

Mayor O'Brien opened the Agenda Meeting at 8:14 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, May 14, 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, Melendez, Novak

Absent: None

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:**

-If the following Ordinance(s) were introduced at the Council meeting they will be listed for Public Hearing and Adoption on May 29, 2018.

ORDINANCE #407-18

AN ORDINANCE APPROPRIATING \$285,500.00 FOR THE ACQUISITION OF VARIOUS VEHICLES AND EQUIPMENT IN THE WATER DEPARTMENT FOR AND BY THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, NEW JERSEY

(Admin. & Finance – Co. Novak, Public Hearing May 29, 2018)

ORDINANCE #408-18

AN ORDINANCE AMENDING CHAPTER VII, TRAFFIC SECTION 7-3.3 “PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE

(Public Safety – Co. Buchanan, Public Hearing May 29, 2018)

ORDINANCE #409-18

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT IN, BY AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY, APPROPRIATING \$1,320,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,254,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION

(Admin. & Finance – Co. Novak, Public Hearing May 29, 2018)

ORDINANCE # 410-18

AN ORDINANCE OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, ADOPTING THE HERCULES REDEVELOPMENT PLAN AND AMENDING THE ZONING MAP

(Planning & Zoning – Co. Lembo, Public Hearing May 29, 2018)

ORDINANCE #411-18

AN ORDINANCE OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER VII OF THE BOROUGH CODE OF THE BOROUGH OF SAYREVILLE, ENTITLED “TRAFFIC”

(Public Safety – Co. Buchanan, Public Hearing May 29, 2018)

ORDINANCE # 412-18
AN ORDINANCE TO SUPPLEMENT AND AMEND CHAPTER XIV,
“WATER & SEWER”, SECTION 49, SCHEDULE A, SEWER USER
CHARGES
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
SAYREVILLE, 1986, AS SUPPLEMENTED AND AMENDED

(Water & Sewer – Co. Grillo, Public Hearing May 29, 2018)

NEW BUSINESS:

COMMUNICATIONS & COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE – Councilwoman Novak**

A) **Minutes & Departmental Reports:**

Councilwoman Novak moved the following minutes/reports be received and filed.

- 1) Board of Education Minutes of March 20, 2018 and April 17, 2018.

- Seconded by Councilwoman Kilpatrick.

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

- 1) **PTO Harry S. Truman School** to conduct an On-Premise 50/50 and an On-Premise Draw (Tricky Tray) on June 1, 2018 at Truman School (RA: 2194 & 2195)
- 2) **RJC Charities, Inc.** to conduct an Off-Premise 50/50 and On Premise Draw (Tricky Tray) on June 10, 2018 at Sayreville High School (RA: 2196 & RA: 2197).

- (1-2) Approved

C) Requests received from **Tax Collector** for Resolution authorizing the refund of a portion of taxes due to the **approval of a 100% Disabled Veteran Tax Exemption** by the Tax Assessor effective December 7, 2017.

1) 2016 taxes in the amount of \$8,642.52, 2017 taxes in the amount of \$8,886.40 and 2018 taxes in the amount of \$2,222.00 covering 6 Jefferson Avenue effective January 16, 2018.

2) 2018 taxes in the amount of \$1,676.90 covering 19 Snyder Avenue effective January 16, 2018.

3) 2017 taxes in the amount of \$0.00 covering 38 Tuthill Court effective April 1, 2018.

- (1-3) Approved -Clerk to Prepare Resolutions.

D) Committee Reports:

- 1) Progress.

• **PLANNING & ZONING – Councilman Lembo**

A) **Minutes & Departmental Reports:**

Councilman Lembo moved the following minutes be received and filed:

- 1) Sayreville Board of Adjustment Minutes of March 28, 2018.

- Seconded by Councilwoman Kilpatrick.

B) Committee Reports:

- 1) Progress.

• **PUBLIC SAFETY – Councilman Buchanan**

A) **Minutes & Departmental Reports:**

Councilman Buchanan moved the following minutes be received and filed:

- 1) Sayreville Board of Health Minutes of May 3, 2018.

- Seconded by Council President Kilpatrick.

B) **Coin toss requests** for the corner of Washington & Ernston Road received from:

- 1) Sayreville High School Boys Soccer on June 9 & 10, 2018 from 10AM-2PM.
- 2) Sayreville Junior Bombers Football on Sept. 22 & 23, 2018 from 10AM-2PM.
- 3) Sayreville Junior Bombers Cheerleading on Aug. 25 & 26, 2018 From 10AM-2PM.

- Approved

C) Firefighter Application received from Lee Ann Bodnar as a Member of Morgan Hose & Chemical Co. No. 1.

- Approved

D) Committee Reports:
1) Progress.

- **RECREATION – Councilman Melendez**

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

Councilman Melendez moved the following minutes be received and filed:

1) Sayreville Recreation Advisory Board Minutes of April 5, 2018.

- Seconded by Council President Kilpatrick.

B) Committee Reports – Councilman Melendez:

- 1) Reported on the various recreation sponsored events.
- 2) Spoke about the issue with the microphones.
Asked the Clerk to send out a memo to all boards and commissions sitting at this dais to sit forward and speak into the microphones.

He also spoke about the transmission over U-Tube being transmitted digital as opposed to analog. Digital has better quality.

- 3) Security Assessment:
 - a) PD is all updated with camera equipment which is linked to the Senior Center, which is all up and running.
 - b) Stated that he will have a report submitted on the assessment of the Water Treatment facility. He spoke about different approaches. A physical approach such as fencing. Then a report on digital security. There will be a list of needs and requirements. We will then go out to market for the best solution to solve this. He requested this report be listed on the next agenda for discussion.

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

A) **Minutes & Departmental Reports: (none)**

B) Committee Reports – Councilman Grillo:

- 1) Thanked Councilman Melendez for his hard work on the sensitive and difficult security situation and security system report for our water system. This is something that the committee has talked about and was discussed during the budget process and look forward to reading his report and that it will be a long term capital investment.
- 2) Reported on a couple that had found a dog that had mouth cancer and was left at the Julian Capik Nature Preserve. He reminded the public that is not the way to deal with an injured animal and explained the alternatives other than leaving a pet to die.

➤ **PUBLIC WORKS – Council President Kilpatrick**

A) **Minutes & Departmental Reports:**

Council President Kilpatrick moved the following **minutes be received and filed:**

1) Sayreville Rent Leveling Board Minutes of May 8, 2018.

- Seconded by Councilwoman Novak.

B) **Request for a Block Party** received from:

- 1) Deborah DeVico to be held on June 23, 2018 on dead end of Stevens Avenue from 10AM-11:30PM.

- Approved.

C) Committee Reports:

- 1) Progress.

- **MAYOR – Kennedy O’Brien**

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

- **Admin. & Finance**

- **Planning & Zoning**

- 1) Request received from Construction Official to amend Ordinance 12-1.3 – Construction Fees.

- Ordinance for Introduction.

- 2) Authorization to award a contract for **document scanning** to Accu Scan of Edgewater, NJ through the ESCNJ Cooperative Contract #16/17-48 in an amount not to exceed \$31,531.65.

- Resolution.

- 3) Report received from SERA designating **Crossman/Mocco Property**, Block 249, Lot 1, Block 250, Lot 1 and Block 251, Lot 1 as a **non-condemnation area in need of redevelopment**. If agreed, need to forward to the Planning Board for formal determination.

Mayor asked why, after all this time, this is now being recommended to the Planning Board for redevelopment. Mr. Frankel said that this was the letter received from SERA’s Chairman and Mr. Ambrosio. Mayor reiterated that he did not understand why, after all this time, that the go for redevelopment is now after the litigation is settled. It should have been done first. He feels that it sounds like they are not happy with the settlement. Mr. Frankel stated that we are also in mediation proceedings and this came about during mediation. Councilwoman Novak stated that the council took previous action sending it to SERA for their review and recommendation. The Mayor questioned again as to why we are doing this after all this litigation. Councilwoman Novak stated because it fits the criteria. Councilman Lembo stated that so does Route 35 and he would like to see Route 35 designated as an area in need of redevelopment. He asked that this be placed on the next agenda for discussion. He felt that Route 35 would be a tremendous gain to Sayreville in designating that area in need of redevelopment.

Councilwoman Novak said that it is up to the Council. The Council made the recommendation to send it to SERA. SERA, in turn, sent it back to the Council and now she thinks they should follow SERA’s recommendation and forward it to the Planning Board. The Mayor said that he is unsure because we have been in litigation for so long and Mocco won the litigation. Now it seems that it is not enough and they want to go into redevelopment where they have even greater flexibility in developing the parcel. Councilwoman Novak stated that they would have less flexibility because SERA would have the final determination. Council President Kilpatrick said that would mean 207 houses in addition to whatever COAH settlement gets done. Zero units on the Mocco property would be affordable housing, so warehousing brings in a few positives. It brings in ratables and it brings in jobs. It does not bring in children. She went on to comment on the size of the classrooms. She closed with the opinion that more housing would be a disservice to this town.

- **Council President Kilpatrick made a motion to refer this to the Planning Board for their review and recommendation back to the Council. Motion was seconded by Councilwoman Novak.**

Discussion

Councilman Grillo asked – This plan calls for residential as written, so what would be reviewed by the Planning Board, the existing plan or a plan for all warehouses?

Mr. DuPont responded that we did a fiscal impact study some time ago and that study has suggested that the numbers support the warehousing. Mocco also did an impact study and that also supported warehousing, so this needs to back before the Planning Board for review to see if it fits the formal determination as an area in need of redevelopment. Councilman Grillo said that SERA is asking the Council to advance this to the Planning Board to incentivize the developer to develop warehouses on the site. Mr. DuPont said that what he believes is that they want the Planning Board to make a determination as to whether they believe the arguments in the fiscal impact study. Council President Kilpatrick asked if the Council is asking the Planning Board if they agree with this development status. Then the Planning Board will turn around and review this and make a determination as to whether they feel this fits the redevelopment criteria and they will return it to the Council and the council will have to make the decision whether or not they agree with the Planning Board's verdict or act on their own in a different capacity. The Borough Attorney said that she was correct that the (the Planning Board) will conduct a hearing as to whether it meets the criteria as an area in need of redevelopment. The Borough Attorney said that on Page 13 of the report, there are certain criteria necessary for determination as to an area in need of redevelopment. Mayor O'Brien asked what the requirements are. Mr. DuPont said that it is outlined on page 13 and that it says that generally buildings that are sub standard, unsafe, unsanitary, dilapidated or..... Mayor interrupted and said that there are no buildings on the property. Councilwoman Novak said that the report says that we meet three of the criteria and you only need to meet one. Mayor gave an overview of warehousing, because of the expansion of Port Elizabeth, NJ will become a State of distribution and what there is a shortage of is warehousing. Warehouses are not a great ratable because you are basically taxing four walls, a roof and a floor. There is no added value to the building. He said that at the National Lead site originally wanted to bring in all warehousing and the problem is the types of jobs are basically lower paying. Essentially, the average worker there could not afford to live in Sayreville. Mayor went on to talk about the old stock of housing, new homes and the need of new schools. Mayor felt it would be inherent to the residents of Sayreville to invest in new school structures. He felt that old housing stock needs to be replaced with new housing stock and not warehousing stock. He said that he never had a fear of 200 homes going on the Mocco property as he never had a fear of Towne Lake development. They are appealing to our town. The town needs new life and new opportunity. Council President Kilpatrick said that she did not see any of the old housing stock being taken down. They remain and new housing stock continues to be added. She commented on class enrollment ballooning. She is concerned about the enrollment the housing will bring in and that there is no more room to put new schools. They are not making any new land. She said that all they are looking to do is to refer it to the Planning Board and see if they recommend if this is an area in need of redevelopment. She also said that the plan was for 200+ homes and warehouses. That is the way the settlement is put together. The Planning Board will review this and put their opinion to the Council. The Council could accept or deny their opinion. Then the Council would have to make the determination if they want to do all warehousing or a mixed type of development as mentioned before. Councilwoman Novak said that this was strictly to get their opinion on an area in need of redevelopment. She then said that our Planning Board sued because they wanted warehousing and not the homes. Now Mr. Mocco won in litigation and won the right to keep it 200 homes and small warehouses. Now he is asking if it can be an area in need of redevelopment so he can put in all warehouses.

Council President Kilpatrick reminded everyone that there was a motion made and seconded. She asked for a Roll Call to have the resolution placed on the next agenda:

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

Nay: None

During the roll call Councilman Grillo echoed Councilman Lembo's request to have Route 35 in Morgan deemed an area in need of Redevelopment. SERA has refused to act on this and hope that they will reconsider.

Councilman Lembo stated that he will support the resolution being placed on for the next meeting but will also like to have a discussion at the next meeting on the Route 35 matter.

- Resolution.

- 4) Proposal received from Heyer, Gruel and Assoc. for a **Fiscal Impact Assessment**/Pro forma of the proposed affordable housing settlement. Study could be done in a range of 3-4 weeks with an estimated cost of \$15,000.

Mayor said that he was opposed to the Borough paying for this service he wanted to see who was going to pay for this and how it will be allocated to the different developers and their fee assessments.

The Borough Attorney said that the best request for a project outline. This would outline what would have to be done.

Councilman Grillo said that they seem to have a structure in place that the council would have to analyze before moving forward. This would give the council a chance to question or comment with any concerns with any sort of specific items we may want them to look into before.

Councilwoman Novak wanted to know if there could be a fee schedule in place for people who develop these properties. Make it a Planning Board fee when they apply to develop. Mayor agreed that it should not be a burden on the tax payer.

Councilman Grillo said that the cost would probably have to be absorbed upfront and Councilman Melendez said that this data may help up save money in the long run.

- Resolution is subject to a project plan.

Outline of what they are intending to study be given prior to the next meeting and if everyone is comfortable we could move forward with the award of the Resolution).

- 5) Authorization for the Housing Authority to extend controls for a new period of thirty years for its' units if they become vacant.

- Resolution

- **Public Safety**

- 1) Authorization to renew **CAD system software maintenance** agreement with Queues Enforth Development (QED) of Stoneham, MA through NJ State Contract T109/A83889 in an amount not to exceed \$25,776.00.

- Resolution

- 2) Authorization to call for **Police Officer Certification** from the Department of Personnel.

- Approved.

Councilwoman Novak asked how the Council felt about having a police officer attend these council meetings. Council President Kilpatrick asked who asks the officer to attend. Mayor said that he makes the request through the Police Chief.

Discussion followed on the attendance of a police officer at meetings.

- Council's decision was to ask the Police Chief if having a police officer present at meeting and pulling him off patrol was harmful to the public health safety and welfare of the residents.

- Public Works

1) Request received from **Sayreville Board of Education** for the use of the portable stage for the Middle School and High School Graduation on June 21st and June 22nd.

- Approved.

2) Authorization to issue to following **change orders for the library meeting room project:**

- Change Order #3 – Removal of existing hose bib; increase of \$1,182.72
- Change Order #4 – Additional new carpet; increase of \$535.50

- Resolution.

3) Recycling Coordinator Elyse Barone reported on:

- Paper shred – 411 vehicles checked in, Shredded 16,420 lbs. of paper.
- On May 9th the Borough received a grant award in the amount of \$10,075. From the Middlesex County Freeholders, Division of Solid Waste for a competitive enhancement recycling grant. These funds will be used for a Cat Walk for the safety of our residents when they dispose of their recycling at the Recycling Depot.

- Recreation

1) Request received from St. Stanislaus Kostka Church for the use of two (2) **Borough Golf Carts** during their Annual Parish Carnival from June 18, 2018 – June 25, 2018.

- Approved.

- Water & Sewer

1) Authorization to advertise for bids for one (1) Godwin Dri-Prime CD150M Critically Silenced, or equivalent **tow behind bypass pump.**

- Resolution.

2) Authorization to **extend contract** for Ferric Chloride to PVS Chemical for an additional one year term not to exceed \$337,750.00.

- Resolution.

3) **Town meeting with the MCUA** at their facility on June 13, 2018 at 6PM.

Before moving forward, the Business Admin. polled the Council in order to schedule a Special Meeting on May 21, 2018 at 6:00 PM in order to review COAH Settlement Agreements –

- Approved.

➤ **C.F.O. – Denise Biancamano** - None

➤ **BOROUGH ENGINEER -Jay Cornell**

1) Veterans Park and Sayreville Recreation Complex Synthetic Turf Fields Project – Receipt of Bids (Report Attached)

- Resolution approved at the Council meeting.

2) Scott Avenue Improvements – Utility Agreement with Middlesex County (Verbal Report)

- Resolution – Joint Agreement

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

- **EXECUTIVE SESSION – None**
- **PUBLIC PORTION – *5 Minute Limitation.**

At this time the Mayor opened the meeting to the public for questions or comments on any and all items.

Those appearing were:

- Steve Melaneski, 28 Scarlet Drive, Parlin
 Thanked Councilman Grillo and Council President Kilpatrick for looking into the COAH Pro Forma. Need to know what the capacity planning is for the number of homes and people that we are going to have in our town. Felt this resolution should be approved for the plan. Supports the authorization of the \$15,000. and request the project plan.

- Kenneth Olchaskey, 108 North Edward
 Congratulated the governing body for passing Resolution 2018-155 to authorize Heyer & Gruel to update the Land Use Law Ordinance and Zoning Map.

Thanked the council for adopting Resolution that would authorize the Housing Authority requested to extend controls for a new period of thirty years for its' units if they become vacant. The preference for Sayreville residents had been previously removed and there is no waiting list at this time.

Happy that there is a meeting scheduled with the MCUA.
 He commented that the biggest problem he has with the MCUA is the lack of communication. Felt that the need to communicate with the residents on a regular basis. He also mentioned that he would like to see that Sayreville's Host Community benefit is what it should be.

- Jim Robinson, 11 Borelle Square
 Commented on Mr. Olchaskey's request for resolution for the Housing Authority, hoping the governing body would look favorably on it. He then commented that looking back when asked the past planner if we were getting credit for Gillette Manor for the COAH and he did not know. The current planner, Susan Gruel did acquire those credits which equal 84 units. Which means that 506 Units of Market Rate Units will not have to be built.

Asked if anything was happening with his request that the housing on Ernston Road by the Mini Mall be look at again.
 Councilman Grillo said that the Engineer said that the matter was referred to the Planning Board to review if the parcel would qualify as an area in need of redevelopment and it was never acted on by the Planning Board and was not returned to the governing body. He suggested that it be brought up again at an agenda meeting.

He went on to say that whatever happens to the Mocco tract that there would be an extension to Lakeview Drive, it is a very important North/South connection of town as it is in the Master Plan.

Mr. Robinson asked the Borough Attorney if he knew the council's position on the purchase of the 4 ½ acre tract of North Ernston Road.

Mr. DuPont replied that this is a litigation matter. He also mentioned that Mr. Surenian would be at the May 21st special meeting and this matter can be brought up at that time.

Mr. Robinson asked that when a municipal official texts a borough official is that a public record?

Mr. DuPont said that the question would be how was the technology used, who owned the technology.

- Janice Benedetto, 1 Thomas Avenue, Melrose

Happy that the MCUA meeting is planned but thought it was planned for the Borough Hall Council Chambers so that it could be televised and asked if there was also a Planning Board meeting that night. She said that they do not need to tour the facility the residents need the MCUA to hear their complaints. The Business Administrator explained the benefit in having the meeting at the MCUA to the Mayor.

Council President Kilpatrick asked if there was a way to record and televise the meeting from the MCUA and if they had a forum large enough for a crowd.

The Business Admin. will check to see if they have the ability to record and to be sure they have the capacity.

Council preferred the forum be changed to the Borough Hall.

- Janice commented about police officers being present at meetings any that might not be accessible to respond to an emergency quick enough.

- Ms. Benedetto suggested to the Business Administrator that he contact other Business Administrators where Cablevision is the provider and how they handle their negotiation and billing structure and do a comparison.

- Kenneth Olchaskey, 108 North Edward Street

Not in favor of having a police officer present at meetings. Need to use discretion.

Mr. Olchaskey went on to comment about the proposed project on Ernston Road by the Mini Mall. He said that that presentation was made by Jorge Gonzalez and the Doug Dzema the Executive Director. There was no formal plan it was a concept plan that was done voluntarily. He said that they appeared before the council for land donation from the borough and when the council did not act on any land contribution the concept died. He did indicate that it may be resurrected. There would be about 75 units and the first floor would have consisted of possibly a medical facility, possibly child care, etc. He said that they polled the residents of Sayreville in the past and had a positive response.

- Ruth Ann Mahoney, 2 Gerard Place.

She said that they would not be discussing this police issue if there were adequate police officers in Sayreville.

She thanked the governing body for getting North Ernston Road paved.

Mayor asked if there were any other questions or comments. There being none the Mayor called for a Motion. Councilwoman Novak moved to close the public portion. Motion was seconded by Council President Kilpatrick.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business.

Mayor O'Brien called for a motion to adjourn.

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

Time: 9:54 P.M.

RESPECTFULLY SUBMITTED BY:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved