

**APRIL 24, 2017
REGULAR MEETING**

Mayor Kennedy O'Brien opened the Council Meeting at 7:00 PM. followed by a short prayer and salute to the flag.

• **STATEMENT OF NOTICE OF PUBLICATION**

Deputy Municipal Clerk Morelos announced that this April 24, 2017 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 Buchanan, Grillo, Kilpatrick, Lembo,
Melendez, Novak,

Absent: None

Others Present: Daniel E. Frankel, Business Administrator
Wayne A. Kronowski, C.F.O./Treasurer
Jessica Morelos, Deputy Municipal Clerk
Michael DuPont, Esq., Borough Attorney
Jay Cornell, P.E., Borough Engineer
Lawrence Sachs, Esq., COAH Counsel
John Leoncavallo, Municipal Planner

Others Absent: None

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

Council President Buchanan moved the following Council Minutes be approved, subject to correction if necessary:

- ☒ February 22, 2017 - Budget Workshop
- ☒ February 27, 2017 - Liquor Hearing – Snookers LLC
- ☒ March 21, 2017 - Receipt of Bids – Raw Water Pipe Replacement
- ☒ April 4, 2017 - Receipt of Bids – Improvements to Smith Street
- ☒ April 11, 2017 - Receipt of Bids – Duhernal Well Maintenance &
Redevelopment Services

Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

Mayor stated that the Borough lost three residents who are Tom Kelly, Jim Gillette and Carmen Rondesko. A moment of silence was held.

• **SWEARING IN:**

Sergeant Kenneth Davern

• **PRESENTATION MADE BY THE MAYOR AND COUNCIL TO:**

- Kevin Ciak for being elected to the National School Boards Association

Mayor called upon Jane Toth and Bernard Bailey.

Jane Toth, 26 Zaleski Drive

She stated the drainage system is not good and between the two grates there is a belly. Most of the time we have water in front of our house and during the summer if we have a humid day we have a habitat for mosquitoes. In the winter time we have an ice rink. After awhile we started complaining and the Road Department came with cold tar to bring it so the water can flow to the grate. She was thrilled that they were putting in a new drainage system on Zaleski Drive but unfortunately they didn't come down to where she lived. Then this year they were continuing the project and stopped at Sims Street. She would like the drainage fixed in front of her house.

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Mayor stated she will go home happy.

Bernard Bailey, Public Works Director

He explained the complaint process. He also stated to move the drainage down three houses would cost \$85,000 and to do it in the front of her house it would cost \$20,000. The funds are available and if the Mayor and Council authorize the change order the work will be completed.

Mayor asked if there were any objections to a change order for extending the project to 26 Zaleski Drive for the additional expense of \$20,000.

There were no objections.

- **OLD BUSINESS**

- **NEW BUSINESS:**

a) Introduction of the following Ordinance(s):

ORDINANCE #360-17

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 195-12 FINALLY ADOPTED OCTOBER 9, 2012 BY THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, IN ORDER TO PROVIDE FOR A CHANGE IN THE IMPROVEMENTS AUTHORIZED BY SUCH ORDINANCE

(Admin. & Finance Committee – Public Hearing May 8, 2017)

Councilwoman Novak moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on May 8, 2017. Motion was seconded by Councilwoman Kilpatrick.

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

ORDINANCE #361-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO AMEND SECTION 7-10.1 “TURN PROHIBITIONS”

(Public Safety Committee – Public Hearing May 8, 2017)

Councilman Grillo moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on May 8, 2017. Motion was seconded by Council President Buchanan.

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

ORDINANCE NO. 362-17

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIV, WATER AND SEWER, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE

(Water & Sewer Committee – Public Hearing May 8, 2017)

Council President Buchanan moved the ordinance be approved on first reading, advertised according to law and a public hearing be held on May 8, 2017. Motion was seconded by Councilman Novak.

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

- **CONSENT AGENDA/RESOLUTIONS**

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At this time the Mayor opened the meeting for questions or comments on Consent Agenda Resolutions. There were no appearances. Mayor O'Brien called for a motion.

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

Roll Call on Consent Agenda Resolutions:

Ayes: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Melendez, Novak

Nays: None

RESOLUTION #2017-117

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.

/s/Kennedy O'Brien
Kennedy O'Brien, Mayor

/s/Daniel Buchanan
Councilman Daniel Buchanan

/s/Pasquale Lembo
Councilman Pasquale Lembo

/s/Steven Grillo
Councilman Steven Grillo

/s/Ricci Melendez
Councilman Ricci Melendez

/s/Victoria Kilpatrick
Councilwoman Victoria Kilpatrick

/s/Mary J. Novak
Councilwoman Mary J. Novak

**Bill list of April 24, 2017 in the amount of \$5,331,683.32
in a separate Bill List File for 2016 (See Appendix Bill List 2017-A for this date).**

RESOLUTION #2017-118

BE IT RESOLVED that the proper officials are hereby authorized to execute Agreement and Application for permission to conduct Fireworks Display between International Fireworks, PO Box 6, Sycamore Road, Douglasville, PA 19518, and the Borough of Sayreville, covering display to be held at Kennedy Park on July 1, 2017 (rain date July 2, 2017) at a cost not to exceed \$17,000.00, subject to International Fireworks providing the appropriate insurance coverage as required by the Borough and further subject to said insurance indemnifying the Borough with regard to liability caused by the fireworks including personal injury and or property damage.

/s/ Ricci Melendez
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Mayor

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RESOLUTION #2017-119

BE IT RESOLVED that the following person is hereby appointed to the following department:

NAME OF APPOINTEE: Dean Kontos
POSITION: Laborer
DEPARTMENT: Water & Sewer
EFFECTIVE: May 1, 2017

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Department of Personnel.

/s/ Daniel Buchanan
(Water & Sewer Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Jessica Morelos
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-120

BE IT RESOLVED that the following person is hereby appointed to the following department:

NAME OF APPOINTEE: Andrew Gay
POSITION: Laborer
DEPARTMENT: Water & Sewer
EFFECTIVE: May 1, 2017

BE IT FURTHER RESOLVED that the compensation to be paid such appointee shall be fixed and determined by the Salary Ordinance or appropriate resolution adopted thereunder fixing the compensation to be paid municipal employees and that this appointment be made subject to all the rules and regulations of the New Jersey Department of Personnel.

/s/ Daniel Buchanan
(Water & Sewer Committee)

ATTEST: **BOROUGH OF SAYREVILLE**

/s/ Jessica Morelos
Deputy Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-121

BE IT RESOLVED that the proper Borough officials are hereby authorized and directed to refund property taxes for 2016 in the amount of \$3,454.48, effective May 14, 2016 due to the Approval by the Tax Assessor of a

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100% Disabled Veteran's Tax Deduction covering Block 32.02, Lot 13, 12 Spruce Lane.

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

ATTEST: _____ **BOROUGH OF SAYREVILLE**
/s/Jessica Morelos /s/Kennedy O'Brien
Deputy Municipal Clerk Mayor

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RESOLUTION #2017-122

BE IT RESOLVED that the Mayor and Borough Council grant permission to the Sayreville Police Auxiliary to conduct a fireworks display during their carnival at Kennedy Park on April 28, 2017 (rain date April 29, 2017). They have received all the necessary approvals, permits and also provided the Borough with a certificate of insurance.

/s/Steven Grillo, Councilman
(Public Safety Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE**
/s/Jessica Morelos /s/Kennedy O'Brien
Deputy Municipal Clerk Mayor

RESOLUTION #2017-123

WHEREAS, on April 11, 2017 the Mayor and Council of the Borough of Sayreville received bids for the "Duhernal Well Maintenance and Redevelopment Services"; and

WHEREAS, Certification as to Availability of Funds is annexed hereto;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 24th day of April, 2017:

1. Contract for the "Duhernal Well Maintenance and Redevelopment Services" be awarded to Layne Christensen Company, Beverly, NJ 08010 on their bid price of \$1,038,000.00 as appears on copy of bid document attached hereto and made a part hereof, subject to the waiver of minor irregularities and approval of the documents by the Borough Attorney.

2. This resolution shall take effect immediately, upon execution of the proper documents.

/s/ Daniel Buchanan
(Water & Sewer Committee)

ATTEST: _____ **BOROUGH OF SAYREVILLE**
/s/ Jessica Morelos /s/ Kennedy O'Brien
Deputy Municipal Clerk Mayor

• **PUBLIC PORTION-**

At this time Mayor O'Brien opened the meeting to the public or any and all issues. Those appearing were:

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- Ken Olchaskey, 108 No. Edward Street

He commented about the actions of Councilman Grillo at the last meeting. He further stated that the COAH issue is the biggest issue Sayreville is facing right now. Councilman Grillo responded that it was discussed at three or four Planning Board meetings which were mostly in closed session.

Mr. Olchaskey said the residents were not informed about this issue. He questioned who is exactly being sued in Sayreville.

Response by Mr. Sachs.

Mr. Olchaskey questioned if this was a result of building that has gone on where we have not have an affordable housing component. He also asked if there was affordable housing in Towne Lake.

Mr. Sachs responded that there isn't and we were certified for the first round of COAH and second round. We are now dealing with the period from 2005 to 2025.

Mr. Olchaskey was very disgusted that builder's got away without having affordable housing in their projects.

- Jim Robinson, 11 Borelle Square

He thanked the Mayor and Council for having Mr. Sachs and Mr. Leoncavallo stay for this meeting. He stated it's very hard to get information on the affordable housing issue. He questioned the amount of affordable housing units. He would like to know the amount of affordable units and market rate units.

Mr. Sachs responded the total number of affordable units is 785 what that comprises is 434 actual buildable units, received credit of 154 units from our prior round of certification. Then we received a rental bonus of 197 units.

Kaplan Site 1 – 26 units

Kaplan Site 2 – 45 units

Cross Ave./National Lead Site – 25 units

Luxury Pointe Site – 171 units

Chase Partner Site – 22 units

River Road Redevelopment Area – 24 units

Accessory apartments throughout the municipality – 10 units

Properties that are controlled by the municipality – 111 units

All of those totals 434 units.

Mr. Robinson requested a copy of this and it should be on the website. He then asked for the total of market rate units.

Mr. Sachs responded

Kaplan Site 1 – 173 units

Kaplan Site 2 – 300 units

Cross Ave./National Lead Site – 163 units

Luxury Pointe Site – 2,000 settlement agreement prior to COAH litigation

Chase Partner Site – 148 units

River Road Redevelopment Area – 160 units

Mr. Robinson stated that the Township of Woodbridge is building 96 units with no cost to the taxpayers. They received grants and are working with a non-profit organization. He then questioned the member on the Planning Board that were not reappointed.

Council President Buchanan asked Mr. Sachs what the rule is on not appointing members because there were several times during the year that he reminded the Mayor to make those appointments and he chose not to.

Mr. Sachs responded that if their term expired they should not be sitting on that board. He then answered Mr. Robinson's question and stated that there was always a quorum at the Planning Board.

- Jorge Gonzales, Kimball Drive West

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He mentioned from previous meetings that Councilman Grillo stated that 112 units were going on Housing Authority property. He asked for an elaboration.

Mr. Sachs responded that it's a combination of municipally controlled properties.

Mr. Gonzales stated he's the chairman of the housing authority and has no clue what they are talking about.

Council President Buchanan stated that he thinks there's confusion between the redevelopment property and housing authority running it.

Mr. Gonzales stated that we came before the Mayor and Council two years ago putting 75-80 units of affordable housing and it was ignored. He also stated Mrs. Kilcommons deserves an apology.

- Barbara Kilcommons, 22 Schmitt Street

Questioned Councilman's Grillo title of employment.

Councilman Grillo responded that he's a city planner for a non-profit economic development group.

Mrs. Kilcommons stated she deserves an apology.

Councilman Grillo responded that she comes up here and insulted the integrity, honesty, dedication, and work ethic of this entire governing body. In his opinion she wasn't being intellectually honest.

Mrs. Kilcommons stated that the borough is lacking senior homes like Spinnaker Pointe, assisted living, veteran homes not for developers to build single family homes to make a lot of money.

Councilman Grillo responded that we are going to have a separate meeting about how we can incorporate those options on the sites we have identified.

Mrs. Kilcommons commented that we need ratables in this town. The town needs to plan better.

- Ruth Mahoney, 2 Gerard Place

Commented on the amount of housing they want to put between North Ernston and Main Street and traffic in town.

- Mike D'Addio, 13 Zaleski Drive

Commented on some of the property that Mr. Sachs and Mr. Leoncavallo are talking about is SERA owned property. One of the sites by the senior center is set to be redeveloped and they can build just affordable housing on because there are no height requirements in a redevelopment zone. He believes redevelopment is the way to go.

- Judy McCrone, 312 Stevens Avenue

She stated that her and members of her community have been trying to improve the look and the quality of life their neighborhood. They requested to have a "Welcome to Morgan" sign coming over the Morgan Bridge. Two sponsors are willing to pay for the sign.

Mayor questioned if sign was on borough property.

Response from Tom Pollando in audience.

Mayor stated that if they want a neighborhood sign they'll look into how much one does cost and stick it on public property.

Mayor O'Brien asked if there were any further questions or comments. There being no further questions or comments, he called for a motion. Council President Buchanan made a **motion to close the public portion**. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION:**

At this time the Borough Attorney announced that there is a need to go into Closed Session.

- 10-15 minutes / Litigation & Personnel

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Mr. DuPont read the following Resolution into record:

RESOLUTION FOR CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 10 minutes to discuss the following matters:

Litigation & Personnel

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

NOW, THEREFORE BE IT RESOLVED that the public be excluded and this resolution shall take effect immediately.

/s/ Daniel Buchanan, Councilman

APPROVED:

/s/ Kennedy O'Brien, Mayor

Council President Buchanan moved the Executive Session Resolution be adopted on Roll Call Vote. Motion seconded by Councilwoman Novak.

Roll Call: Voice Vote, All ayes.
Carried. Time: 8:20 PM

- **RECONVENE - 8:36 PM**
Council President Buchanan made a motion to reconvene. Motion seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

No further business.

- **ADJOURNMENT**

Mayor called for a motion to adjourn.

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

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Roll Call: Voice Vote, all Ayes.

Time: 8:38 P.M.

SIGNED:

Jessica Morelos
Deputy Municipal Clerk

Date Approved