

Mayor Kennedy O'Brien opened the Council Meeting at 7:03 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this October 24, 2016 Council Meeting 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 Grillo, Kilpatrick, Lembo, Novak, Rittenhouse

Absent: Councilman Buchanan

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

Others Absent: None

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

Councilman Rittenhouse moved the following Council Minutes be approved, subject to correction if necessary:

- ☒ September 20, 2016 - Receipt of Bids (Public Safety Complex Boiler Replacement)
- ☒ September 26, 2016 - Regular & Agenda Session Minutes
- ☒ September 27, 2016 - Receipt of Bids (2015 Roadway Paving & Reconstruction Project – Phase III)

Seconded by Councilman Lembo.

Roll Call: Councilpersons Rittenhouse, Grillo, Kilpatrick, Lembo, Novak, all Ayes.

- **PRESENTATION:**

Councilman Rittenhouse raised concerns about two flyers sent out by the Democratic Party pertaining to the chromium 6 in our water supply. He said the issue came up about 6 weeks ago he had the Director of Water and Sewer come to a meeting and address the public and governing body and report on the issue because of the negative comments and concerns posted on Facebook and in the newspaper. He was going to have Mr. Smith come back and clear up these issues but he had an appointment previously scheduled, so instead he had the clerk set up the tape and play Mr. Smith's report to the council explaining the chromium 6 and stated that the comments in the flyer is a lie.

Clerk played the report from Director Smith.

Following the tape recording, Councilman Rittenhouse said that as you heard the flyer that sent out was wrong and scared the residents. He highlighted the numbers in the report were clearly below the EPA requirements.

Councilwoman Novak asked about a report she had that was two years old. He said no that it was a report that Mr. Smith has put together. Councilwoman Novak questioned the numbers and if they remained the same.

Further comments made by Councilwoman Kilpatrick regarding the date of the report the residents received and her concerns about the report and other source findings relating to chromium 6. She also stated that she found that there are filters that could be used to elevate the chemical from the tap water. She felt these discussions should not end with the director coming before the council only one time.

Councilman Rittenhouse stated that the water department monitors the water on a daily basis.

Councilwoman Kilpatrick then questioned Councilman Rittenhouse on why the Hercules Village water and sewer project isn't moving forward since its bonding was authorized in 2014.

Mayor asked the Engineer to respond.

Mr. Cornell stated that the sewer department was able to provide partial television inspection reports for a portion of the line but there is another portion that they do not have the equipment to go through and needed an outside firm to complete the inspections.

Councilwoman Novak stated that the residents in that area need their roads fixed but the water and sewer lines need to be fixed first and felt this project is stalled.

Mayor questioned why Councilman Buchanan was not present at tonight's meeting nor Mr. Melendez who made the statement about the water and frightened the residents. Mayor O'Brien went on to explain our form of government and their interaction with the department directors/heads. He said that Sayreville's water is fine. It is constantly monitored and we comply not only with the State but the Federal requirements. We are 80 to 100 times under their threshold.

Another discussion followed regarding having all public buildings' water inspected.

Councilwoman Kilpatrick asked if the borough could have the water filtration system installed to our system to remove any chromium from our water. Councilman Rittenhouse responded that he would have Mr. Smith look into it. She then asked about the Hercules Village project information.

A lengthy discussion followed which lead to the Mayor asking that the spending be tied into Mrs. Wolski's sidewalks.

Councilwoman Kilpatrick alluded to a report received from the Joint Insurance Fund stating that there were no safety issues or concerns relating to the curb cuts. Mr. Frankel confirmed having received a report from our JIF.

Mayor O'Brien said that he had demanded from the Joint Insurance Fund that they send a letter of indemnification to the borough protecting the borough in case of any lawsuits.

Further comments made by Councilwoman Kilpatrick and Novak.

Interruptions from the audience and the Mayor asked the clerk to move forward.

- **OLD BUSINESS**

a) Clerk Farbaniec read the following two ordinances for Public Hearing:

ORDINANCE #348-16
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XII OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND CHAPTER XII,
SECTION 1.3A UNIFORM CONSTRUCTION CODE – CONSTRUCTION FEES

(Planning & Zoning Committee – Public Hearing, Oct. 24, 2016)

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

12-1.3 Construction Fees

A. The Building Subcode Fees shall be as follows:

1. New Construction: Up to one hundred thousand (100,000) cubic feet. The fee shall be computed by volume multiplied by ~~0.0348~~ **0.0380**.
2. New Construction: Over one hundred thousand (100,000) cubic feet. The fee shall be computed by volume multiplied by 0.0270.
3. New Construction: Commercial Farm Buildings and Structures on Farms. The fee shall be computed by volume multiplied by 0.0011 to a maximum of ~~one thousand one hundred forty five (\$1,145.00)~~ **one thousand six hundred and two (\$1,602.00) dollars.**

For the purposes of calculating volume to determine the fee for large, open volume, single story spaces in buildings such as barns, silos, greenhouses, warehouses, distribution centers, and other agricultural and storage-use occupancies, the height shall be limited to 20 feet notwithstanding the fact that the actual height of the space maybe greater than 20 feet.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Twelve - Building and Housing**, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

/s/ Steven Grillo, Councilman
Planning & Zoning Committee

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Esq.
Borough Attorney

Mayor O'Brien opened the meeting to the public for questions or comments on Ordinance #348-16.

There being none, Councilman Grillo moved the Public Hearing be closed the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Lembo.

Borough Attorney, Mr. DuPont stated that there has been a request to Postpone/Carry Ordinance #342-16 at this time due to a few issues still remaining outstanding which have to be cleared up prior to the public hearing and adoption. Councilman Rittenhouse **moved that the public hearing on the adoption of this ordinance be postponed/carried until November 14, 2016.** Motion was seconded by Councilman Lembo.

Roll Call: Voice Vote, all Ayes. Carried until November 14, 2016.

ORDINANCE #342-16 - Postponed until Nov. 14, 2016
ORDINANCE OF THE BOROUGH OF SAYREVILLE AUTHORIZING
THE PURCHASE OF TWO-THIRDS OF THE DUHERNAL WATER PROJECT FROM HERUCLES
INCORPORATED AND I.E. DUPONT DE NEMOURS AND COMPANY

(Water & Sewer Committee - Public Hearing, Oct. 24, 2016)

5. NEW BUSINESS: (None)

CONSENT AGENDA/RESOLUTIONS

At this time Mayor O'Brien opened the meeting to the public for questions or comments on the consent agenda items.

Those appearing were:

- Barbara Kilcomons, 22 Schmitt Street

Questioned 2016-316 Turn Prohibition from Burlew Place.

Borough Attorney Mr. DuPont clarified that it was for a No Left Turn out of Burlew Place onto Bordentown Avenue and that this resolution replaced the Ordinance that was discussed in the past and that being done in the form of a resolution insomuch as that if it accomplishes what we need it to do over a period of 6 months then we can enact an Ordinance.

No further appearances. Mayor O'Brien called for a motion.

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

RESOLUTION #2016-314

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.

Kennedy O'Brien, Mayor

Absent _____ /s/Pasquale Lembo _____
Councilman Daniel Buchanan Councilman Pasquale Lembo

/s/Steven Grillo _____ /s/Mary J. Novak _____
Councilman Steven Grillo Councilwoman Mary J. Novak

/s/Victoria Kilpatrick _____ /s/Arthur Rittenhouse _____
Councilwoman Victoria Kilpatrick Councilman Arthur Rittenhouse

Bill list of October 24, 2016 in the amount of \$1,386,253.91 in a separate Bill List File for 2016 (See Appendix Bill List 2016-A for this date).

RESOLUTION #2016 - 315

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE TRAFFIC SAFETY BUREAU TO ENACT A TURN PROHIBITION FROM BURLEW PLACE ONTO BORDENTOWN AVENUE

WHEREAS, the Governing Body of the Borough of Sayreville has become aware that the intersection of Burlew Place and Bordentown Avenue is an accident prone intersection; and

WHEREAS, the Governing Body of the Borough of Sayreville has received recommendations from the Chief of Police and Traffic Safety Bureau to prohibit left turns from Burlew Place onto Bordentown Avenue; and

WHEREAS, the Governing Body of the Borough of Sayreville is aware that the intersection in question is a complicated intersection and the impact of enacting a prohibition to left hand turns is unknown,

WHEREAS, under N.J.S.A. 39:4-197.3 a Special Resolution may be adopted to prohibit left hand turns from Burlew Place onto Bordentown Avenue; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Traffic Safety Bureau is directed to prohibit left hand turns from Burlew Place onto Bordentown Avenue for the period of six (6) months from the date of the adoption of this Special Resolution; and

BE IT FURTHER RESOLVED, that at the end of the six (6) month period, the Traffic Safety Bureau and the Chief of Police will issue their findings to the Governing Body of the Borough of Sayreville on the viability of enacting a permanent prohibition of left hand turns from Burlew Place onto Bordentown Avenue.

/s/ Steven Grillo
Steven Grillo, Councilman

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2016-316

BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that Eileen Towlen, Principal Payroll Clerk is hereby granted a medical leave of absence without pay expiring on December 31, 2016.

/s/ Mary J. Novak, Councilwoman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2016-317

BE IT RESOLVED, that the Qualified Purchasing Agent is hereby authorized and directed to advertise for the receipt of bids for HVAC and Boiler Maintenance, Repair and Replacement.

/s/ Victoria Kilpatrick
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2016-318

WHEREAS, on January 11, 2011 K-Land Corp. No. 5, posted a Supplemental Performance Bond #FP0016473 with the Borough of Sayreville in the reduced amount of \$105,748.85 and a 10% Letter of Credit #8050002139 in the amount of \$11,749.87 covering Towne Lake Major Subdivision, Sayreville Blvd. South; and

WHEREAS, the Borough Engineer's Office has recently performed a site inspection and has indicated that the required improvements have been completed and has recommended release of Performance Bond and Letter of Credit be released.

BE IT FURTHER RESOLVED that the proper borough officials are hereby authorized and directed to release said Performance Bond #FP0016473 in the amount of \$105,748.85 and Letter of Credit #8050002139 in the amount of \$11,749.87 covering Towne Lake Major Subdivision- Sayreville Blvd, South.

/s/ Mary J. Novak
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2016-319

WHEREAS, Camelot at Towne Lake, LLC Kaplan Companies has posted Performance Bonds and Letters of Credit for Camelot at Towne Lake Phases I and II to guarantee improvements of the project in the following amounts:

Section 5	90% Performance Bonds	10% Letters of Credit
Phase I	\$1,361,922.97	\$151,324.77
Phase II	\$ 777,169.48	\$ 86,352.16

; and

WHEREAS, on February 23, 2015 the bonds were reduced as follows:

Section 5	90% Performance Bonds	10% Letters of Credit
Phase I	\$544,632.18	\$60,514.91
Phase II	\$419,072.44	\$46,563.60

; and

WHEREAS, the Borough Engineer's Office has recently performed a site inspection and has indicated that the required work has been completed and has recommended that the Performance Bonds and Letters of Credit be released, subject to the posting of a two (2) year 15% maintenance bond in the amount listed below and the posting of a new landscaping bond:

<u>Section 5</u>	<u>15% Maintenance Bond</u>
Phase I	\$ 226,987.16
Phase II	\$ 129,528.25

NOW, THEREFORE, BE IT RESOLVED that the proper Borough Officials are hereby authorized and directed to release the above referenced Performance bonds and Letters of Credit as so stated.

/s/ Mary J. Novak
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

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:

- Barbara Kilcomons, 22 Schmitt Street

Commented on the first televised SERA meeting and the sarcasm made to Co. Grillo by its members and feels that SERA is totally ineffective and should be eliminated.

Commented on Boss Politics.

Commented on SERA approving Pilot Agreements.

- Al Pillar, Morgan Avenue

Commented that he resented how Councilman Grillo was treated at the SERA Meeting.

He said since the Morgan Town Hall meeting that Councilman Grillo conducted, things in Morgan seems to be moving forward.

Discussion about Covello's and the construction progress.

- Ray Skarzynski, Deerfield Road

Commented about Veterans who served during "Peace Time" not being recognized by certain organizations and their inability to collect the entitlements and benefits as other veterans and asked for the council's action to correct this past practice. He went on in length about where he served, how the law is written about a veteran and peace time veteran and the entitlements. Mr. Skarzynski went on to mention a

particular Assembly Bill #3511 from 2008 which according to this bill he is not a veteran in Sayreville or the State of New Jersey. He said that a veteran is a veteran in peace or war time.

Mayor asked for a copy of that Bill and he would have it forwarded to the Veterans Alliance for their review and their comments and recommendations. Mayor O'Brien thanked Mr. Skarzynski for his service to this Country.

- Mike D'Addio, SERA Chairman

Responded to comments made by Barbara Kilcomons about the pilot programs for co-generation plants which are recommended by SERA but are approved by the Mayor and Council but if we did not have pilot programs for these you would not get nearly the percentage of money that you are getting now. As you cannot tax the machinery inside the co-generation plants so you'd only have a shell that you would be taxing and only getting about 10% of the money you are getting now.

No further questions or comments. Councilwoman Novak made **a motion to close the public portion**. Seconded by Councilman Grillo.

Roll Call: Voice Vote, all Ayes. Carried.

- **ADJOURNMENT**

Councilwoman Novak made **a motion to adjourn** this meeting. Seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all Ayes. Carried.

Time: 8:13 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved