project which will be partially be funded with public funds and it is absolutely imperative that there is transparency concerning the overall project.

I am listing some of the unanswered questions and asking SERA and the developer to answer them for this community at large.

- 1) Who currently owned the property known as the National Lead site?
- 2) How was the property acquired?
- 3) Has the remediation been completed?
- 4) Will the development be able to begin un-impeded?
- 5) Who paid for the remediation?
- 6) Does the Borough currently have any liability regarding the property and or the remediation?
- 7) Is there any ongoing litigation regarding the property of the adjacent waterway?
- 8) What is the sale price for the property that the borough will received from the developer?
- 9) Why wasn't Mr. Torro willing to disclose the purchase price at the presentation.
- 10) Are the contract documents between SERA and North America Properties available for review by the members of the community?
- 11) Where can they be reviewed and what schedule?
- 12) Has the developer applied for a development grant from the State?
- 13) How much are they requesting? When are they expecting that a decision from the State will be forthcoming?
- 14) How much of their own equity is North American Properties willing to commit to this project?
- 15) When will an overall Master Site Plan detailing the number, kind and phasing of residential units be available for the community to review and provide feedback?
- 16) Is part of the project dedicated to affordable housing? If so, how many?
- 17) What type of tax abatements are provided to the developer?
- 18) What is the economic value of these tax abatements to the developer over the cost of their term?
- 19) Can the developer be provided an area in the Senior Center to provide information for the community to review?
- 20) Can the developer provide onsite personnel to take in-put from the community on a scheduled basis?

We as a community should also strategize about how Sayreville could benefit from the overall substantial economic activity that will be generated from this development on an annual basis. Tax ratable may be only one part of the overall revenue mix that may be able to benefit Sayreville on an annual basis. Some examples of revenue enhancers are listed below.

- 21) Can the borough withhold some amount of acreage for a large centralized parking facility controlled by the borough and charge a per car fee for access development perhaps through the creation of a municipal parking authority?
- 22) Can the borough establish an occupancy tax for hotel room stays?
- 23) Would it be possible for the borough to establish a type of municipal sales tax for retail sales in a development?
- 24) Would it be possible for the borough to establish a type of facility usage fee or some other economic matrix based on gross revenue generated through the development? Because the development would substantially increase traffic through the lower part of the borough – Could the borough negotiate with the

developer to complete some or all of the lower Main Street By-Pass as part of the development. This is an exciting project with significant potential that would change the nature of the community for the foreseeable future. As the developer claims – this development will create a city within a city. Riverton also provides in an opportunity for the Borough to participate in the overall economic benefits of such a large scale development beyond just tax rateables. Hopefully SERA has begun to develop an overall strategy to address some of these issues and to negotiate those elements that may be directly involved with the developer while negotiations are still ongoing. Some of these other issues may be controlled directly by the borough and should be addressed by the relevant boards and agencies now while it is possible to make progress.

This is an exciting opportunity for this community which has shown a high level of interest in this development. Lets make maximum advantage of the economic potential for the residents of Sayreville. I look forward to your response and I plan to attend a meeting of the SERA committee in the near future to discuss this correspondence with members of the agency.

He said that some of these questions transcend SERA for some of these other revenue enhancers and hoped that the Mayor, Council and SERA would take a look at some of these and perhaps get something in motion to see if some of these are feasible now while negotiations are ongoing. It is a time to talk to the developer to be sure that we are not doing something extreme because we did not look at it. He said that he also wished to stimulate community discussion and involvement. He then asked how he can get an assignment for a room here in borough hall in case a group of people would want to meet.

Mayor asked that he call the Business Administrator.

- Johnica Freeland, 8 Swider Drive

Spoke about bullying and ignorance and further commented on how she and her son were treated by the Police Department.

Mayor asked the Business Administrator to set up a meeting with Ms. Freeland and the Police Chief.

Jim Robinson, 11 Borelle Square

He asked if there were any updates on the Senior Project on South Ernston Road that the Housing Authority supports.

The Business Administrator said that as of right now there is no update.

Councilman Grillo said that the last time the council discussed this matter he felt that the timing wasn't right for the residents of the surrounding area. He said that he thought that there were many positives to that site project. He felt it was time to re-invigorate the project. Councilwoman Novak said that the last time she spoke with the Housing Authority they were very interested in it but it did not go through. Now they would have to re-apply for all of that Federal Funding again. Council President Kilpatrick asked for a reminder for what the housing component was going to be there. Councilman Grillo said that the first floor would be businesses and two residential floors above it.

Jim Robinson asked that this gets placed on one of the Councils' agenda sessions for discussion.

- Ken Olchaskey, 108 No. Edward Street

Chairman of the Housing Authority

He said that it was 80 units of Senior Housing and all they needed was the property from the borough.

He thanked the Mayor for bringing in the MCUA tonight to address the issues the residents are having.

Commented on the budget layout and meeting notices felt communication is lacking.

- Steve Melanaski, 28 Scarlet Drive, Parlin

Commented that he felt the MCUA did not have any accountability regarding the complaints. That there was no checks and balances. Felt they need some type of oversight committee that reports back to the borough council and to the residents.

Councilwoman Novak said years ago the residents would call the Board of Health and they would contact the resident with the final outcome.

- George Podolak, 48 Scott Avenue

Asked that the governing body give the Business Administrator authorization to contact other towns that have an Sewerage Authority to see if the residents have this problem.

- Janice Benedetto, 1 Thomas Avenue, Melrose

Asked for a COAH update.

Attorney DuPont responded that the Judge had not made his decision. There is a conference call scheduled for Wednesday for the Judge to inquire about the update on the discussions with the developers. There will probably be a request for additional time but other than that there is nothing further he can discuss.

Asked for an update of the appraisal situation. Terry had e-mailed it and it won't open. Mr. Frankel said that the corrected version was a letter that was sent as an addendum to the original packet that was based 44 Units at \$30/unit for a total of \$1,320,000. covering the Prime Site. She asked about the Cross Avenue/Oak Street Appraisal. Mr. Frankel said that there have been no changes to that parcel and she should have that appraisal.

There were no other questions or comments. Mayor O'Brien called for a Motion. **Councilwoman Novak made a motion to close the Public Portion. Seconded by Council President Kilpatrick.**

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business. Councilwoman Novak moved to adjourn the Council Session. Motion was seconded by Councilman Buchanan.

Roll Call – Voice Vote, all ayes. Carried.

Time 9:47P.M.

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved