

Mayor O'Brien opened the Agenda Meeting at 9:18 PM followed by a salute to the flag.

❖ **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this Agenda Session Meeting being held on Monday, August 20, 2018 has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

• **ROLL CALL:**

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

Absent: Councilman Melendez (left after Executive Session)

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

Others Absent: None

• **OLD BUSINESS:**

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

ORDINANCE #427-18

BOND ORDINANCE TO CANCEL FUNDED APPROPRIATION BALANCE HERETOFORE PROVIDED FOR VARIOUS ROAD AND SIDEWALK IMPROVEMENT PROJECTS PURSUANT TO BOND ORDINANCE #151-10, TO TRANSFER AND REAPPROPRIATE THE FUNDED APPROPRIATION BALANCE FOR THE HERCULES VILLAGE ROAD PROJECT IN, BY AND FOR THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AND TO APPROPRIATE THE SUM OF \$90,000 TO PAY THE COST THEREOF

(Admin. & Finance – Public Hearing Sept. 11, 2018)

ORDINANCE # 428-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION 7-3.7 "HANDICAPPED PARKING SPACES IN STREETS"

(Public Safety Committee – Public Hearing Sept. 11, 2018)

ORDINANCE # 429-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION 7-3.3 "PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS"

(Public Safety Committee – Public Hearing Sept. 11, 2018)

ORDINANCE # 430-18

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION 7-6.1 "THROUGH STREETS"

(Public Safety Committee – Public Hearing Sept. 11, 2018)

• **NEW BUSINESS:**

- **COMMUNICATIONS & COMMITTEE REPORTS**

- **ADMINISTRATIVE & FINANCE – Councilwoman Novak**

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

- 1) Municipal Clerk's monthly report for the month of July, 2018.
- 2) Office on Aging Supervisor's report for the month of June & July, 2018.
- 3) CFO's Investment Activity report for the month of June, 2018

- Seconded by Council President Kilpatrick.

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

- 1) **PTO Wilson School**, to conduct an On-Premise 50/50, an On-Premise Draw (Tricky Tray), and a Bingo on their premises on October 12, 2018 (RA:2207, 2208, BA:524).
- 2) **St. Stanislaus Kostka HSA** to conduct an On Premise Draw (Tricky Tray) and an On Premise 50/50 on their premises on October 19, 2018 (RA:2209, 2210).
- 3) **Sayreville Touchdown Club** to conduct an Off-Premise 50/50 at the High School on September 21, 2018 (RA:2211).
- 4) **St. Stanislaus HSA** to conduct a Bingo on their property on October 19, 2018 (BA:525).
- 5) **Sammy's Hope** to conduct an Off-Premise 50/50 at the Julian Capik Nature Preserve on November 3, 2018 (RA:2212)
- 6) **Emma L. Arleth Elementary School PTO** to conduct On-Premise 50/50 drawings on Sept. 21, Oct. 26, Nov. 16, 2018, April 26, 2019 and May 23, 2019 and to conduct an On-Premise Draw (Tricky Tray) on September 21, 2018 all on school property (RA:2213 & 2214).

- (1-6) - Approved

C) Request from **St. Stanislaus Kostka Holy Name Society** for authorization to refund Raffle License fees in the amount of \$40.00 as permit was denied by the State.

- Approved / Resolution

D) Notice of public hearings received from PS&G for approval of changes in its electric solar pilot recovery charge for its solar loan program – dates posted on Bulletin Board.

- Receive & File

E) Committee Reports – Councilwoman Novak:

1) Requested approval on an additional raffle application not listed on tonight's agenda for an Off Premise 50/50 for the Middlesex County Fire Prevention & Protection Association pending the approval by the Borough Clerk. Seconded by Council President Kilpatrick.

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

- Approved

- **PLANNING & ZONING – Councilman Lembo**

A) **Councilman Lembo moved following minutes be received and filed:**

- 1) Construction Officials report for the month of July, 2018.
- 2) Fire Prevention report for the month of July, 2018
- 3) Sayreville Planning Board minutes for July 18, 2018

- Seconded by Councilwoman Novak.

B) Request for Bond Reduction received from Kaplan Companies for LaMer VI (Phase 2).

- Refer to the Engineer

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

- 1) Received from the **Borough of South River** of a Public Hearing scheduled for Aug. 21st on a proposed Main Street Parking Area – Master Plan Amendment and an amendment to the Zoning Ordinance regarding Payment in Exchange for Parking Program.
- 2) Notice of Ordinance Introduction received from the **Twp. of East Brunswick** regarding an amendment to their Zoning and Land Use Chapters.
- 3) Notice of public hearings received from the **Twp. of East Brunswick** on proposed study to determine if an area be classified as an Area in need of Redevelopment for property known as #1-55 Edgeboro Road, hearing scheduled for Sept. 5, 2018.
- 4) Notice received from **Arisa Realty Co & Arisa Realty 85, LLC** of an application before the East Brunswick Zoning Board on an application to request a use variance to introduce general retail and restaurant uses as identified in the East Brunswick Neighborhood Commercial Dist. and General Highway Commercial District. Hearing scheduled for Aug. 30, 2018.
- 5) Notice received regarding an application of CPV Keasbey, LLC before Woodbridge Planning Board (on Aug. 8th) for public hearing on a request for Preliminary and Final Major Site Plan, Subdivision and Bulk Variance and Design Waiver approvals in connection with the proposed development of the Keasbey Energy Center electric generating facility on property known as 1070 Riverside Dr., together with three companion applications.

1-5 Receive & File

E) Committee Reports: 1) Progress.

• **PUBLIC SAFETY – Councilman Buchanan**

A) Councilman Buchanan moved the following minutes be received and filed:

1) Board of Health and Registrar’s report for the month of July, 2018.

2) Court Admin. report for the month of June, 2018.

- Secoded by Council President Kilpatrick.

B) **Resignation of Firefighter Mike Villanueva** from Morgan Hose & Chemical Co. No. 1.

- Receive & File

C) Request received from Sayreville Bomber Touchdown Club to hold a **Coin Toss** on Oct. 28, 2018 at the intersection of Washington and Ernston Road, County Approval granted.

- Approved

D) Committee Reports: 1) Progress.

• **RECREATION – Councilman Buchanan(on behalf of Co. Melendez)**

A) Councilman Buchanan moved the following reports/minutes be approved:

1) Recreation Director’s report for the month of July, 2018.

- Secoded by Council President Kilpatrick

B) Application for a Special Event received from **PBA Local #98** to hold a **Carnival** at Kennedy Park on October 10-14, 2018 from noon – midnight.

- Approved

C) Request to add dates to a Special Event Permit Application received from **Shri Dwarkadhis Temple** for a religious event on Sept. 3, 2018 on Temple property.

- Approved

D) Committee Reports - 1) Progress.

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

A) Councilman Grillo moved the following minutes/reports be received and filed:

- 1) Water & Sewer Director’s report for the month of July, 2018.

- Seconded by Council President Kilpatrick.

B) Committee Reports – Councilman Grillo reported:

- 1) Questioned if the Shade Tree Item for Weber Ave. & MacArthur Ave. ever went out to bid.

- Mr. Frankel to check with the QPA.

- 2) Referred a letter from a resident of 60 Cleveland Avenue regarding an excessively high water bill to the Business Admin. to review with the Water & Sewer Director. Requested a written response from Mr. Smith.

- 3) Progress

- **PUBLIC WORKS – Council President Kilpatrick**

A) Council President Kilpatrick moved the following minutes/reports be received & filed:

- 1) Public Works Supervisors’ reports for Bldg. & Grounds, Parks, Recycling, Roads & Sanitation and Garage Services all for the month of July, 2018.

- Seconded by Councilwoman Novak.

B) Committee Reports:

- 1) Progress.

- **MAYOR – Kennedy O’Brien**

- 1) Commented on the play that opened on Broadway called Getting the

Band Back Together, based in Sayreville.

- 2) Mayor commented that next year 2019 would be the 100th anniversary of Sayreville as a “Borough”. He called upon the Historical Society to be part of the committee for the 100th Anniversary.

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

- **Admin. & Finance**

- 1) Authorization to renew Franchise Agreement with CSC TKR, LLC D/B/A Cablevision of Raritan Valley for an additional the (10) year term.

- Information is in your packet.

Discussion followed regarding what they were offering.

Borough Attorney suggested the governing body go over the agreement and let the Business Admin. know if there is anything they would like to see added to it.

A question was asked about the total Franchise Fee. The CFO said 2% and would get back with the overall figure. The Council also wanted the issue we had regarding them not Pro Rating items on the bill in writing in the contract.

- Hold Over

- 2) Authorization to renew contract with Central Jersey Joint Insurance Fund for a four (4) year term, commencing on Jan. 1, 2019 through Dec. 31, 2022.

- Resolution

- 3) Appointing Katie Elichko as Sr. Cashier in the Tax Office, effective Sept. 12, 2018.

- Resolution

- **Planning & Zoning**

- 1) Authorization for Heyer, Gruel & Associates to prepare a Fiscal Impact Assessment of the Proposed Affordable Housing Settlement at a cost not to exceed \$15,000.

- Resolution

- 2) Authorization for CME Associates to prepare a Phase II Environmental Study of No. Ernston Road, Block 367.01, Lot 1 at a cost not to exceed \$25,000.

- Mr. Frankel reported on having the Phase I Environmental Report from our Engineer which indicates that we go ahead with a Phase II of the property. Then we received an analysis from the builder Mr. Kaplan that suggested that we do not need a Phase II Study performed. The governing body needs to decide what they want to do at this juncture. The engineer stated that in the Phase I report it was noted that there was an area of concern. There is a potential for a problem on two sections. One had to deal with the railroad sighting and the other was an area where there was historic fill. He said that the response from Kaplan that came in was not a Phase I, it was a two page review of the Phase I that CME prepared. He further indicated that he, the consultant, walked the site and did not think the railroad ties were on the property and thought the fill was not contaminated.

Council President Kilpatrick indicated that so in essence there were two expert reports. One in reference to CME stating that there may be concerns regarding adjacent railroad tracks and that is what Kaplan's expert is saying that they are adjacent and not part of the property that we are looking to purchase. The engineer indicated that the railroad ties could be on the property.

Council President Kilpatrick said that at this juncture we are not authorized to go ahead and perform a Phase II we have to sit down with Mr. Kaplan and have discussions.

Because in the event the Mr. Kaplan decides not to move ahead with a phase II then the entire COAH Plan could unravel. She felt that due to the fact that these are conflicting reports that we move ahead and get an additional report. Mayor indicated that Mr.

Kaplan and his son called him to discuss this and he said that he told Mr. Kaplan that we need to make sure the property we are proposing to purchase is clean, usable and that we are purchasing it for a fair price. He expressed his concern that Mr. Kaplan told him his guy said that it was clean and that the contract stated that we were to pay \$1.4 million. He said that if it isn't clean and we purchase it from Mr. Kaplan then we are responsible for cleaning it up. The Mayor gave the background on how SERA purchased the Tallerico property in order to protect the borough. So, he felt it was extremely prudent that the borough go ahead with a Phase II. Mr. Cornell explained that a Phase I is just primarily a records review of the property, historic documents, records, maps, discussions with property owners and find out what the potential for property contamination is on the property. Again he said that after this was performed it raised two potential areas of concern and that was provided to you in a 300 page document. He also said that Mr. Kaplan's consultant issued a two page letter stating basically that he looked at the property and does not think it is contaminated.

Council President Kilpatrick said that we have two expert opinions here. One stating it is potentially contaminated and the other saying it is not. She said that we have no authority right now to authorize CME to prepare a Phase II because of the language in the agreement which states that before a Phase II is performed that we need to sit and have a discussion with Mr. Kaplan and what Mr. Kaplan may do to the plan if he does not agree to move forward. Before that she agreed with Co. Novak to get a third Phase I investigation of the property. Moving ahead with a Phase II now would be in violation of the agreement.

Councilman Grillo questioned what she is looking to gain by having a third assessment. Co. Buchanan said that we could then go back before the Judge and state that we have two experts that state that there is a potential here and the Kaplan properties are not going along with the two experts, it would back up our argument. The Judge might then side with Sayreville. Councilman Grillo give his opinion on what both reports are stating. Discussion continued on whether to perform another Phase I or not and what may happen. The Borough Attorney suggested as Co. Grillo said that we should go back to Mr. Kaplan and explain the discrepancy between the two reports on the Phase I and that we need more information and see what he may have. The Council expressed their concerns about what if this agreements goes away and Mr. Kaplan would just build on it and make even more money.

Agreed to go to the Kaplan Organization advise them of the discrepancy and if he says no we would then go ahead a get another Phase I performed. The Attorney said that we should and have the Kaplan Org. respond to our inquiries and ask them to supplement their response as to why his differs with CME's report. Then the borough would need an independent Phase I study report or CME may have to supplement their report for the Phase I.

Heated discussion followed between the Mayor and Council.

Afterwards that Mayor asked what direction the council was looking to give to the Attorney. Co. Buchanan suggested that we go with Co. Grillo's suggestion where we go

back to Kaplan and ask for more data and if that fails then get another Phase I Environmental Study.

Mayor asked if there were any objections. None made.

- 1) Request for a **Leave of Absence received from Marcin Piatek** from his position as Police Telecommunications Dispatcher from Aug. 13, 2018 – January 16, 2019 in order to attend Cape May Police Academy.

- Approved

- 2) In conjunction with the connection of the proposed Northeast Supply Enhancement Project a request was received from Williams Transcontinental Gas Pipe Line Co., LLC to use the parking area located on Block 538, Lot 9.02, Across from Morgan Hose & Chemical Co. No. 1 as a staging area to install the pipe line.

- Resolution

- 3) Authorization to renew Shared Services agreement with the Twp. of Woodbridge for Opioid Recovery Program Services for the purpose of deploying Recovery Specialists to opioid overdose victims.

- Resolution

- 4) Authorization to issue a non-fair and open contract to CrimePoint of Camarillo, CA for the furnishing of proprietary surveillance equipment in an amount not to exceed \$23,328.

- Resolution

- Public Works

- 1) Authorization to advertise for the receipt of bids for Landscaping and Maintenance.

- Resolution

- 2) Authorization to extend Electrician contract with Sal Electric Co., for an additional two (2) year term.

- Resolution

- 3) Authorization to issue Change Order #1 to Murray Paving and Concrete for the War Memorial Field House Improvement Project in an amount not to exceed \$7,105.00.

- Resolution

- 4) Authorization to renew contract with MCIA for Yard Waste Recycling & Marketing for a three (3) year term.

- Resolution

- 5) Authorization to appoint Gwendolyn Knight to the position of Clerk I in the Department of Public Works, effective September 17, 2018.

- Resolution

- Recreation

- Water & Sewer

- 1) Authorization to issue a non-fair and open contract to A.C. Schultes for the repair of a pump and redevelopment of Well #1 at Duhernal in an amount not to exceed \$27,450.00.

- Resolution

- 2) Authorization to purchase one (1) F-450 Mason Dump Truck from Beyer Ford through NJ State Contract T-2101/A88214.

- Resolution

- 3) Authorization to appoint Josh Misiewicz to the Title of Sewer Repairer 1 in the Water and Sewer Dept., effective Sept. 12, 2018.

- Resolution

- 4) Authorization to appoint Andrew Gay to the Title of Pump Station Operator in the Water and Sewer Dept., effective Sept. 12, 2018.

- Resolution

➤ **C.F.O. – Denise Biancamano**

1) 2017 – Corrective Action Plan for the 2017 Municipal Audit.

- Receive & File

➤ **BOROUGH ENGINEER -Jay Cornell**

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

- Bids were Rejected. One bid received and over project estimate.

2) Pulaski Avenue Tank Rehabilitation – Receipt of Bids (Report Attached).

- Seven bids were received. There was a second lowest bidder filed a protest letter with regards to the lowest bidder so the matter was referred to Mr. DuPont for review so we should have a recommendation on at the next meeting.

3) Improvements to Main Street Extension – Change Order Request (Report Attached).

- Resolution

4) Improvements to North Ernston Road – Change Order Request (Report Attached).

- Resolution

5) Improvements to Haag Street – Change Order Request (Report Attached).

- Resolution

6) NJ Transportation Trust Fund – 2019 Municipal Aid Program (Report Attached).

- Resolution

7) 2018 Roadway paving and Reconstruction Project – Phase II – Receipt of Bids
(Verbal Report).

- Resolution

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

➤ **EXECUTIVE SESSION – None**

➤ **PUBLIC PORTION**

At this time the Mayor opened the meeting to the public for any questions or comments. Those appearing were:

- Ruth Mahoney, 2 Gerard Place, Parlin

Questioned the Phase I report and if there were any property lines included.

The Borough Engineer explained what a Phase I report and a Phase II report was.

Further described by Co. Grillo.

Questioned if the Courts have made any decision.

Borough Attorney said that the Court did and as was stated at the last meeting that they approved our Fairness Hearing.

Commented to the Mayor that she felt his talking to Kaplan was a conflict of interest.

Mayor stated that he being Mayor/CEO of the borough it is part of the job. He further stated that the council votes on the agreement he has not vote.

No further questions or comments. Councilwoman Novak moved the Public Portion be closed. Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

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

Roll Call – Voice Vote, all ayes. Carried.

Time: 10:19 P.M.

Respectfully Submitted,

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved