

Mayor Kennedy O'Brien opened the Agenda Meeting at 7:35PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this Agenda Meeting being held on Monday, July 27, 2015 has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Kilpatrick, McGill,
Melendez (via teleconference), Novak, Rittenhouse

Absent: None

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

Others Absent: None

- **OLD BUSINESS**

a. The following Ordinance were introduced at the Council meeting and will be listed for Public Hearing and Adoption on August 10, 2015.

ORDINANCE #296-15

AN ORDINANCE TO SUPPLEMENT AND AMEND CHAPTER XIV, "WATER & SEWER", SECTION 16.1 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE, 1986, AS SUPPLEMENTED AND AMENDED
(Water & Sewer Committee – Public Hearing, August 10, 2015)

ORDINANCE #297-15

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$2,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,900,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION
(Co. Novak, Admin. & Finance Committee – Public Hearing, August 10, 2015)

ORDINANCE No. 298-15

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW WATER MAIN IN CAMDEN STREET AND THE REPLACEMENT OF WATER MAINS IN HENRY STREET AND DOLAN AVENUE IN THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION
(Co. Novak, Admin. & Finance Committee – Public Hearing, August 10, 2015)

ORDINANCE #299-15

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION 8-20 TO ADD FEE FOR LEGAL NAME CHANGE
(Co. McGill, Public Safety Committee – Public Hearing, August 10, 2015)

ORDINANCE #300-15
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 12-1.3 CONSTRUCTION FEES

(Co. Buchanan, Planning & Zoning Committee – Public Hearing, August 10, 2015)

ORDINANCE #301-15
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 12.3 PROPERTY MAINTENANCE CODE

(Co. Buchanan, Planning & Zoning Committee – Public Hearing, August 10, 2015)

ORDINANCE #302-15
AN ORDINANCE OF THE BOROUGH OF SAYREVILLE MUNICIPAL COUNCIL
ACKNOWLEDGING THE BOROUGH OF SAYREVILLE'S ACCEPTANCE OF
THE TRAFFIC CONTROL SIGNAL LOCATED AT THE INTERSECTION OF ERNSTON RD
(COUNTY ROAD 673) AND BORDENTOWN AVENUE (COUNTY ROAD 615)

(Co. Buchanan, Planning & Zoning – Public Hearing August 10, 2015)

- **NEW BUSINESS:**
 - a) Ordinances for Discussion
- **COMMUNICATIONS & COMMITTEE REPORTS**
- **ADMINISTRATIVE & FINANCE – Councilwoman Novak**

Councilwoman Novak called for a moment of silence for the young volunteer EMT from Spotswood who was killed in a crash answering a mutual aid call when their ambulance was broadsided on Cranbury Road this past Saturday, just before 8am. She stated that so many times EMT's are not recognized as heroes. EMT's are everyday heroes as they answer between 3,000-4,000 calls every year and every time they go out there they take their lives into their own hands just to help a stranger. Councilwoman Novak asked that everyone keep her and her family in their prayers and called for a moment of silence.

A moment of silence was observed by everyone in attendance.

a) **Minutes & Departmental Reports:**

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

- 1) Board of Education minutes of June 30, 2015.
 - 2) Municipal Clerk's report for the month of June, 2015.
 - 3) CFO's Investment Activity report for the month of June, 2015.
 - 4) Office on Aging Supervisor's report for the month of June, 2015
- Motion was seconded by Councilwoman Kilpatrick.

b) 2015 **Tax Appeal** received from:

- 1) Michael Vail, Trustee, 7076 Highway 9 & 35, Block 276, Lot 8.
– Refer to Tax Counsel

c) Received **Bingo/Raffle Applications** from the following Organizations:

- 1) **Our Lady of Victories HSA** to conduct an Off Premise Raffle on January 1, 2016 (RA:1954).
- 2) **St. Stanislaus Kostka Rosary Alter Society** to conduct an Off Premise Draw Raffle on September 6, 2015 (RA:1955).
- 3) **St. Stanislaus Kostka Church** to conduct an on Premise 50/50 on Sept. 26, 2015 on (RA:1956)

- (1-3) Approved

- d) Application for **Person to Person Transfer** of PRCL #1219-33-033-007
from **AC & VC, Inc (Covello's) to Zinel & Neel, LLC, t/a Covello Liquor & Bar, 1792
Rt. #35, So. Amboy.**
- Approved/Resolution.
- e) Application for **Person to Person Transfer** of PRCL #1219-33-043-005
from **Shri Hans, LLC to (Bryant Mitchell) TWS Group, LLC (Pocket License)**
- Denied/Resolution.

Mayor called the Police Chief forward to address the council on his report.
The Police Chief introduced our ABC Attorney, Marguerite Schaffer and turned it over to her to address the council.

Appearing was ABC Counsel, Marguerite Schaffer to address the council regarding this application before the council. She stated that this application is for a person to person transfer and that 1 year ago today a revocation of the license at the Red Zone was decided by the Mayor and Council. That licensee had one year to transfer that license to a bona fide applicant. She said that in connection with that she met with the Police Chief and people in that department and they indicated that there were numerous concerns with respect to this transfer. The particular applicant that comes before you this evening is Bryant Mitchell she indicated that he was the manager of the Red Zone and that the applicant himself was connected to many of the violations that resulted in the revocation. She said that since we are not siting the license at this time there are not a lot of conditions that can be placed on the person to person transfer. But you are entitled to look at the fitness of the applicant. Based upon the police reports they are asking that you not permit the transfer. At this time she asked Capt. Fitzsimmons to come up and explain their concerns.

Capt. Fitzsimmons stated that the governing body received a copy of his concerns in their packet. He stated that their concerns are that he was a manager of a club that caused many police responses under his watch and multiple police officers had to be dispatched and caused overtime, etc. He stated that they feel that he is not a good candidate and object to the transfer.

Lt. Brennan stated that when they did a bar check Mr. Mitchell was the manager and preferred approx. 18 charges against the establishment. He said that his personal dealings with Mr. Mitchell was that he was a very nice guy but that night while he was manager brought forward the revocation of the Red Zone License. He said that he feels as Capt. Fitzsimmons that they have a problem with the way the establishment was managed that night and can only go by his past history.

Chief Zebrowski stated that one of the criteria's for denying an application is the fitness and that is determined by if there having been trouble spots before and that Red Zone was a trouble spot. His concern is because this is a person to person transfer. It is clear what they want to do here is to get this license transferred to Bryant Mitchell and when the location is vacant of the previous license he is going to attempt transfer this license and reopen Red Zone and will be probably do him a service because when he would try to transfer there would be so many conditions placed that it would be difficult to operate properly, so it is to his benefit to do the right thing and that is to deny the license.

Attorney Schaffer indicated to the council that at the time of the investigation the Red Zone hindered police investigations by providing false information regarding employees, the manager, the names and nature of the patrons in order to hide and conceal violations of the law.

Mayor Called upon Mr. Paul DeSarno.

Mr. DeSarno, Esq. said that he appears tonight representing Mr. Bryant Mitchell who is also present. He stated that he has a copy of a letter from the Police Chief which states that he objects to the place to place transfer from pocket status. He claims that it vague. That in order to have an objection a person's fitness as in this case. This is a pocket license. He passed the background check. He has no interest in the prior license. This is never going to be sited at the prior location, the Red Zone. What is before the council is a transfer from pocket status to Mr. Mitchell-pocket status. If he wants to open anywhere in Sayreville he

is going to have to appear before the Mayor and Council for that approval. He stated that Mr. Mitchell is one of our State Champion pool players. He has a billiard hall there and was hoping his neighbors the Red Zone is where his patrons would go if they wanted a beer and play pool. But he got sucked into being the only responsible person on site because he was running his pool hall. He had no cooperation from the person who owned the other liquor license. They were rightly removed from owning that license and rightly suspended. Mr. DeSarno stated that this license is going to be owned by one guy and that this is an upstanding citizen, he is a state champion pool player going for nationals-he is a nice guy. He said that he knew some of the other people involved in the Red Zone and they were not good guys. The said that the law will require more than the vague character assassinations or the fact that he had something to do with running someone else's business. He said that Mr. Mitchell is aware that there will be many more meetings with the police chief / department to be sure they are satisfied that the way he intends to run his business is a lot different than the Red Zone was ran.

Mayor asked about the employee list being filled out properly when the police came. Mr. DeSarno stated that his client has no portion of the Red Zone enterprise, he had the pool hall concession.

The borough attorney stated that the council just needs to vote on the material before them and he would have another bite of the apple should they deny the application.

Comments by Councilwoman Novak as to hearing the applicant and why can't they ask questions about his past behavior.

Mayor stated that the council always relied on the investigations and recommendations of our police department.

Mr. DuPont stated that this is not a hearing and that if denied they have the right to appeal to the ABC. You have to make a decision based upon the material that is before you.

Ms. Schaffer stated that you have also heard from the Police Chief and his Lieutenant and Captain.

Mr. DeSarno stated that this is a pocket license going to a pocket license, if approved. He can't site it anywhere. Restrictions can be put on when he sites it. He asked the council to approve it as a pocket license and he will have to make all of his applications before the council at that time.

Ms. Schaffer stated that it is the concern of the police department and that it is not the police department's province to be security guards. This is not a right it is a privilege and you have to be fit to hold a license. The licensing authority has the reports and seen the objection and they should be taken seriously.

The Mayor asked Ms. Schaffer what the recourse would be for the applicant if the application for transfer is denied.

Ms. Schaffer stated that he would have to appeal to the ABC.

At this time the Mayor asked what the vote of the council would be – to approve or deny the application for transfer.

The Clerk took a vote.

She stated that this is vote is to either approve or deny the transfer of an application from Shri Hans, LLC to TWS Group, LLC.

Councilpersons Buchanan	-	Deny
Kilpatrick	-	Deny
McGill	-	Deny
Melendez	-	Deny
Novak	-	Abstain

Rittenhouse- Deny

Mayor called for the next order of business.

f) Application for a **Social Affair Permit** to dispense beer, wine & spirits received from St. Stanislaus Kostka Church at a dance on Sept. 26, 2015.
- Approve.

g) Authorizing a **Non-Binding Referendum** be placed on the Ballot at the General Election on November 3, 2015 regarding Open Space Acquisition.
- Question is should the borough stop collecting this tax when the Open Space Trust Fund exceed \$5,000,000.
- Resolution to be placed on the Consent Agenda after review by the borough Attorney.

h) Notice received from PSE&G of Public Hearing Scheduled for Rate Adjustments (Notice on bulletin bd.)
- Receive & File.

i) Notice of Filing and Public Hearings received from JCP&L for a change in the statewide electric & gas permanent service fund program factors and societal benefit charge rates.
- Receive & File

j) Committee Reports – Co. Novak:

- 1) Property on MacArthur is an eye-sore.
Mayor agreed. Stated that perhaps we could contact Rutgers and maybe there is a lower grass that they could recommend. To cut the individual lots is extremely expensive.
Councilwoman Novak suggested perhaps tree farms or sod farms or community gardens. She stated that she would further investigate these areas.

• **PLANNING & ZONING – Councilman Buchanan**

a) **Minutes & Departmental Reports:**

- Councilman Buchanan moved the e following reports/minutes be received & filed:
- 1) Planning Board minutes of June 3, 2015.
 - 2) Construction Officials report, Zoning Officers report and Fire Prevention report all for the month of June, 2015.
- Motion was seconded by Councilwoman Novak.

b) **Notice to Sayreville as Adjacent Property Owner** received from:

- Sayreville Development Corp. for an application before the So. Amboy Zoning Board on July 22, 2015 for a Subdivision, Use Variance and Bulk Variance approval for Property designated as Block 151, Lot 18 in So. Amboy. Seeking to create two lots; one for two multifamily bldgs. and one as mixed use bldg.
- Receive & File

c) Received the following **Planning Board Resolution** which was **Memorialized on July 15, 2015:**

- Sayreville Nursing Home, LLC, 901 Ernston Rd., Block 438, Lot 1, Block 452, Lot 1.
- Receive & File.

d) Committee Reports: 1) Progress.

• **PUBLIC WORKS – Councilwoman Kilpatrick**

a) **Minutes & Departmental Reports:**

- Councilwoman Kilpatrick moved the following minutes or reports be received and filed.
- 1) Public Works Supervisor's reports for the month of June, 2015.
- Motion was seconded by Councilwoman Novak.

b) Committee Reports: 1) Progress.

- **RECREATION – Councilman Melendez**

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

Councilman Melendez moved the following minutes or reports be received and filed:

1) Recreation Director's report for the month of June, 2015.

Motion was seconded by Councilman Melendez.

- b) Committee Reports:

1) Progress.

- **WATER & SEWER/ENVIRONMENTAL – Councilman Rittenhouse**

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

Councilman Rittenhouse moved the following minutes or reports be received and filed:

1) Water & Sewer Director's report for the month of June, 2015.

Motion was seconded by Councilwoman Novak.

- b) Committee Reports:

1) Councilman Rittenhouse reported that this past week we experienced a major sewer main break over by the Morgan pumping station. Second one within the last six months. We will be getting a report from our engineer as to what to do. He commended the workers. He reported that there is currently a temporary pipe from the Morgan station to the MCUA. He requested the council to think about using some of the money we received from South Amboy to fund the borough's infrastructure. He reported that we could not totally connect to the MCUA connection because that would involve running under the creek, under the railroad track and would require DEP approvals and not sure we want to get involved in that at this time. But the pipe needs to be replaced from the pumping station to where the initial break was.

- **PUBLIC SAFETY – Council President McGill**

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

Council President McGill moved the following minutes or reports be received and filed:

1) Board of Health Reports for the month of June, 2015

2) Police Chief's report for the month of June, 2015

3) Court Administrator's report for the month of June, 2015

- Motion was seconded by Councilman Buchanan.

- b) **Travel Request** received from **Melrose Hose Co.** No. 1 to attend the Borough of Keyport carnival on August 12, 2014 from 5PM-11PM.

- Approved.

- c) Notice received from the **President Park fire Co.** for a change in status of Nicholas Johnsen to a regular member.

- Approved.

- d) Committee Reports – Co. McGill:

1) Agreed with the reports regarding MacArthur Avenue.

2) Reported on an arrest of a burglar in the President Park Area.

- **MAYOR – Kennedy O'Brien**

1) Thanked Christine Spezzi for her many years of service on SERA and wished her well.

2) Concerns about rodent issues in the MacArthur & Weber Avenue areas. He requested council's permission to have the business administrator contact Olympic Exterminating and have him go through the area and advise on the best way to deal with this tall grass because once you get rid of the rodents' habitat they go to easiest place available which is the adjoining property. Concerned that if we cut this tall grass down the rodents will migrate to the homes. Concerns over a public health issue. He could walk through the tall grass and advise you if it is a habitat or not or potential habitat and how to deal with it.

The Business Admin. advised the Mayor that come the winter there will only be about 4-5 homes left on Weber...

Mayor asked if there were any objections – none made.

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

- **Admin. & Finance**

- a) Discussion on contracting services with Rising Phenix Housing Consultant, LLV-Grant Writer - (proposal enclosed).

- Approved/Resolution authorizing the execution of an agreement.

- **Planning & Zoning**

- **Public Safety**

- a) Recommendation received from Court Administrator to appoint Full Time Permanent Clerk I in the Municipal Court, replacing a retiree (please see packet).

- Resolution.

- **Public Works**

- a) Authorization to purchase fence and backstop for Laurel Park baseball field through NJ State Contract #T0640/A88680 from Consolidated Steel and Aluminum Fence Co., of Kenilworth in an amount not to exceed \$26,050.

- Resolution

- b) Authorization for the Municipal Clerk to advertise for the receipt of bids for Traffic Light Repairs and Maintenance (Contract #2015-4).

- Resolution

- **Recreation**

- a) Authorization to amend Ordinance #2-15.5 Fees for Jackson Park Picnic Grove.

- Amend Ordinance

- **Water & Sewer**

- a) Authorization for the Municipal Clerk to advertise for the receipt of bids for Trav-L-Vac 300 or equivalent (Contract #2015-5).

- Resolution

- **Closed Session Items – none**

Mayor asked Kevin Ott, from Emergency Services if the defibulators for the youth athletic organizations were the self-help ones with voice commands.

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

- a) Appointment of Qualified Purchasing Agent (QPA).

- Resolution.

- b) Emergency Appropriation for Repairs to Sanitary Sewer Force Main in Morgan.

- Resolution.

- **BOROUGH ENGINEER - Jay Cornell**

- a) 2014 Roadway Paving and Reconstruction Project – Phase III – Receipt of Bids next week and if all is on order we'll have a resolution on at the next meeting awarding the contract. (Verbal Report).

- **BOROUGH ATTORNEY - Michael DuPont**

- **EXECUTIVE SESSION – None**

- **PUBLIC PORTION**

- At this time Mayor O'Brien opened the meeting to the public or any and all issues.

Those appearing were:

- Police Chief John Zebrowski stated that he was available for the discussion of the hiring of the two officers.

Mayor asked if there were any issues with regards to the hiring of two police officers.

Council President McGill made the comment that he thought we could not have replacements until we had retirees. This was further explained by the Business Administrator.

Chief explained that he would like a very controlled hiring process because they are the most mature department within the County and have 25% of the police force that could retire tomorrow or even better. It is best for the budget and the department to have a controlled increase for the process of replacement. This is about building the future of the department.

Councilwoman Novak stated that she understood that they replace when the officers put in their retirement papers, when she was head of finance. She also commented that one of the officers they are looking to hire is already an officer but is working for the County and not having served long enough we would be paying the County for having trained him.

Mayor asked the CFO if we had the money to hire these two officers and he stated that the money was appropriated. And that they do not have to file with the division of pension 6 months before retiring.

Mayor said that if there are no objections he will schedule the interviews before the next meeting on Aug. 10th beginning at 6:30PM.

Councilman Buchanan asked when the current list expires. The business administrator stated that the list of eligible has an expiration, but not the Police Officer List itself.

- Mr. Gohbrial, 2266 Hooper Avenue, Brick, NJ
- Purchased a house on 39 Roll Avenue stated that he had an application before the Zoning Board and posted Escrow Fees.
Questioned the amount he is being billed for by some of the professionals.
Mayor suggested that he go before the zoning board and question them directly but in the meantime the borough attorney will work with him on the matter.
- Chet Peterson, Crestview Apartments Bldg. 5, Apt 2D
- Spoke about illegal evictions and charges by the management company.
Requesting the help of the Rent Leveling Board, Council and Attorney for the relief he needs prior to his next court date of August 12th.

Jorge Coelho, Chairman Rent Leveling Board

Stated that Mr. Peterson appeared before the Rent Leveling Board and although they might be improper they are not sure if these complaints are under the Rent Leveling Board guidelines so they are requesting legal help in reviewing the documents.

The Mayor said that the Borough Attorney will review the documents and will talk after review.

- Bob Kominkiewicz, 103 Ernston Road
- Speeding on Ernston Road
- Property behind Laurel Park
Response by the Borough Engineer
- Re-Stripping on Ernston Road

- Hot Dog Agreement, years ago he had a verbal agreement that he be the only vendor selling hot dogs at borough events. Now there are vendors from out of town and out of state selling hot dogs in addition to other items.

The Mayor asked the business administrator to speak with the recreation director.

Councilman Buchanan stated that years ago it was called the Taste of the Town and would like to go back to that, so he will sit with Jerry Ust and Co. Melendez and see if we can get back to that.

No further questions or comments.

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

Roll Call: Voice Vote, all Ayes. Carried.

Before closing Councilwoman Novak asked if there was an answer to the Go Fund Me account for the Skate Park. She said that they now have \$7,600.00.

Mayor O'Brien asked the CFO if he spoke with the Chairperson of the Skate Park Committee who stated that he did and that the Skate Park Committee has nothing to do with the Go Fund Me account. Mayor asked the Chief to look into the legitimacy of this fund and the use of the Skate Park Committee name.

- **ADJOURNMENT**

No further business.

Councilwoman Novak made a motion to adjourn. Motion seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all Ayes.

Time: 8:51 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved