

**CALL TO ORDER**

Special Meeting of the Mayor and Borough Council held on May 7, 2018 was called to order by Mayor Kennedy O'Brien at 7:00 P.M. followed by a salute to the flag.

**STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this Special 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 filing with the Municipal Clerk.

**ROLL CALL**

Roll Call: Councilpersons Buchanan (via teleconference), Grillo, Kilpatrick, Lembo, Melendez, Novak

Absent: None

Others Present: Mayor Kennedy O'Brien  
Business Admin. Frankel  
Municipal Clerk Farbaniec  
Attorney Michael DuPont

Mayor turned the meeting over to the Borough Attorney.

Mr. DuPont stated that we received an e-mail from the Planning Board Attorney, Mr. Rogoff that at the April 4<sup>th</sup> Planning Board meeting the Planning Board reviewed the River Road Redevelopment Plan and recommended the adoption of the amended plan and that the amendments be made part of the Master Plan it was also recommended that Resolution 2018-114 be amended to change the date of August 2, 2017 to March 29, 2018

- Council President Kilpatrick made a motion authorizing the Resolution be amended as stated and to introduce an ordinance amending the River Road Redevelopment Plan. Motion was seconded by Councilman Lembo.

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

- Nay: None

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

Borough Attorney 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 15-20 minutes to discuss the following matters:

## Litigation and COAH Litigation Matters

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/Victoria Kilpatrick, Council President

APPROVED:

/s/ Kennedy O'Brien, Mayor

Councilwoman Novak made a motion to go into Closed Session. Motion was seconded by Councilwoman Kilpatrick.

Roll Call: Voice Vote, all ayes. Carried.  
Time: 7:05 PM

- **RECONVENE – 7:58 PM**

Councilwoman Kilpatrick made a motion to reconvene. Motion seconded by Councilwoman Novak.

Roll Call: Councilpersons Buchanan (via teleconference), Grillo, Kilpatrick, Lembo, Melendez, Novak, all Ayes and present

- **PUBLIC PORTION**

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

Those appearing were:

- Jim Robinson, 11 Borelle Sq.

Question if COAH Litigation was discussed in closed session and the borough attorney responded that it was. Mr. Robinson then asked if anything that transpired during the closed session can be shared. The Borough Attorney said No and that the only thing was that the Judge has given the parties until June 28 in order to allow for further discussions.

- Steve Melanaski, 28 Scarlett Drive

Asked on the progress on the performer on COAH, capacity planning and impact.

Mayor thought that governing body felt that it would be a function for SERA and to have the developers put monies into an escrow to have their financial advisors do a the Pro forma. That we would be the controlling party when the developer put the money in the escrow account and a financial analysis that is on staff would do the Pro forma, so it would be developer funded.

Mr. Melanaski said that he did not remember that.

Councilwoman Kilpatrick said that with the COAH sites it is something that the borough would need to look at but she had reservations with starting something with our CFO leaving and now that we have a new CFO on board give her an opportunity to come in and ask what approach the council would like to take. She said that the borough hired Bob Powell to do some of these figures to keep the developers honest. She said that it was not a Pro forma but we have some financial analysis with some sites. Mr. Melanaski said that this was only one small element and she agreed.

Mayor asked Councilman Grillo if there was a particular protocol in the type of work he does where this type of in depth of financial analysis is done. Councilman Grillo said that it is not typically done on a municipal level unless there is one large project like Riverton. He said that his recollection was that it was referred to the Mount Laurel Sub Committee, that Councilpersons Kilpatrick, Lembo and Buchanan serve on, to convene and determine the next step. Discussion followed on the protocol and who should do it. Councilwoman Kilpatrick asked the council to authorize the

Business Administrator to contact the proper professionals in order to look into a Pro forma, how much it would cost and what steps we would have to take.

Mayor asked if there were any objections to this course of action. None made.

There being no further appearances, Councilwoman Novak moved to close the Public Portion. Motion was seconded by Council President Kilpatrick.

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

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

Roll Call: Voice Vote, all Ayes. Carried.

Time: 8:14 P.M.

SIGNED:

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Theresa A. Farbaniec, RMC  
Municipal Clerk

Date Approved: \_\_\_\_\_