

Mayor O'Brien opened the Agenda Meeting at 7:42 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, October 23, 2017 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 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

• **OLD BUSINESS:** (None)

• **NEW BUSINESS:**

COMMUNICATIONS & COMMITTEE REPORTS

• **ADMINISTRATIVE & FINANCE – Councilwoman Novak**

A) **Minutes & Departmental Reports:**

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

- 1) Municipal Clerk's report for the month of September, 2017.
- 2) CFO's Investment Activity report for the month of September, 2017.
- 3) Office on Aging Supervisor's report for the month of September, 2017.
- 4) Sayreville Board of Education minutes of September 19, 2017. -

Receive & File

- Motion was seconded by Council President Buchanan.

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

- 1) **Leroy Gordon Cooper School** to conduct an On-Premise 50/50 an On-Premise Draw (Tricky Tray) on March 9, 2018 at the Sayreville VFW (RA:2147 & RA:2148).
- 2) St. Stanislaus Kostka Church to amend the Bingo Application #BA:509 to include one additional bingo game at all 49 approved dates.
- 3) St. Stanislaus Kostka H.S.A. to amend the Bingo Application #BA:510 to include one additional bingo game at all 43 approved dates.

- Approved.

C) Authorizing proper Borough officials to refund 2015 and 2016 taxes covering 7 James Street, Block 308, Lot 10 due to approval of a 100% **Disabled Veteran's Tax Deduction** effective January 1, 2015.

- Approved / Resolution

- D) Received correspondence from a **resident of 55 Horseshoe Road** requesting the borough acquire a 5 acre piece of estate property between Main Street and Horseshoe Road as Open space. =

Refer to Open Space Committee.

- E) Received copy of resolution adopted by the **NJ General Assembly** to encourage homeowners throughout the State to plant native plants that support bee population and provide habitat for all kinds of pollinators.

- Receive & File

- F) Committee Reports – Councilwoman Novak:

- 1) Recognized and thanked the veterans for conducting and inviting her to the Vietnam Veterans .
- 3) Announced a veterans Job Fair being held at the VFW on Jernee Mill Road on November 1st.
- 3) Requested the Open Meeting at the Melrose Fire House on Nov. 1st 7PM be advertised.

• **PLANNING & ZONING – Councilman Lembo**

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

Councilman Lembo moved the following Minutes/Reports be received & filed:

- 1) Planning Board Minutes of October 4, 2017.
- 2) Construction Officials report, Zoning and Code Enforcement reports, all for the month of September, 2017.
- 3) Fire Prevention report for the month of September, 2017.

- Seconded by Councilwoman Novak.

- B) Committee Reports-Co. Lembo:

1) Councilman Lembo read a letter/report from the planning Board into record regarding the total number of affordable housing units for its COAH obligation for the 2015-2025 term which is a negotiated number of 785 affordable in it's COAH obligation which number has been reduced from carry over credits and rental bonuses, all approved by the litigation process and signed by the Judge equaling 434 affordable units to be built for this period stated and what the ratio of market rate housing units are that would have to be built.

Councilwoman Kilpatrick asked who prepared the report.

Councilman Lembo responded that it was prepared by Mr. Leoncavallo.

Councilwoman Novak pointed out that it is still 6.75% that would have to be built.

• **PUBLIC SAFETY – Councilman Grillo**

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

Councilman Grillo moved the following Minutes/Reports be Received & Filed:

- 1) Municipal Court Administrator's report for the month of September, 2017.
- 2) Board of Health Registrar and County Inspectors report for the month of September, 2017.
- 3) Police Chief's report for the month for September, 2017

- B) Correspondence received from Melrose Hose Co. No. 1 advising the change in status of James Mudd to a Life Member and of his resignation as Recording Secretary.

- Receive & File

- C) Committee Reports – Co. Grillo:

- 1) Reminded everyone that on Nov. 1st at 7PM at the Melrose Fire House that he and Assemblyman Wisniewski would be conducting a Town Hall Meeting, requesting that his colleagues attend as well as the public.

- **PUBLIC WORKS – Councilwoman Kilpatrick**

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

Councilwoman 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 September, 2017.
- 2) Rent Leveling Board minutes of October 10, 2017.

- Motion was seconded by Councilwoman Novak.

- B) Received an **appeal of a decision made by the Rent Leveling Board**

from John M. Krenzel, Esq., representing 429 Washington Road, LLC, regarding tenant portion of real tax increase ending when the year is over.

-Hearing scheduled for November 13, 2017 – 6:00 PM

- C) Rent Leveling Board requests authorization to **Amend Rent Leveling Board Ordinance Sections** 12-6.2; 12-6.5A;

12-6.5B; 12-6.13; and 12-6.3.

- Ordinance

- D) Committee Reports – Co. Kilpatrick:

1) Questioned if the numbers that Co. Lembo read in the Planning Board report, reflected the same numbers that were in the original housing plan. Mr. Leoncavallo explained that they were the same numbers and how they were arrived at. After a discussion on how the numbers were arrived at Councilwoman Kilpatrick said that now that Judge Natali signed the Order dated Oct. 10, 2017 we now have to make a decision how we are going to deal with the orders that the Judge is ordering us to fulfill. A decision has to be made if we will appeal the order and that there is a 45 day clock on that appeal. She asked for clarification on the numbers in the report that Co. Lembo read and if they are the exact same numbers that was originally presented to the council beginning back in August, with the credits that Mr. Leoncavallo found in conjunction with Ms. McKenzie and Mr. Sachs. Mr. Leoncavallo said that the numbers in the documents that were prepared for the Planning Board are the same-they were not changed. She then said that since that time the governing body had hired another planner to go over those figures and that is what is before them now and reiterated by the planning board. She said that the credits that are potentially not used are not reflected in the report read by Co. Lembo and prepared by Mr. Leoncavallo. He said that there are additional credits that could lower the number even further. Co. Lembo said that the report does not include the River Road Development, which would be a one for one, so that 2,930 number, can and will go down. She said if they don't fight it, the credits may not be realized. We need to file this appeal.

Councilwoman Novak made a motion that they appeal Judge Natali's decision. Motion was seconded by Councilwoman Kilpatrick.

Mayor O'Brien said that this direction was given earlier in the meeting during the executive session.

Mr. DuPont reiterated that there was a motion made to appeal Judge Natali's order of October 10th as well as to authorizing Mr. Sachs to file a Motion to Vacate and/or Amend the Order.

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

Nays – None.

- **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 September 7, 2017.

- Seconded by Councilwoman Novak.

- B) **Special Event Application** received from Re/Max Dreams to conduct a Truck

or Truck client and family day on Oct. 28 in their parking lot.

- Approved.

C) Committee Reports Co. Melendez:

1) Reported on various Recreation Sponsored events.

• **WATER & SEWER/ENVIRONMENTAL – Council President Buchanan**

A) **Minutes & Departmental Reports:**

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

1) Water & Sewer Director's report for the month of September, 2017.

- Seconded by Councilwoman Novak.

B) Committee Reports – Councilman Buchanan:

1) Commended Bob Smith the Water & Sewer Director for all he has done since he has been here.

• **MAYOR – Kennedy O'Brien**

Mayor called forward Mr. Ed Strek to give the overall on the Veteran's Day Events. Mr. Strek gave an overview of the Vietnam Memorial Service and the upcoming events for Veteran's Day. Mr. Strek then asked if Bob Smith passed his T-4 License and the Business Administrator indicated that he had not.

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

- Admin. & Finance

1) Discussion on proposals received from the following, for appraisals on National Lead Properties – Block 333, Lot 1; Block 332, Lot 1, 3 and 4; Block 297, Lot 1:

- Stern & Dragoset Appraisal Group \$2,500
- Sockler Realty Services Group, Inc. \$3,500.

Councilwoman Novak said that she would like to include the PRIME Site in this appraisal process and does not want to wait for the next meeting so she would like the council to take action on this tonight and have it memorialized at the next meeting.

Councilwoman Novak made a motion on awarding Stern & Dragoset Appraisal Group and Sockler Realty Services Group, Inc. to prepare Appraisals on the National Lead Properties and the PRIME Site on Ernston Road at a not to exceed \$6,000. for each appraisal. Motion was seconded by Councilwoman Kilpatrick.

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

Nay: None

- Resolution Memorializing this action to be on the Nov. 13th consent agenda.

Council President Buchanan asked the Business Administrator to coordinate and everyone to come up with ideas to come up with money to help fund this.

Mr. Frankel stated that he spoke with Elyse Barone who writes most of our grants (but is not her title) and said that now till the end of the year her work load does not provide the opportunity to do this research. He said that he would try to come up with some other way and report back.

2) Authorization to **appoint one omnibus driver per diem** in the Office of Aging.
(recommendation in packet).

- Approved/Resolution.

3) Authorization to **amend Salary Guide Ordinance 258-14** / Temporary Employee Salary Range.

- Approved/Ordinance.

- Planning & Zoning

- Public Safety

1) Authorization to purchase none (9) Watch Guard in vehicle camera systems through NJ State Contract T-0106/A80300 from Advanced Electronic Design of North Attelboro, MA in an amount not to exceed \$50,211.

- Approved/Resolution.

2) Authorization to issue Radio System Change Order #4 through NJ State Contract T-0109/A83932 to Tatical Public Safety for console furniture in watch command and dispatch in an amount not to exceed \$15,005.

- Approved/Resolution.

3) Authorization to hire four police recruits to attend the academy in Jan. 2018.

- Approved.

- Public Works

- Recreation

- Water & Sewer

1) Authorization to appoint James Revel to the Title of Water Repairer 2, effective Feb. 24, 2017 as per Civil Service appeal decision.

- Approved/Resolution.

➤ **C.F.O. - Wayne Kronowski**

1. Resolutions to amend the 2017 Local Municipal Budget for the following items:

NJ Body Armor Grant	\$7,650.71
Distracted Driver Grant	\$5,000.00

- Approved/Resolution

2. Transfer Resolution

➤ **BOROUGH ENGINEER - Jay Cornell**

- None

➤ **BOROUGH ATTORNEY - Michael DuPont**

- None

• **EXECUTIVE SESSION** – None

• **PUBLIC PORTION**

Mayor opened the meeting to the public for questions or comments on any item.

Those appearing were:

- Ken Olchaskey, 108 North Edward Street

Commented on decisions made in Executive session needs to be voted on in Open Session.

Asked if there is a time frame on when the court has to act on the NL Intervenor matter. Mr. DuPont stated that the court has granted the application of the National Lead Intervenor but the order has not been entered yet. He also informed Mr. Olchaskey that the Mocco application as intervenor was denied.

Mr. Olchaskey asked what the density was on the Court Order handed down on the Kaplan matter. Mr. DuPont cautioned Mr. Leoncavello in his response.

Mr. Leoncavallo stated for Kaplan I – Affordable and Market-rate would be 173 Units, 13.8 gross units per acre, from current 5 units per acre. Mr. Olchaskey further commented on high density housing.

- Monica Consiglio, 7 James Street
Questioned Item #4 on Communication and Committee Report, Admin. & Finance #C. Clerk responded that a Resolution would be on the next agenda.

- Jim Robinson, 11 Borrelle Square
Commented on not being able to take a Vote in Closed Session and was happy that the vote on the appeal took place in Open Session. Stated that the Judges

Court Order he received did not have the Attachment noted in the document. The Borough Attorney told Mr. Robinson to e-mail him and he would forward the Attachment to him.

Mr. Robinson went on to comment on if we were to get the Veterans, Senior, Domestic Violence or Assisted housing program it would save us a lot of units. Mr. Leoncavallo also commented on the numbers.

- Janice Benedetto, 1 Thomas Avenue
Commented on the Appraisals for the National Lead Property and PRIME Site and the procedure involved. Councilwoman Novak stated that the action was taken tonight and it will be memorialized at the next meeting.

- Michael D'Addio, SERA Chairman
Questioned the number of units at the Point. He further commented about the Planning Board and the report that Co. Lembo read earlier.

There being no other questions or comments. Council President Buchanan made a motion to close the public portion. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

• **ADJOURNMENT**

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

Roll Call – Voice Vote, all ayes. Carried.

Time 8:44 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date approved