

Mayor O'Brien called the Council meeting to order at 7:00 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Borough Clerk Farbaniec announced that this June 24, 2019 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, Dalina, Enriquez, Kilpatrick, McGill, Novak.

Absent: None

Others Present: Kennedy O'Brien, Mayor

Daniel E. Frankel, Business Administrator

Denise Biancamano, C.F.O./Treasurer

Theresa A. Farbaniec, Municipal Clerk

Michael DuPont, Esq., Borough Attorney

Jay Cornell, P.E., Borough Engineer

Others Absent: None

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

Council President Buchanan moved the following minutes be approved, subject to correction if necessary:

- ☒ May 13, 2019 - Regular Meeting, Executive Session & Agenda Session
- ☒ May 28, 2019 - Special Meeting (Swearing In)
- ☒ June 10, 2019 - Regular Meeting & Agenda Session
- ☒ June 11, 2019 - Receipt of Bids – Improvements to Allgair Ave & Roadway Paving & Reconstruction Project–Phase IV Improvement to MacArthur Avenue

Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes.

- **Presentation - None**

- **EXECUTIVE SESSION - None**

- **OLD BUSINESS:**

a) Public Hearing on the following Ordinances:

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

The Borough Engineer was asked to explain where the property is and what needs to be done.

Mayor O'Brien opened the meeting to the **public on Ordinance #457-19**

There were no appearances.

Mayor O'Brien called for a motion to close and adopt.

Councilman McGill 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 Novak.

Roll Call:

Ayes: Councilpersons McGill, Buchanan, Dalina, Enriquez, Kilpatrick, Novak, All

Ayes.

Nays: None. Carried.

BOND ORDINANCE NUMBER 457-19

BOND ORDINANCE PROVIDING FOR 2019 REMEDIATION OF SOIL AND GROUNDWATER AT FORMER FIRST AID SQUAD SITE, BY AND IN THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$310,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$294,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Sayreville, in the County of Middlesex, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$310,000, which sum includes a down payment for said improvements or purposes in the amount of \$16,000 required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$310,000 appropriation not provided for by application hereunder of the \$16,000 down payment, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not exceeding \$294,000 pursuant to and within the limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$294,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for which said bonds or notes are to be issued are for the remediation, in compliance with New Jersey Department of Environmental Protection ("NJDEP") standards, of contaminated soil and groundwater at the former site of the Borough's First Aid Squad, including, but not limited to, (i) the preparation of all bid and contract documents for the proposed remediation project, (ii) the removal

and formal abandonment of two (2) existing monitoring wells on the site and the installation of two (2) replacement wells, (iii) the excavation and remediation of the soil and restoration of the site, (iv) the monitoring of adjacent groundwater to track contaminant concentrations and to verify the attainment of remediation standards, (v) the preparation of a Remedial Action Report to document implementation of the remedial activities in compliance with NJDEP standards, (vi) the preparation, if necessary, of Remedial Action Permits to be submitted to the NJDEP for the soil and/or groundwater remediation, and (vii) if the soil and groundwater have been fully remediated in compliance with NJDEP standards, the preparation of a Response Action Outcome report. Such improvements or purposes are to include, but are not limited to, as applicable, all necessary related improvements, engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications on file in the Office of the Clerk of the Borough and available for public inspection.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$294,000.

(c) The estimated cost of said improvements or purposes is \$310,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment in the amount of \$16,000 available for such improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Middlesex make a contribution or grant in aid to the Borough, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Middlesex. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Middlesex, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief

Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$294,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$146,500 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that

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the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: June 10, 2019**

/s/ THERESA A. FARBANIEC, R.M.C.
Clerk of the Borough of Sayreville

/s/ DAVID MCGILL, Councilman
(Admin. & Finance Committee)
Borough of Sayreville

**ADOPTED ON SECOND READING
DATED: June 24, 2019**

/s/ THERESA A. FARBANIEC, R.M.C.
Clerk of the Borough of Sayreville

/s/ DAVID MCGILL, Councilman
(Admin. & Finance Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS 24th DAY OF JUNE, 2019.

/s/ KENNEDY O'BRIEN, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/ MICHAEL DUPONT, ESQ.
Borough Attorney

Mayor O'Brien opened the meeting to the public on **Ordinance #452-19.**

ORDINANCE #452-19
AN ORDINANCE ADOPTING THE FULTON'S LANDNG
REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7

Those appearing were:

Councilman Dalina asked if the Mayor could stick to the five minute rule for public speaking.

- James Robinson, 11 Borelle Square.
He said that at the last meeting he raised many concerns regarding this property And was told then that there weren't answers at that time and don't see the planner here tonight. He was told that the planner would provide him with an e-mail answering his questions and that did not happen.

He said that in the past he suggested that it didn't make sense that the driveways to this facility line up with Kimball Drive East and Kimball Drive West. He said that he spoke with Peter Mocco and Mr. Mocco did not have any problem trying to move them east. Mr. Robinson said that Councilwoman Kilpatrick has an Ordinance on the agenda to prohibit trucks and he said that was a great idea and a step in the right direction. He then asked that the portion in the Fulton's Landing Ordinance be removed with pen mark. The ordinance also prohibits the extension of Lakeview Drive. He said that this extension should be done. It has been in the Ordinance and in the Master Plan, this should be taken out of this ordinance also.

Mayor asked if any of the Council were willing to make a motion to have these two items removed from the Ordinance. The Borough Attorney said that he did not receive any comments from the attorney for the applicant on that. He has nothing to confirm what Mr. Robinson stated. He said that he would not recommend doing that at this time. The Ordinance could always be amended down the line prior to any Planning Board application. Mayor suggested these two items be removed with the option of putting them back in if needed.

Mr. Robinson asked if there has been a determination made if this deviates from the Master Plan because if so then each Councilmember would have to give their reason from deviating from the Master Plan.

- Art Rittenhouse, 33 Delikat Lane

He began by speaking about the soil contamination. He asked why the soil hasn't been tested before the council votes. He stated items from a SCI Report he received, such as organized crime being involved in the dumping of dirt in class B sites, which is what Fulton's Landing is. He described a similar issue in Marlboro Twp. He said that Marlboro had an engineering firm (CME) and they stopped trucks coming into the site and ordered testing and found out that there were contaminated materials. He talked about the Borough's Fill Dirt Ordinance #24-2, which should be enforced. The Mining Law states that the Borough does have a right to go on that property to check it. He went on to talk about traffic studies that were performed.

He asked what changes were made to this Fulton's Landing Ordinance.

Mr. DuPont said that they were typographical errors. He commented that the Judge should be aware that the developer Peter Mocco attended the democratic fundraiser on April 23, 2019. He commented on the Judge's order of June 18, 2019. He recommended that the vote not be held tonight, that it be postponed. He added pictures to the record of Mr. Mocco with the Democrats at two of their functions and wanted that part of the minutes.

- Ruth Ann Mahoney, 2 Gerard Place

She stated that Lakeview Dr. is in the Master Plan and she would like to see that go through. She stated her concerns about engine braking, conditions for the warehouses that should be instituted. Asked that railroad use be included in this ordinance. She asked that the vote on the Ordinance be put off and a special meeting be held once everything is put in or removed from the ordinance.

Mr. DuPont responded reminding everyone that there is a lawsuit that is in place and at this point in time a Judge wants a vote either up or down. If it gets voted down that the lawsuit continues and prepare for trial in July on the damages aspect. If it is approved then this matter is forwarded to SERA for their consideration by the applicant and then to the Planning Board for their consideration, so today's vote is just to be in compliance with the court order.

- Steve Melanaski, 28 Scarlett Drive

Expressed his concerns about 24/7 truck traffic at Fulton's Landing, stating that Shop Rite has restrictions. Borough Attorney said that the application is approved for warehousing currently and there is an operation of 24/7 for those warehouses that have been approved. He suggested that a restriction be discussed at the SERA and Planning Board levels, as these are topics and decisions made by the Planning Board.

Mr. Melanaski felt that now was the time to have the restrictions placed in this ordinance before moving forward with a vote.

Council President Buchanan said that we are here because of a court case and this is part of a settlement and asked why we couldn't have the restriction on the 24/7 truck traffic place in as part of the agreement. Mr. DuPont said that would be a substantial change to the redevelopment plan and would require additional notices and the court deadline could not be met. He went on to say again that this is not the last step in this process because in addition this application would still have to appear before the Planning Board for consideration of compliance in the redevelopment as well as any and all variance for that particular redevelopment plan and all of these issues brought up by Mr. Robinson and Mr. Melanaski can be discussed and possibly changed.

Council President Buchanan asked what the Councils' ramifications were for adopting this against our Master Plan. The Borough Attorney said that the Council can adopt this redevelopment plan which is inconsistent with the Master Plan subject to a reasons resolution being set forth and adopted by the Mayor and Council.

- Karen Sissick-Levinson, 5 Telegraph Lane

Addressed the basement flooding, which will get worse when they start building.

Addressed the Kimball Drive intersections and amending the Master Plan.

She said that it is easier to add something in at this point than to remove.

She also addressed that traffic impact and felt that Lakeview Drive should be left in this ordinance in accordance with the Master Plan. She felt the two matters of Kimball Drive East and West and Lakeview Drive should be redlined and removed.

Mayor commented on what the Planning Board had approved in the past and what the Council changed it to. The Council did not agree.

- Linda Paley, 20 Gardenia Court

Questioned what kind of barrier will be put in place to buffer the noise.

Council President said that the redevelopment plan states that they will maintain a 150' wide landscape buffer on an elevated berm and staggered planting of evergreen trees and shrubs within the buffer area.

- Rob Griffin, Esq., representing Main Street Homeowners Assoc.

Asked that if after today Council wishes to make an amendment to the Redevelopment Plan, must it be agreed to by Mr. Mocco or can the Council make those changes without Mr. Mocco agreeing.

Mr. DuPont said that he does not have the applicable laws in front of him, but he said that if the notices are accurate and there is a legal basis in accordance with the redevelopment plan he is right.

Mr. Griffin asked the Council to look at the traffic before a Planning Board application is submitted and talk about amending the Redevelopment Plan. He said that there hasn't been a study that talks about the effect of 1.8 million sq. ft. of warehouses on Main St. There was a study that indicated that the warehouse impact would be better than houses there, but none on the effect. He said that he had a study performed and made copies available to the Council.

The Borough Attorney asked if the study was given to Mr. Mocco or Mr. Lehrer and Mr. Griffin indicated that he has not yet. He reviewed the study and findings with the Council indicating that Main Street is an "F" on a ABC scale. He addressed Kimball Drive intersection and the possible effects of a traffic light being placed there. He went on to review the report with the Council. He asked the Council to look at the global issue of traffic as an amendment to the redevelopment plan.

The Borough Attorney said that he would make a commitment to him to send the report is dated June 19th that evaluates Fulton's Landing Housing Redevelopment Plan and National Lead Redevelopment Plan to Mr. Lehrer and his experts.

- Steve Levinson, 5 Telegraph Lane

He stated that there is a current ordinance on the books that requires Lakeview Drive connection and it is in the Master Plan, so why is it being removed through this one.

Dan Frankel responded as to why Lakeview Drive connection was removed.

He said that when the three warehouses and 700 homes were being considered the Lakeview extension was in and now with three warehouses only and no homes Lakeview is out. You are taking an approval of homes and warehouses and they made Lakeview Drive as part of that Approval-homes & warehouses. Now with all

warehousing in the plan, it is stating that Lakeview Drive is prohibited in this ordinance. He said that it is prohibited because of the use of warehouses. It would be impossible for trucks to make the turn onto Washington Road.

Mayor brought up the fact that if trucks are prohibited on Kimball Drives they could then access through Boehmhurst, Sheffield Mews or any other access street to the Main Street By Pass.

Mr. Levinson asked for the Council to redline it in the ordinance.

Council President Buchanan said that in the Redevelopment Plan it states that the Redeveloper shall provide shuttle service for employees for off-site locations. He asked if this means that no employees are permitted to park on the property.

(I didn't hear a response)

- Ron Mansbach, Rodio Ct.

Asked if any of the governing body lived in the Main Street Townhomes and have to pull out in the morning or see the school busses. Commented on the number of cars and busses.

- ___ Katz, 10 Byrnese Lane West

Questioned how she would be able to sell her home once they open Kimball Drive East & West.

- Donna Roberts, 369 Washington Road

Asked if this was also a PILOT Program.

The Borough Attorney said that there is no PILOT on the property.

She asked if there were any funds or taxes being set aside to help the school system.

Mr. DuPont said that yes, they will be paying taxes and a portion goes to the schools.

She asked if any funds will be going towards affordable housing for this project.

Mr. DuPont said that there is a development fee ordinance in place and they would have to pay that.

- Lisa Cohose, 8 Seidler Lane

Thanked everyone for the ability to attempt to work on this. The main goal in requesting additional time before there is a vote on this was to gather information, facts and data so appropriate decisions could be made based on facts. She said that the court did not allow them the time to complete this task. It was beyond every ones control. There is a long history of litigation. She said that at this point they have zero leverage to negotiate at this point.

She said that the action committee has one request and that is to formalize a committee of residents from the surrounding neighborhoods that are impacted. Mr. Mocco indicated that he want to work with them in good faith. She said that they did not have an opportunity to discuss some of the concerns they have raised over the past weeks. She said the Main Street Townhomes would take the lead in the committee with Mr. Griffin participating. She said that they as a committee would meet with the developer on a quarterly basis after this is settled to provide progress reports. These meetings would not be open to the community only to those on the committee representing the neighborhoods.

Mayor asked that the committee be formed with an odd number of members so there would be no tie in any decisions. They would be one year terms. The board would be advisory in nature.

Mayor asked if there were any objections to this. None were made. She asked that she work with the Business Admin. In getting the neighborhoods representatives down to be included. These would be neighborhoods immediately impacted. Such as Main Street, Sheffield Mews, Sheffield Towne, Park Village and other residential streets impacted.

She said that she would like clarifications as to what the roll of SERA and the Planning Board would be. She would like SERA to work with them the same that Mr. Mocco has agreed to work with them.

The Borough Attorney said that if the redevelopment plan is approved, that SERA is obligated to determine if in fact that the application is in compliance with the plan. If SERA determines it is in compliance it would then be forwarded to the Planning Board would then review the site plan application in accordance with the redevelopment plan and if the redevelopment plan has not covered all of their answers than the Land Use Law would then guide them. He also stated that all of their concerns should be placed before the boards once the applications have been filed.

Mayor stated that he would ask the Planning Board to work side by side with her and the committee. He said that SERA is a separate and distinct entity by law but they do serve the people of Sayreville and would assume that they would also work with the impacted residents.

Mayor said that the committee would be introduced at the next meeting and would be enacted at the meeting following and application would then be submitted for membership.

Lisa asked what SERA's role would be.

Mr. DuPont said that inasmuch as this is in a redevelopment area, SERA is empowered to review the site to determine if in fact it complies with the redevelopment ordinance (if adopted), the committee has the right to bring any objections to SERA. He further explained SERA's purpose.

Lisa Cohose said that this plan is vague and explained why she felt this way.

She then expressed her concerns with the By-Pass not being complete.

It was mentioned that Mocco's company owns the property for Crossman Rd. North., that it was not a dedicated right of way.

With that being said Ms. Cohose said that needs to be considered because Mr. Mocco indicated to her that the By-Pass will never be built and she said that he said that because he owns a crucial part of the property that the town would have to purchase from him and the town could not because it is contaminated. So he would have to clean it up. So Crossman will never be part of the By-Pass, so Kimball Drive should never be opened up.

She then commented on Ordinance #451-19, page 17 containing a residential district. (River Road Redevelopment) 52 Acres of residential units.

It was stated that this is part of our COAH obligation and has nothing to do with the current Ordinance.

Council President Kilpatrick and Co. Novak both responded that it is 100 percent affordable going up and has nothing to do with the Fulton's Landing Ordinance.

She went on to speak about what she felt were reasonable restrictions that should be put in the plan now. Asked that they put the residents first.

Mayor asked if there were any other questions or comments on this Ordinance. There were none.

Council President Buchanan moved the public portion on the Ordinance be closed. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes.

Council President Buchanan said that he had a few questions.

He stated that now was the time to make changes to the Ordinance and we should guide the Planning Board & SERA with what the Council wants for the residents. Wants restrictions on the 24 hour access, idling, truck bays should be on opposite sides of the residential homes.

Said that the original plan regarding the 207 homes, discusses lots 252 & 253 but there is still noting in our plan for that.

It was noted that he was looking at the old one that contained a typo. There was a correct one out in front of everyone today. Questioned the employee parking issue and felt that Lakeview should be open for this matter and noted that if there was an accident on Main Street there would be a option to go around through Lakeview, but not for everyday truck traffic. It should be noted in it that they "**Shall** be required to put green standards".

Councilman Dalina asked the Engineer about the dirt being inspected before they break ground and they begin building.

The Engineer said that once this goes before the Planning Board the issue with the environmental conditions of the property would be addressed. It would have to be demonstrated to the Planning Board that the site is clean.

Councilwoman Novak asked if there was anything in this that would prohibit Co. Buchanan's concerns from being done.

The Borough Attorney said that they could not be done this evening because it would be a substantial amendment. But they can be discussed and amended and addressed by SERA and Planning Board.

Councilwoman Novak's concern is that if we restrict it to certain hours of general use could that cause more of a traffic problem.

She also expressed her concerns with the word prohibited and the possible substantial charge to the residents of the Borough.

Don't want to take out the lights at Kimball Drive East & West.

She said that she would like Kimball Drive East & West Opened up to the Main Street Extension but used only in the case of an emergency just like Boehmhurst Avenue.

Councilwoman Kilpatrick dittoed the statements of Co. Novak. Developer should pay for the cost of the two lights. Need to look into opening up the By-Pass Road all the way down. She stated that she is a Commissioner on SERA, she is not a friend of any developer. She said that she will fight for all the concerns that were brought up. She said that this Ordinance is not the end of this we still have the ability to use SERA and the Planning Board as a joint entity of government fighting for the residents.

Council President Buchanan said that 20+ years ago the owners of Fulton's Landing wanted to put a golf course & senior housing and it was shot down. Then they wanted housing and warehousing that was overturned by the Judges now coming back to the council looking for three warehouses and amend that agreement. He said that if we turn this down he is not going to want to go to court and get a Judgement on the housing. He will want to work with us for a better plan for what he wants there, so if we vote no to this Ordinance we would want to bring Mr. Mocco back to the table to make this a better ordinance.

Councilwoman Kilpatrick responded to Councilman Buchanan and said that she would like to be sure. She referred to page four of the plan and is says in 2013 the Planning Board granted preliminary major subdivision and preliminary major site plan approval to permit the construction of three office warehouse buildings totaling 610+ sq. ft. We know that is coming that was approved. The 207 single family homes on the other blocks - the application was just deemed not complete. He will complete it and the homes will be there. She stated she is nervous and doesn't trust the developer and doesn't want to gamble.

No further comments.

Councilman Dalina moved that the Public Hearing be closed and the Ordinance be adopted on second and final reading and advertised according to law. Seconded by Councilwoman Kilpatrick.

Roll Call: Ayes: Councilpersons Dalina, Enriquez, Kilpatrick, McGill, Novak.
Nays: Council President Buchanan

ORDINANCE #452-19

**AN ORDINANCE ADOPTING THE FULTON'S LANDING
REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7**

WHEREAS, on October 9, 2018 the Borough deemed the property known as Block 249, Lot 1; Block 250, Lot 1; and Block 251, Lot 1, collectively known as the Crossman/Mocco Property (the "Area") as a non-condemnation area in need of Redevelopment, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et. Seq* (the "LRHL"); and

WHEREAS, the Governing Body of the Borough of Sayreville feels that it would promote beneficial economic development and be in the best interest of the Borough to adopt the attached Redevelopment Plan, entitled "Fulton's Landing Redevelopment Plan" dated April 11, 2019, prepared by Susan Gruel PP and John Barree, AICP, PP of Heyer, Gruel and Associates; and

WHEREAS, the Governing Body wishes to forward the proposed Plan to the Borough Planning Board for its review for consistency with the Borough's Master Plan and preparation of a report stating its findings as required by the LRHL; and

WHEREAS, upon receipt of the Planning Board's report as to the Plan's consistency with the Borough Master Plan the Governing Body wishes to move forward with a noticed public hearing and adoption of the Plan.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Fulton's Landing Redevelopment Plan dated April 11, 2019, attached hereto as Rider A, is hereby adopted as the Redevelopment Plan for the Crossman/Mocco Property as defined in the Plan; and

BE IT FURTHER ORDAINED that Section 26-81.2, Zoning Map, of the Land Development Ordinance for the Borough of Sayreville, is hereby amended to show the Fulton's Landing Redevelopment Area, and that all parcels located within the Fulton's Landing Redevelopment Area shall be subject to the standards detailed in such Redevelopment Plan; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

/s/ Mary J. Novak, Councilwoman
(Planning & Zoning Committee)
Introduced: April 22, 2019

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

- **Mayor called for a five minute recess.**
Time: 8:58

- **Reconvene**
Mayor reconvened the meeting at 9:06 PM.
Motion to reconvene made by Council President Buchanan. Seconded by Councilwoman Kilpatrick.

The Borough Attorney stated that there needs to be a Resolution providing reasons for disapproving the recommendations of the Borough Planning Board regarding the Fulton's Landing Redevelopment Plan, pursuant to N.J.S.A. 40A:12a-7. He said that he made a few notes based upon the last meeting and

this meeting and the reasons resolution include the accepting of the NW Report, dated March 26, 2018 and that the type of development permitted in the Redevelopment Plan would have a positive fiscal impact on the Borough and would be more beneficial in a development of mixed units as well as warehouses. In addition that there is a belief that the overall traffic impact would be less than the original proposed plan, in addition that there was some that the removal of Lakeview Drive would protect the health, safety and welfare of residents on Lakeview Drive. He then spoke about the financial impact. He stated that this does settle the litigation. It also indicated that it improves the tax base and the worry of the increase in school age children and taxes associated with that. There was also a mention that there was a belief that there was an economic and job increase, promotes the goals and now have the opportunity to send to different agencies to ensure that that traffic patterns along Main Street will not be adversely impacted. Also in addition it also promotes economic development based on the NW Report it also improves some utilization of land with an appropriate use that benefits the community. The mention that it encourages the development of modern energy efficient and environmentally sustainable practices and there was also so recommendation about the 150' buffer and for all of those reasons that this is a Resolution providing reasons for disapproving the recommendations of the Borough Planning Board regarding the Fulton's Landing Redevelopment Plan pursuant to N.J.S.A. 40A:12A-7.

He said that he would need a motion to approve that Resolution and that he will have it at the next meeting.

Councilman Dalina made a motion to approve the resolution. Seconded by Councilman Enriquez.

Roll Call: Ayes: Councilpersons Dalina, Enriquez, Kilpatrick, McGill, Novak. Abstain: Council President Buchanan.

e) Appointments (If any)

Councilwoman Novak requested she be appointed to the Community Development Block Grant.

Mayor O'Brien appointed Councilwoman Mary Novak to the Community Development

Block Grant Committee, filling the unexpired term of Raniero Travisano.

Appointment moved by Councilman Dalina. Seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes.

• **NEW BUSINESS:**

a) Introduction of the following ordinances:

Clerk read the introduction of the following Ordinances:

ORDINANCE #459-19

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER VII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION
7-4.1 TRUCK EXCLUDED FROM CERTAIN STREETS**

- To include Kimball Drive East and West-
(Co. Kilpatrick, Sponsor - Public Hearing 7-22-19)

Councilwoman Kilpatrick moved the Ordinance be approved on first reading, advertised according to law and a public hearing be held on July 22, 2019. Motion was seconded by Council President Buchanan.

Roll Call: Councilpersons Kilpatrick, Buchanan, Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes.

BOND ORDINANCE #460-19
BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 398-18
FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY ON FEBRUARY 26, 2018
AND ENTITLED "BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS
FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$3,000,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,850,000 BONDS OR NOTES OF THE
BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION", TO INCREASE THE TOTAL
APPROPRIATION THEREIN FROM \$3,000,000 TO \$3,575,000 DUE TO A GRANT
IN THE AMOUNT OF \$575,000 EXPECTED TO BE RECEIVED FROM
THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

(Admin. & Finance – Co. McGill Public Hearing 7-22-19)

Councilman McGill moved the Ordinance be approved on first reading, advertised according to law and a public hearing be held on July 22, 2019. Motion was seconded by Councilwoman Novak.

Roll Call: Councilpersons McGill, Buchanan, Dalina, Enriquez, Kilpatrick, Novak, all Ayes.

CONSENT AGENDA/RESOLUTIONS

Mayor O'Brien opened the meeting for any questions or comments on **Consent Agenda Resolutions**.

There were no questions or comments.

Council President Buchanan made a motion to close the public portion and the Consent Agenda Resolutions be approved on Roll Call Vote. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes.

RESOLUTION #2019-203

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/ Daniel Buchanan
Councilman

/s/ Victoria Kilpatrick
Councilwoman

/s/ Kevin Dalina
Councilman

/s/ David McGill
Councilman

/s/ Damon Enriquez
Councilman

/s/ Mary J. Novak
Councilwoman

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael R. DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Bill list of June 24, 2019 in the amount of \$2,355,726.69
in a separate Bill List File for 2019 (See Appendix Bill List 2019-A for this date).

RESOLUTION #2019-204

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING AMICUS
PARTICIPATION AND FUNDING ASSISTANCE IN THE APPEAL OF
VERIZON NEW JERSEY INC. v. HOPEWELL BOROUGH**

WHEREAS, on January 28, 2018, the New Jersey Tax Court ruled in favor of Hopewell Borough (“Hopewell”) in the case of Verizon New Jersey Inc. v. Hopewell Borough (“Hopewell Litigation”), and affirmed the ten-year-old decision of the Mercer County Tax Board regarding Verizon’s obligation to pay business personal property tax to Hopewell for the year of 2008, and

WHEREAS, an appeal and cross-appeal have been filed by Verizon and Hopewell;
and

WHEREAS, Verizon is challenging the constitutionality of N.J.S.A. 54:4-1, which requires the payment of personal property taxes by Verizon and certain other telephone service providers; and

WHEREAS, the outcome of the appeal will affect Sayreville’s continued collection of personal property tax pursuant to N.J.S.A. 54:4-1; and

WHEREAS, Joel Shain, Esquire, of the law firm of Shain Schaffer PC (“Shain Schaffer”) serves as Public Utility Counsel for the League of Municipalities (“League”);
and

WHEREAS, The League is participating in the Appeal as *Amicus Curiae* (“Amicus”) and has engaged Shain Schaffer to act on its behalf;

WHEREAS, the League has requested that Sayreville and other affected municipalities participate and share in the cost of the appeal by joining the League as *Amicus* and contributing \$2,000.00 toward its counsel fees; and

WHEREAS, joining the League in this appeal is in the public interest; and

WHEREAS, the Treasurer has determined that sufficient funds are available in the budget, in the amount of \$2,000.00, as evidenced by the Treasurer’s Certification, a copy of which is annexed hereto as Exhibit “A”.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Governing Body of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Borough of Sayreville participate with the League of Municipalities as *Amicus Curiae* in the appeal of the Hopewell Litigation and pay the law firm of Shain Schaffer PC, \$2,000.00.

/s/ Dave McGill
Councilman
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor’s signature.

/s/Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

RESOLUTION #2019-205

WHEREAS, on July 25, 2016 the Borough of Sayreville awarded a three (3) year contract for "Police Extra Duty Detail Management System to Extra Duty Solutions, Westport, CT; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract for a final one (1) additional two (2) year term with no cost to the Borough; and

WHEREAS, Extra Duty Solutions has indicated their interest in extending the term of the aforesaid contract for a final one (1) additional two (2) year contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for "Police Extra Duty Detail Management System" is hereby renewed for a final one (1) additional two (2) year period at no cost to the Borough.

/s/ Daniel Buchanan
Councilman
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION 2019-206

BE IT AND IT IS HEREBY RESOLVED that the proper borough officials are hereby authorized and directed to execute the attached memorandum of Understanding by and between the Middlesex County Prosecutor's Office and the Borough of Sayreville and the Borough of Sayreville Police Department for the "Skywatch" Surveillance Platform.

/s/ Daniel Buchanan
Councilman
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2019-207

BE IT RESOLVED that the following person is hereby appointed to the following:

NAME OF APPOINTEE: John Immundo
POSITION: Water Treatment Repairer
DEPARTMENT: Water Treatment Plant
EFFECTIVE: July 1, 2019

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Department of Personnel.

/s/ Victoria Kilpatrick
Victoria Kilpatrick, Councilwoman
(Water & Sewer Committee)

/s/ Michael DuPont
Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

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

/s/ Daniel Buchanan
Daniel Buchanan
Council President

RESOLUTION #2019- 208

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville hereby requests the Director of the Division of Local Finance to approve the insertion of the following items of revenue in the budget of the year 2019 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- New Jersey Division of Criminal Justice
- Safe and Secure Communities Program \$60,000.00

SECTION 3.

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

/s/ Dave McGill
Councilman
(Admin. & Finance Committee)

JUNE 24, 2019
REGULAR MEETING

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2019 - 209

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville hereby requests the Director of the Division of Local Finance to approve the insertion of the following items of revenue in the budget of the year 2019 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- Clean Communities Grant in the amount of \$80,941.92

SECTION 3.

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

/s/ Dave McGill
Councilman
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

JUNE 24, 2019
REGULAR MEETING

RESOLUTION #2019-210

WHEREAS, Bailey's Tavern Inc., is the holder of Plenary Retail Consumption License # 1219-33-004-002 issued by the Mayor and Council of the Borough of Sayreville as the Issuing Authority for premises located at 277 Johnsons Lane, Parlin, NJ; and

WHEREAS, application has been made to the Mayor and Borough Council of the Borough of Sayreville for the renewal of Plenary Retail Consumption License No. **1219-33-004-002 Bailey's Tavern Inc., t/a Buddies Tavern;** and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.:

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

1. That Plenary Retail Consumption License No. **1219-33-004-002 Bailey's Tavern Inc., t/a Buddies Tavern,** located at 277 Johnsons Lane, Parlin, NJ 08859 in the Borough of Sayreville

be and the same is hereby renewed for the 2019/2020 license term.

/s/Dave McGill, Councilman
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien,
Mayor

RESOLUTION #2019-211

WHEREAS, application has been made to the Mayor and Borough Council of the Borough of Sayreville for the renewal of Club License No. **1219-31-065-001 VFW Old Bridge Memorial Post #7508;** and

WHEREAS, the applicant has complied with all the necessary requirements including the payment of fees in accordance with the State Statute.

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

1. That Plenary Club License No. **1219-31-065-001, VFW Old Bridge Memorial Post #7508,** located at Bordentown Avenue, Old Bridge, NJ 08857 in the Borough of Sayreville be and the same is hereby renewed for the **2019/2020** license term.

/s/Dave McGill, Councilman
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien,
Mayor

RESOLUTION #2019-212

BE IT AND IT IS HEREBY RESOLVED that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the 2019 Roadway Paving and Reconstruction project at a fee not to exceed \$225,000.00 and upon approval of said plans and specifications that borough clerk is authorized to advertise for the receipt of bids.

/s/ Mary J. Novak
Councilwoman
(Public Works Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2019-213

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
REJECTING THE BIDS RECEIVED FOR IMPROVEMENTS TO
ALLGAIK AVENUE AND AUTHORIZING THE
BOROUGH ENGINEER TO NEGOTIATE A CONTRACT**

WHEREAS, the Borough of Sayreville accepted Bid Proposals for Improvements to Allgair Avenue on April 30, 20019 and June 11, 2019; and

WHEREAS, after all of the packages were reviewed it was found that all bid prices received were in excess of the project cost estimate; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that in accordance with N.J.S.A. 40A:11-5(3) c, all of the bids received on June 11, 2109 for Improvements to Allgair Avenue are hereby rejected and that the Borough Engineer and CFO are hereby authorized and directed to negotiate and award contract for Improvements to Allgair Avenue by Resolution.

/s/ Mary J. Novak
Councilwoman
(Public Works Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION 2019-214

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE BOROUGH TO INCREASE THE BUDGET FOR THE
REHABILITATION OF THE PULASKI TANK AND STANDPIPE**

WHEREAS, the Borough of Sayreville had awarded a contract to Tank Industry Consultants for the rehabilitation and re-painting of the Pulaski Tank and Standpipe; and

WHEREAS, due to delays in completing the project TIC has advised the Borough that to complete the work there will be an increased cost totaling \$16,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex that the contract awarded to Tank Industry Consultants be increased by \$16,000.00 for the completion of the project.

/s/ Victoria Kilpatrick
Councilwoman
(Water & Sewer Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2019-215

**Approval to submit a Grant Application and execute
a Grant Agreement with the New Jersey Department of Transportation
for the Bordentown Avenue Pedestrian Improvements Project**

WHEREAS, the Borough Engineer has recommended the submission of an application for a grant related to a project within the Borough of Sayreville which would fall into the category of projects covered by the Fiscal Year 2020 Municipal Aid Program promulgated by the NJDOT Transportation Trust Fund; and

WHEREAS, the Borough Council believes that it is in the best interests of its residents to submit applications for possible grant funds from the Transportation Trust Fund for projects recommended by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council are hereby authorized to submit an electronic grant application identified as SST-2020-Sayreville Borough-00030 to the New Jersey Department of Transportation on behalf of the Borough of Sayreville.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant application on behalf of the Borough of Sayreville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

JUNE 24, 2019
REGULAR MEETING

/s/ Dave McGill
Councilman
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2019-216

**Approval to submit a Grant Application and execute
A Grant Agreement with the New Jersey Department of Transportation
For the Ernston Road Improvements Project**

WHEREAS, the Borough Engineer has recommended the submission of an application for a grant related to a project within the Borough of Sayreville which would fall into the category of projects covered by the Fiscal Year 2020 Municipal Aid Program promulgated by the NJDOT Transportation Trust Fund; and

WHEREAS, the Borough Council believes that it is in the best interests of its residents to submit applications for possible grant funds from the Transportation Trust Fund for projects recommended by the Borough Engineer.

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council are hereby authorized to submit an electronic grant application identified as MA-2020-Sayreville Borough-00255 to the New Jersey Department of Transportation on behalf of the Borough of Sayreville.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant application on behalf of the Borough of Sayreville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

/s/ Dave McGill
Councilman
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2019-217
BOROUGH OF SAYREVILLE RESOLUTION TO RENEW
P.R.C.L. #1219-33-010-005, 219 WASHINGTON ROAD, LLC,
WITH CONDITIONS FOR THE 2019-2020 LICENSE YEAR

WHEREAS, 219 Washington Road, LLC, t/a Big Shots, is the holder of plenary retail consumption license number 1219-33-010-005, issued by the Mayor and Council of the Borough of Sayreville as the Issuing Authority for premises located at 2047 Route 35 in the Borough of Sayreville, New Jersey; and

WHEREAS, application for renewal has been made to the Mayor and Borough Council of the Borough of Sayreville for the 2019/2020 licensing term; and

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

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

- 1) **THAT** plenary retail consumption license number 1219-33-010-005, 219 Washington Road, LLC is hereby renewed for the 2019-2020 license year, subject to the

following conditions as contained in the Settlement Agreement approved by Resolution #2010-138, adopted on June 28, 2010 (conditions c & d) and Resolution #2009-162 adopted on July 6, 2009 (conditions a & b) and remaining on the license:

(a) The licensee shall be required to employ at least one individual who is solely responsible for security of the licensed premises on Fridays and Saturdays between the hours of 7:00 p.m. and 2:00 a.m. or until closing. The licensee shall require all security staff (except for undercover security staff employed by the licensee) to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block lettering stating "SECURITY." This measure is designed to ensure that security staffers constitute a visible, identifiable, and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the licensed premises and in the parking lot, to further assist police in identifying security personnel when patrolling or responding to complaints or calls.

(b) The licensee shall be responsible for ensuring that there will be no parking of motorcycles on the sidewalks adjacent to the licensed premises."

(c) Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee's parking lots and outside premises, as well as all residential areas within a five hundred (500') feet radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o'clock in the morning (10 AM) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all litter, trash and other discarded items as may be generated by and/or associated with the Licensee's operation. To the extent that residents within such five hundred (500') feet radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee's sole cost. This measure is designed to alleviate any problems associated with the accumulation of empty beverage containers, cans, bottles and other debris that result from the operation of the Licensed Premises.

(d) Licensee shall cease all sales of alcohol at 1:30AM and shall cease the playing of all music at 1:45AM. This measure is designed to facilitate the

prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed premises at the same time, resulting in loitering in and around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area;

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street
P. O. Box 087
Trenton, New Jersey 08625-0087

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

/s/Dave McGill, Councilman
(Admin. & Finance Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien,
Mayor

• **RESOLUTION TO BE READ IN FULL: (None)**

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

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

• **PUBLIC PORTION & ADJOURNMENT**

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

Those appearing were:

- Arthur Rittenhouse, 33 Delikat Lane

Commented on the Reasons Resolution that Mr. DuPont read regarding there being no impact on traffic. State that the Main Street Townhouse attorney gave a report that there would be a traffic impact. He said that there are other reports that are not public record, how could you turn that down.

Councilwoman Novak responded that CME review of the study that traffic would be less with the trucks then will all the homes.

Mr. Rittenhouse felt that the report is a public document.

Mr. DuPont stated that these traffic study reports were requested by the Judge and this was a confidential mediation and they could not waiver as to the confidentiality. He said

that the developer will have to do a comprehensive traffic study when they go before SERA & Planning.

He further indicated that the traffic study report that Mr. Griffin submitted this evening covered the three predominant developments, so this study is not strictly Fulton's Landing.

Mr. Rittenhouse talked about the soil they are bringing in on the Fulton's Landing property and that of a job site they are on in Marlboro. He requested, that under the mining act that we access that property now and have it tested for contamination.

Council President Buchanan agreed with Mr. Rittenhouse with regards to any contamination seeping into Burt's Creek and residents' basements so he urges the Attorney to look into what Marlboro is doing as part of the investigation.

Mayor said that Sayreville has an anti-dumping ordinance.

Mayor asked the Borough Attorney to issue a Cease and Assist notice to Mr. Mocco and the Engineer to begin a testing process on this property to make sure we are not going to be another superfund site.

Mr. Rittenhouse explained that Freehold Soil only gives a list of trucking companies to perform these services and then the developer test at the site.

Mayor again requested a Cease and Desist Notice go out. Councilwoman Novak commented against that.

Council President Buchanan asked if Burt's Creek was totally contained on that property. The Borough Engineer said that it is on this property as well as a portion of the adjacent property. Co. Buchanan suggested having the water tested if it is on a Borough Right of Way.

Mayor asked the Governing Body to reconsider and authorize the Cease and Desist letter or a letter requesting no more dumping be performed on this site until we can put in a protocol for testing.

- Deborah Lynch, 145 Pulaski Ave.

Questioned what sidewalk and driveway aprons were to be replaced on Pulaski Avenue project. Some were replaced and some were not. She also asked about a completion date for this project. The Borough Engineer explained Borough's policy for replacing curbs and sidewalks and the project completion date.

Mayor stated that the Borough Engineer would send someone out tomorrow.

No further questions or comments. Council President Buchanan moved the public portion be closed. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan, Dalina, Enriquez, Kilpatrick, McGill, Novak, all Ayes.

Before adjourning Council President Buchanan made a comment that he was not in agreement with how some people voted. He said that we all have a concern about the quality of soil that is at the Fulton's Landing site. It is about time we go about getting that checked. We need to find a way to get this done. None of us wanted to vote on that ordinance tonight, but we had to vote on it.

Councilman Dalina told the Mayor that he is smart enough to form his own opinion and learn by asking questions.

JUNE 24, 2019 REGULAR MEETING	
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ADJOURNMENT

No further business, Council President Buchanan moved to adjourn.
Motion was seconded by Councilwoman Novak.

Roll Call: Voice Vote, all ayes.

Time: 9:34 P.M.

Respectfully submitted,

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved: _____