

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

- **MAYOR O'BRIEN CALLED FOR A MOMENT OF SILENCE FOR THE TRAGEDY THAT OCCURRED SIXTEEN YEARS AGO TODAY ON SEPTEMBER 11, 2001.**

- A moment of silence was observed by all in attendance.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this September 11, 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: 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

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

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

- ☒ June 26, 2017 - Special Meeting & Executive Session
- ☒ June 26, 2017 - Council Session
- ☒ July 24, 2017 - Regular, Agenda and Executive Session

Seconded by Councilwoman Novak.

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

- **PROCLAMATION & PRESENTATION: (None)**

At this time Mayor O'Brien called upon Rich Kosmoski.

Rich Kosmoski, Wilson Avenue, Parlin

Representing the American Legion Lenape Post 211 Honor Guard Invited the Mayor and Council the their 6th Annual Vietnam Veterans remembrance ceremony to be held on Sunday, October 15, 2017 at 5:00 P.M. at the post home on MacArthur Ave. rather than at the veteran's monuments at borough hall due to some negative remarks made in the past by some councilmembers two years.

Also appearing was:

Bob Delekat, 10 Little Broadway, Sayreville

Commented about his time served in the military and those who lost their lives and felt that they should be able to hold any veteran service on borough property. Comment from Councilman Buchanan and Councilwoman Novak.

Ed Streck, 58 Nickel Avenue

Mentioned to Councilwoman Novak that the comments were made in 2015. Councilwoman Novak said that in 2016 the Veteran's held their service here at borough hall so she wasn't understanding why the comments now. He said that the reason why this is being brought up was because at their September membership meeting a question came up about what happened in 2015 at a council meeting and a council member questioned why they weren't invited. He said that the public works department knew about the service as they did all the prep work for the program. He said they were offended about comments made by Councilwoman Novak.

Councilwoman Novak said that she did not make that comment. She had questioned if the American Legion needed permission. She said that Girl Scout leaders always needed permission and they did it in writing. She said that she would have been in attendance if she would have known about it and that is why the question was raised. She declared that she has never missed a veterans service and was offended by the statement. Mr. Streck also stated that the Veteran's Day services would not be in front of borough hall they will be at one of the cemeteries.

Mayor thanked them for their service.

Mayor then called upon Karen Bailey and Art Rittenhouse.

Karen Bailey, 279 Johnson Lane, Parlin

Shared an idea she had to help out the people in Texas by filling a 53' tractor trailer and a driver. She said that the project kicked off today. She said that in front of Buddies Tavern at 277 Johnson's Lane there is the tractor trailer parked. Permission was also obtained from the Board of Education to utilize the grassy area along the side. The schools are also participating. She went over a list of products they are looking to obtain through donations to fill the truck for our neighbors in Texas. Project will go on until September 23rd and shipped on about Oct. 1st. Said the goods will be received by the San Antonio Food Bank. She also mentioned the various areas throughout the town that will be participating as drop off spots. She commented on how helpful the students have been. She also mentioned that they will be having a Taste of the Town on Sept. 23rd to show appreciation and to help raise money for gas.

Mayor asked Mr. Rittenhouse for flyers so information could get posted on the cable access channel. Mayor said the gesture of good will be a great success.

Mayor called for the next order of business.

NEW BUSINESS:

Clerk announced:

- a) Re-introduction of withdrawn ordinance from Aug. 21, 2017:

ORDINANCE NO. 363-17

AN ORDINANCE OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY TO SUPPLEMENT AND AMEND CHAPTER XXXV, ENTITLED "AFFORDABLE HOUSING ORDINANCE", TO IMPLEMENT THE BOROUGH OF SAYREVILLE HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

(Introduced on May 22, 2017 & Withdrawn on 8/21/17)
(Planning & Zoning - Public Hearing September 25, 2017)

Councilman Lembo moved the ordinance approved on first reading, advertised according to law and a public hearing be held on September 25, 2017. Seconded by Councilman Grillo.

Roll Call: Councilpersons Lembo - Nay

Councilpersons Buchanan - Ayes But he wants to see higher bulk standards and so that this Ord can move to public comment.

Grillo - Ayes Also wanting higher bulk standards and wants to move it to public comment.

Kilpatrick - Ayes so it can move from first reading to

public comment but felt there are still changes that can be made. However, if changes are not made she would continue to vote No.

Melendez – Ayes so we can move it toward public hearing on Sept. 25th.

Novak – Ayes to move this ordinance to public hearing for public comment. But not in favor of this ordinance.

b) Introduction of the following Ordinance(s):

ORDINANCE 366B-17

AN ORDINANCE SUPPLEMENTING AND AMENDING ARTICLE III OF CHAPTER XXVI, LAND DEVELOPMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE TO PERMIT INCLUSIONARY MULTI-FAMILY DWELLINGS WITHIN THE PLANNED RESIDENTIAL DEVELOPMENT DISTRICT OPTION

(Planning & Zoning – Public Hearing, September 25, 2017)

Councilman Lembo moved the Ordinance be approved on first reading, advertised according to law and a public hearing be held on Sept. 25, 2017. Motion was seconded by Councilman Grillo.

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

Nay: Councilpersons Lembo

Council President Buchanan asked how to bring back up the Developer Fee Ordinance and the other which was removed from the last agenda.

Clerk stated that the ordinances were withdrawn from the last meeting at the recommendation from Mr. Sachs who stated that those two ordinances were not discussed by the Planning Board and referred back to the Council.

Councilwoman Kilpatrick stated that she thought all four ordinances were removed for the same reason. Mr. DuPont said no – that the two ordinances that were being adopted tonight were required by the Court. Further explained by Mr. Leoncavallo.

Borough Attorney DuPont will check with Mr. Sachs and the Planning Board.

Councilwoman Kilpatrick commented that she was upset that this developer fee was not listed or moving forward. She said the second ordinance was the accessory apartment ordinance and that we had credits with this ordinance.

Councilman Grillo said that he understands that there are two additional intervenors and asked how they could apply at this late juncture.

Explained by the Borough Attorney that the motion is scheduled to be heard Friday and stated that Mr. Sachs has filed oppositions to the motions filed by National Lead and SERA, but can't get into too much detail. He said that when he received all of the information on the matter he would send a memo to the Mayor and Council.

Councilwoman Kilpatrick asked Mr. DuPont about intervenors and intervenors rights. Mr. DuPont gave an overview of the rules governing intervenors and their rights, which is at the discretion of the courts.

Councilwoman Novak asked if an intervenor has been denied in the past now be allowed to apply again. Again explained by Borough Attorney DuPont and what their rights would be. He explained the legal term Res judicata, where that person would have to raise something new because the borough could point back to the old. He said that the entity has not brought up anything new since the denial. Councilwoman Novak said it was her understanding that he was denied solely because he filed too late. Mr. DuPont said that the res judicata argument, that this person was denied before and there is nothing new.

Councilman Grillo wanted to make the request to Mr. Leoncavallo clear that the request was for 366B-17. The concept is right the number was wrong.

- **CONSENT AGENDA/RESOLUTIONS**

At this time Mayor O'Brien opened the meeting to the public on the Consent Agenda Resolutions.

Those appearing were:

- Sam Reale, Jr. on behalf of Snookers Liquor License Transfer Resolution #2017-259. He commented that it was a pleasure working with Peg Schaffer, ABC Counsel; Chief Zebrowski and Lt. Brennan to work out the remaining issues.

- Barbara Kilcomons, 22 Schmitt Street
Questioned Resolution #2017-260 asking where Golden Age Development was. Engineer Cornell stated it was between Harbor Club and Spinnaker Point. That it is a 13 Acre parcel with 96 age restricted units.

Questioned the Long Term Tax Exemption in Resolution 2017-262.
Explained by the CFO, that it is a change in the Pilot Agreement for Middlesex Energy Plant on Jernee Mill Road.

Resolution 2017-263 – is this for the huge generator next to borough hall.
Complained about the looks of the generator and its location.

Resolution 2017-273 Asked where this Pole Barn building was going.
Business Admin. said Fort Grumpy.

Resolution 2017-275 Commented on why we purchase instead of renting large equipment that we do not use on a daily basis.

Resolution 2017-277 and 2017-278 Asked if we were selling a portion of the Duhernal property to Monroe.

Mr. Kronowski said that it was up for sale to any interested party and it appears that someone interested in purchasing that portion of the property and that portion of the property is not needed and we are paying taxes on the property.

Resolution 2017-279 – Supplemental Financial Agreement with ESI
Explained by Mr. Kronowski that this is a Pilot Agreement. That first started when it was with North Energy and now owned by NextEra and this is the last 6 years for the pilot agreement.

- Jim Robinson, 11 Borelle Square
Questioned Resolution #2017-260 and Golden Age Development on Gondek Drive. He asked if there was an affordable housing component at this site. He went on to read from a planning board resolution about there being an affordable housing components there.

Councilwoman Kilpatrick spoke about research she did into the affordable housing issue at this site and explained that she found that they were supposed to have affordable housing at this site and that there were none. She said that she would not be in favor of placing sales trailers on a block that is not meeting its' obligation.

Mr. Robinson stated that in the past when he was on the planning board a density bonus given to Mr. Kay when some other projects were developed on Ernston Road and before he left the board they made sure that it was memorialized, that they owed the borough affordable housing in exchange for the density bonus. He said that at a special meeting the council asked Mr. Sachs to look into this.

Comments also made about fees and time limits of development and if this would render the agreement invalid or not.

Mr. Robinson questioned Resolution 2017-279 and how much the borough is getting for this pilot agreement. He also questioned how much that would be relative to property taxes.

Response made by CFO Kronowski.

- Charles Lukie, 324 Oak Street
Complained about someone throwing nails.
Mayor explained that this was the consent agenda portion of the meeting, but he would get someone to look into it.

Mayor called for a Motion.

Council President Buchanan made a motion before he closed the public portion to Table Resolution #2017-260. Motion was seconded by Councilwoman Novak.

Mayor stated for the record that the focus seems to be on the two Jewish builders and said he had a real issue with overt anti-Semitism.

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

Councilpersons Grillo and Kilpatrick said that they did not want this tabled forever just wanted Councilwoman Kilpatrick's questions answered.

Council President Buchanan moved the public portion be closed and the Consent Agenda Resolutions be approved on Roll Call Vote, with the omission of Resolution #2017-260. Seconded by Councilwoman Novak.

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

Nays: Councilman Grillo – Resolution #2017-276.

RESOLUTION #2017-255

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/Dan Buchanan
Councilman Dan 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 September 11, 2017 in the amount of \$9,098,413.22 in a separate Bill List File for 2017 (See Appendix Bill List 2017-A for this date).

RESOLUTION 2017-256

WHEREAS, an application has been received by the Municipal Clerk for a person to person and place to place transfer of the inactive Plenary Retail Consumption License #1219-33-051-004 ("the license"), covering the sale of alcoholic beverages in the Borough of Sayreville ("the Borough"); and

WHEREAS, the applicant, 1901 Commercial Mgmt. Co. LLC, ("1901 Commercial"), a wholly owned subsidiary of Columbia Bank, has requested that the Borough consider the application pursuant to limited review of the qualifying shareholders and officers and members of the Board of Directors who would otherwise be required to qualify as an

appropriate applicant pursuant to N.J.A.C. § 13:2-2.1(a)(1); N.J.A.C. § 13:2-1.2(a); N.J.S.A. 33:1-25; and N.J.S.A. 33:1-26; and

WHEREAS, in support of that request, 1901 Commercial has provided the Affidavit of Todd Malkin, Vice President of 1901 Commercial, who has averred, in part, as follows:

1. I represent that pursuant to N.J.S.A. 33:1-25, I am qualified to hold an interest in or associate with a New Jersey Alcoholic Beverage License or permit according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder and any pertinent local ordinances and conditions imposed consistent with Title 33...
2. It is the intent of 1901 Commercial Mgmt. Co., LLC, as creditor, to hold the license for a short period of time in which the license would remain inactive as a pocket license.
3. 1901 Commercial Mgmt. Co., LLC will not use or activate the license but merely sell it to a third party user.
4. To the best of my knowledge all officers and directors with the corporate chain do qualify pursuant to the provisions of the Alcoholic Beverage Control Act.
5. There are no other reasons why 1901 Commercial Mgmt. Co., LLC or any of the companies in the corporate chain would be disqualified from holding a license pursuant to the standards set forth in Title 33.
6. I make the foregoing statements realizing that the Division of Alcoholic Beverage Control will rely on them. I am also aware that any misstatements or omissions of material fact that is made by me are grounds for suspension or revocation of any New Jersey Alcoholic Beverage license or permit that I may have an interest in or association with; and

WHEREAS, the Borough, upon review of the August 26, 1994 opinion letter of J. Wesley Geiselman, Deputy Attorney General, Enforcement Bureau (Bulletin 2465), which authorized such limited review of the qualifying shareholders and officers and members of the Board of Directors under certain circumstances, and in reliance upon the representations made in the Affidavit of Todd Malkin, Vice President of 1901 Commercial, finds that such a limited review is permissible in this limited and specific circumstance; and

WHEREAS, the Borough, having completed such a limited review of the qualifying shareholders and officers and members of the Board of Directors of 1901 Commercial, and having deemed that review satisfactory; and

WHEREAS, the Borough having otherwise thoroughly investigated the application; and

WHEREAS, the application being found to be complete in all respects, and whereas applicant has disclosed with the issuing authority the source of all funds used in the purchase of said license and business; and

WHEREAS, the transferee has executed a valid consent to transfer the license; and

WHEREAS, the applicant has duly advertised in the Home News Tribune on May 5, 2017 and May 12, 2017, as required by law, and has produced proof of publication as to such advertising; and

WHEREAS, no objections or protests have been made with regard to said transfer; and

WHEREAS, all other necessary requirements have been fulfilled and proper investigations have been made, the specified representative of the applicant, Mr. Malkin, is qualified to be licensed according to all standards established by the New Jersey Alcoholic Beverage Control Act, the regulations promulgated thereunder, as well as all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations or Division-approved conditions.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Sayreville does hereby approve, effective September 11, 2017, the transfer of the Plenary Retail Consumption License #1219-33-051-004 now held by K & K Beverage LLC, to 1901 Commercial Mgmt. Co. LLC, as and to remain a pocket license, and does hereby direct the Borough Clerk to endorse the license certificate as follows:

LICENSE NO.: 1219-33-051-004 **FROM:** K & K Beverage LLC **TO:** 1901 Commercial Mgmt. Co. LLC
Effective Date:
September 11, 2017

/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 #2017-257

WHEREAS, an application has been filed for a place-to-place transfer (Expansion of Licensed Premise) of Plenary Retail Consumption License #1219-33-044-042, for purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Sayreville does hereby approve, effective September 12, 2017, the expansion of the aforesaid Plenary Retail Consumption licensed premises Located at 499 Ernston Road, PO Parlin, New Jersey, to place under license the area delineated in the application form and the sketch of the license premise attached thereto.

/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 #2017-258

**BOROUGH OF SAYREVILLE RESOLUTION TO RENEW
P.R.C.L. #1219-33-021-009, GIANNA'S, INC.
FOR THE 2017-2018 LICENSE YEAR**

WHEREAS, Gianna's Inc. is the holder of Plenary Retail Consumption License # 1219-33-021-009 issued by the governing body of the Borough of Sayreville as the Issuing Authority for license year 2017-2018; and

WHEREAS, said applicant has complied with the necessary requirements including payment of fees, etc.

WHEREAS, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2017-2018 license term; and

WHEREAS, on August 22, 2017, David P. Rible, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of a pocket license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 05-17-489 for a one-year period, covering the 2017/2018 license term; and

WHEREAS, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the 2017/2018 license term and to grant or deny said application in the reasonable exercise of its discretion;

BE IT FURTHER RESOLVED THAT Plenary Retail Consumption License Number 1219-33-021-009, Gianna's, Inc., is hereby renewed for the 2017-2018 license year, subject to the following conditions remaining on the license:

- (a) No electronic speakers shall be located closer than fifteen (15') feet from the front of the licensed premises (i.e. building);
- (b) All electronic speakers shall be elevated off the floor;
- (c) The front door shall be equipped with a latching mechanism which will permit the door to be locked in such manner as to prevent entrance from the outside while still allowing for exiting in the event of emergency;
- (d) On all Fridays and Saturdays and on all Sundays occurring during any three-day legal holiday which ends on a Monday and on any and all days where the licensee is to hold a special promotion of any sort, the licensee shall:
 - Post (at least) one security guard continuously in front of the building from 12:01 A.M. to 2:00 A.M.
 - Post (at least) two security guards continuously outside of the building, at least one of which shall be posted in front of the building from 2:00 A.M. until the last patron (i.e., non-employee) has left the premises after closing;
 - Ensure that all guards shall wear, while on duty, distinctive clothing which is readily noticeable and easily visible at night, such as bright orange vests; and
 - Not allow any employees to park on premises;
 - After closing, patrol the streets and sidewalk areas along the located establishment and the respective intersections and shall remove all loose cans and bottles found in such areas.

/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 #2017 - 259A/Renewal

WHEREAS, Snookers, LLC is the holder of Plenary Retail Consumption License #1219-33-043-007 in the Borough of Sayreville; and

WHEREAS, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2017-2018 license terms; and

WHEREAS, on August 22, 2017, David P. Rible, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of a pocket/inactive license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 08-17-1146, covering the **2017/2018 term**; and

WHEREAS, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the 2017/2018 and to grant or deny said application in the reasonable exercise of its discretion;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Mayor and Borough Council do hereby grant the renewal of Plenary Retail Consumption License No. 1219-33-043-007 to the licensee for the 2017/2018 license terms, pursuant to special conditions as contained in the Special Ruling issued by the Director of the State Division of Alcoholic Beverage Control dated August 22, 2017 and hereby authorize the Municipal Clerk to endorse the licenses to reflect this decision.

BE IT FURTHER RESOLVED THAT this Resolution shall take effect immediately and/or as required by law.

/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 #2017-259B/Transfer Conditions
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING APPLICATION FOR PLACE TO PLACE TRANSFER FROM POCKET TO 960 ROUTE 9 SOUTH, WITH CONDITIONS

WHEREAS, Snookers LLC (the "Applicant"), filed an application for a place to place transfer of Inactive Plenary Retail Consumption License No. 1219-33-043-007 (the "Application") from Pocket, to 960 Route 9 South; and

WHEREAS, the proposed location is within 2,000 feet of other plenary retail licensed establishments in violation of Borough Ordinance §6-5.8; and

WHEREAS, Route 9 Associates t/a Bourbon Street (the "Objector") has objected in writing to the place to place transfer and waiver of that restriction; and

WHEREAS, the Applicant has been given notice of this objection and Applicant and Objector have had an opportunity to present their positions to the Council at a hearing held on May 22, 2017; and

WHEREAS, at the hearing, Applicant was represented by counsel, Samuel Reale, Jr., Esquire of Helmar, Conley & Kasselmann, P.A.; and

WHEREAS, Objector was represented by James Addonizio, Esquire of Rudnick, Addonizio Pappa & Casazza PC; and

WHEREAS, the Sayreville Police Chief recommended that the transfer be approved and the waiver granted; and

WHEREAS, Ordinance §6-5.8 vests discretion with the Borough Council acting as the ABC issuing authority to waive the 2,000 foot restriction in its reasonable discretion if it is satisfied that such waiver will not adversely impact the surrounding area and the public health, safety and welfare; and

WHEREAS, the application has been submitted in proper form and is complete in all respects; and

NOW THEREFORE IT IS HEREBY RESOLVED that the Borough Council of the Borough of Sayreville, after hearing from the Applicant, Objector and Counsel, and reviewing the police reports and recommendations based thereon, makes the following findings:

- a) The location of an additional facility in the area will not have an adverse impact on adjacent residential areas;
- b) The proposed location is not in an area where patrons of licensed

facilities tend to congregate and/or consume alcoholic beverages on the adjacent streets, sidewalks and properties and that the proposed facility is not of such a type that it may be expected that its patrons may engage in similar inappropriate behavior;

- c) The proposed facility is within 2,000 feet of other licensed premises;
- d) The proposed facility and existing licensed facilities have different business models as one primarily sells packaged goods for off-premises consumption and the other is a tavern designed for on-premises consumption;
- e) The proposed location would benefit the commercial development of the shopping center in which it is housed;
- f) The proposed facility would facilitate redevelopment of the shopping center which currently has several vacant units; and
- g) The Council believes the approval of the Application and waiver is otherwise in the public interest; and

IT IS FURTHER RESOLVED that the Place to Place Transfer Application of Plenary Retail Consumption License No. 1219-33-043-007 is hereby approved subject to the following conditions remaining on the license:

1. Licensee shall provide at least one designated security employee during its hours of operation, which security officer will cover occupancy of up to 100 billiard players. If more than 100 patrons are expected, Licensee will coordinate with the police as to the pertinent number of Security Personnel being posted at the front door of the Licensed Premises. At that time number and hours of Security Personnel will be finalized.
2. All parking for Snookers patrons shall be in the front of the Licensed Premises; and
3. Facility is required to have video surveillance of both the inside and outside of the licensed premises, which video surveillance shall be stored for a period of at least thirty (30) days;
4. Licensee and its staff will make reasonable efforts to monitor and disperse patrons who are lingering and/or loitering on the sidewalk and parking lot area in front of and adjacent to the establishment in order to provide for an unobstructed sidewalk and to reduce the risk of inappropriate conduct arising in the parking lot;
5. Licensee shall provide or arrange for proper trash receptacles in the front of the establishment and shall cause same to be cleaned of all litter, trash and other discarded items generated by and/or associated with Licensee's operation;
6. Licensee shall install signage inside the Licensed Premises, at or adjacent to the entry to the premises, which will provide in bold letters "**illegal conduct will not be tolerated**". This measure is designed to discourage drug activity occurring at or on the licensed premises;
7. Licensee shall require all security staff, except for security staff operating in an undercover capacity, to wear clothing that permits ready identification of Security Personnel by members of the Sayreville Police Department. The Licensee agrees to submit the security shirt design to the Police Department for approval.
8. The Licensee is not permitted to expand into the old movie theater without appropriate approvals from state and local authorities.

9. No live entertainment, including but not limited to: bands, DJs, etc., go-go dancers, nude or partially nude dancers, comedy performers, with the exception of pool or billiard matches or tournaments and no equipment or furniture will be moved or reconfigured to provide for a dance floor surface.
10. Licensee will ensure alcoholic beverages are only consumed inside the establishment and will strictly enforce a policy that prohibits open containers of alcoholic beverages outside the premises, including but not limited to the sidewalk and in the parking lot. Licensee will post signage at the EXIT doors: "No alcoholic beverages are permitted beyond this point."
11. Licensee shall cease all sales of alcohol at 1:30 a.m. and shall cease the playing of all music at 1:45 a.m. This measure is designed to facilitate the prompt and ordering exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed premises at the same time, resulting in loitering in and around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area;

NOW THEREFORE BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License Certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the following:

- a. Licensing Bureau
Division of Alcohol Beverage Control
140 East Front Street, P.O. Box 087
Trenton, New Jersey 08625-0087

/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 #2017-260

TABLED

WHEREAS, the following applicant has applied for trailer licenses to be used as a temporary office trailer(s):

<u>APPLICANT</u>	<u>#OF TRAILERS</u>	<u>LOCATION</u>
Golden Age Development LLC 40 Monmouth Park Highway West Long Branch, NJ 07764	- One (1) Sales/Office Trailer	Block 451, Lot 1.10

WHEREAS, said application has been referred to the proper department for investigation and review; and

WHEREAS, a favorable report has been received from the Zoning Officer covering the location of a said trailer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby approve the above-captioned application for permission to locate one (1) temporary trailer for office/sales use.

RESOLUTION #2017-261

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, DESIGNATING THAT PROPERTY OWNED BY HERCULES, 50 MINNISINK AVENUE, BLOCK 14, LOT 3; BLOCK 25.01, LOT 1; BLOCK 40, LOT 1; BLOCK 43, LOTS 1 AND 1.01; BLOCK 44, LOT 1; BLOCK 45, LOT 1; BLOCK 46, LOT 1; BLOCK 47, LOT 1; BLOCK 48.01, LOTS 1 AND 2; BLOCK 50, LOT 1; BLOCK 51, LOT 2; BLOCK 51.01, LOT 1; BLOCK 51.02, LOT 1; BLOCK 53, LOT 1; BLOCK 53.01, LOT 1; BLOCK 53.02, LOT 1; BLOCK 57.01, LOT 1.01 AND BLOCK 83.04, LOT 1 (THE "PROPERTY") AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et. seq. (the "Redevelopment Law") provides a process for municipalities to participate in the redevelopment and improvements of areas in need of redevelopment; and

WHEREAS, Hercules owns property in the Borough of Sayreville located at 50 South Minnisink Avenue, Block 14, Lot 3; Block 25.01, Lot 1; Block 40, Lot 1; Block 43, Lots 1 and 1.01; Block 44, Lot 1; Block 45, Lot 1; Block 46, Lot 1; Block 47, Lot 1; Block 48.01, Lots 1 and 2; Block 50, Lot 1; Block 51, Lot 2; Block 51.01, Lot 1; Block 51.02, Lot 1; Block 53, Lot 1; Block 53.01, Lot 1; Block 53.02, Lot 1; Block 57.01, Lot 1.01; and Block 83.04, Lot 1 (the "Property"); and

WHEREAS, on November 14, 2016, as amended by a resolution adopted on June 26, 2017, the Council authorized the Planning Board to undertake a preliminary investigation to determine whether the Property constitutes a Non-Condemnation Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5 and 6; and

WHEREAS, at the direction of the Planning Board, John Leoncavallo, P.P. completed an investigation entitled "Preliminary Investigation for Hercules Corporation as an Area in Need of Redevelopment," dated May 31, 2017 (the "Study"), which included a map of the Property; and

WHEREAS, after providing the required public notice, the Planning Board conducted a public hearing on July 19, 2017, at which Mr. Leoncavallo testified that the Property met the criteria set forth in N.J.S.A. 40A:12A-5(b), (e), and (h) to be designated as a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, no person objected, either orally or in writing, to the Study or to the designation of the Property as a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, as memorialized in the resolution adopted on August 2, 2017, the Planning Board reported to the Council that the Property met the criteria set forth in N.J.S.A. 40A:12A-5(b), (e), and (h) and recommend that the Property be designated as a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, the Council has considered the Study and the recommendation set forth in the Planning Board's resolution dated August 2, 2017, and based on that substantial evidence, similarly concludes that the Property meets the criteria in the Redevelopment Law to be designated as a Non-Condemnation Area in Need of Redevelopment, including the criteria set forth in N.J.S.A. 40A:12A-5(b), (e), and (h).

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Governing Body of the Borough of Sayreville, County of Middlesex and State of New Jersey directs as follows:

1. The Property shall be designated as a Non-Condemnation Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-5 and -6; and
2. The Sayreville Economic and Redevelopment Agency ("SERA") shall be appointed the redevelopment entity for the redevelopment of the Property and shall be authorized to use all those powers provided under the Redevelopment Law other than the use of eminent domain; and
3. The Clerk shall transmit a copy of this resolution to the Commissioner of Community Affairs in accordance with N.J.S.A. 40A:12A-6(b)(5)(c) and shall provide the required public notice in accordance with N.J.S.A. 40A:12A-

6(b)(5)(d);

/s/ Pasquale Lembo, Councilman
(Planning & Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-262
RESOLUTION ACCEPTING AND APPROVING THE AMENDED
APPLICATION FOR LONG TERM TAX EXEMPTION IN CONNECTION
WITH THE REDEVELOPMENT PLAN ADOPTED FOR THE
MIDDLESEX ENERGY CENTER FACILITY

WHEREAS, MEC INFRASTRUCTURE URBAN RENEWAL, LLC (the "Entity") has made an application (the "Application") for approval of a long term tax exemption with a proposed form of financial agreement (the "Financial Agreement") pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A-1 et seq., which Application is in connection with the development of the Middlesex Energy Center Facility in accordance with the "Borough of Sayreville Landfill and Melrose Redevelopment Plan" (the "Redevelopment Plan") adopted by the Borough of Sayreville, New Jersey ("Borough"); and

WHEREAS, the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq. authorizes a municipality to enter into a financial agreement with a duly qualified urban renewal entity undertaking a project set forth in a redevelopment plan adopted by a governing body pursuant to the Local Redevelopment and Housing Law (the "Redevelopment Law"), including the grant of a long term tax exemption to the project; and

WHEREAS, the Application provide for construction of improvements, as more particularly described in the Application (the "Project")

WHEREAS, the Borough, having reviewed the amended Application, is desirous of approving the application.

NOW, THEREFORE, BE IT RESOLVED, the Council of the Borough of Sayreville accepts and approves the amended Application for Long Term Tax Exemption of MEC INFRASTRUCTURE URBAN RENEWAL LLC.

BE IT FURTHER RESOLVED, that the Borough Clerk is directed to forward a copy of the Application for Long Term Tax Exemption of **MEC INFRASTRUCTURE URBAN RENEWAL LLC** to (i) special and general counsel for SERA, (ii) the Secretary of SERA, and (iii) that a fully executed copy be retained by the Borough Clerk for the Borough's records.

/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 #2017-263

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear in Contract Change Order No. 2:

- Project: Borough Hall Emergency Generator Project
- Contractor: Fai-Gon Electric, Inc.
140 11th Street
Piscataway, NJ 08854
- Net Decrease: \$559.00
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved:
2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

BOROUGH OF SAYREVILLE
/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-264
ACCEPTING FINAL WORK
AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD

WHEREAS, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: Borough Hall Emergency Generator
- Contractor: Fai-Gon Electric, Inc.
140 11th Street
Piscataway, NJ 08854
- Balance Due \$5,987.61

WHEREAS, the Borough Engineer has fully issued a certificate certifying to the completion of the work and recommending payment in accordance with the terms thereof; and

WHEREAS, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

WHEREAS, the Statutes of New Jersey pertaining to the enforcement of mechanic's and materialmen's liens on municipal projects provide that notice thereof may be filed at any time within 45 days of the final acceptance of said work;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.
2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.
3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.
4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$44,907.12 and the approval of same as to form and sufficiency by the Borough Attorney.

/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 #2017-265

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear in Contract Change Order No. 1:

- Project: 2015 Roof Replacement Project
- Contractor: Arch Concept Construction, Inc.
351 West Clinton Avenue
Haledon, NJ 07508
- Net Decrease: \$56,340.84
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved:

2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

/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 #2017-266
ACCEPTING FINAL WORK
AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD

WHEREAS, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: 2015 Roof Replacement Project
- Contractor: Arch Concept Construction, Inc.
351 West Clinton Avenue
Haledon, NJ 07508
- Balance Due \$16,191.18

WHEREAS, the Borough Engineer has fully issued a certificate certifying to the completion of the work and recommending payment in accordance with the terms thereof; and

WHEREAS, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

WHEREAS, the Statutes of New Jersey pertaining to the enforcement of mechanic's and materialmen's liens on municipal projects provide that notice thereof may be filed at any time within 45 days of the final acceptance of said work;

NOW, THERFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.

2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.

3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.

4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$121,433.87 and the approval of same as to form and sufficiency by the Borough Attorney.

/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 #2017-267

BE IT RESOLVED that the Borough Engineer is hereby authorized and directed to prepare grant applications for the New Jersey Department of Transportation Fiscal Year 2018 Municipal Aid Program and that he be paid for said services at a fee not to exceed \$2,000.00.

/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 #2017-268

BE IT AND IT IS HEREBY RESOLVED that the Borough Officials are hereby authorized to extend an Interlocal Services Agreement between the Borough of Sayreville and the Middlesex County Improvement Authority covering the continuation of Yard Waste Recycling and Marketing Services until August 31, 2018.

/s/ Victoria Kilpatrick
Councilwoman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-269

BE IT RESOLVED that the persons listed on "Attachment A" are hereby appointed, in accordance with N.J.S.A. 40A:9-154.1 to the following title and department:

- POSITION:** School Traffic Guards
- DEPARTMENT:** Police
- EFFECTIVE:** September 1, 2017 through August 31, 2018

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec
Theresa A. Farbaniec, RMC
Municipal Clerk

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

RESOLUTION #2017-270

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE MAYOR AND BOROUGH CLERK TO
EXECUTE THE ACCESS AGREEMENT AUTHORIZING GETTY
PROPERTIES CORP. (GPC) ACCESS TO BOROUGH PROPERTY**

WHEREAS, the Borough of Sayreville owns certain property designated as Main Street, Block 108, Lot 38 in Spotswood, New Jersey; and

WHEREAS, under the direction of the New Jersey Department of Environmental Protection (NJDEP) Antea Group is performing an environmental investigation for the purpose of installing one (1) or more groundwater monitoring well to delineate groundwater impacts as a result of historical activities at the Former Getty Service Station; and

WHEREAS, Mayor Kennedy O'Brien and the Governing Body of the Borough of Sayreville agree that the installation of the monitoring wells to be used for groundwater level elevations and the collection of groundwater samples for laboratory analysis of petroleum constituents is in the best interests of the residents of the Borough of Sayreville; and

WHEREAS, all proposed work will be conducted at no cost to the Borough of Sayreville; and

BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the Access Agreement with Getty Properties Corp. (GPC) and its consulting firm, Antea Group.

/s/ Pasquale Lembo, Councilman
(Planning & Zoning Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-271

**RESOLUTION AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT FOR UNARMED SECURITY OFFICERS**

WHEREAS, the Borough of Sayreville has a need to purchase the services of Unarmed Security Guards services through a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A- 20.5* and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is less than one year; and

WHEREAS, Asset Protection Group LLC t/a APG Security of South Amboy, NJ has indicated they will provide security guards for the Borough of Sayreville; and

WHEREAS, Asset Protection Group LLC t/a APG Security has completed and submitted a Business Entity Disclosure Certification which certifies that Asset Protection Group t/a APG Security has not made any reportable contributions to a political or candidate committee in The Borough of Sayreville in the previous one year, and that the contract will prohibit Asset Protection Group LLC t/a APG Security from making any reportable contributions through the term of the contract, and

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

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sayreville authorizes the Purchasing Agent to enter into a contract with Asset Protection Group LLC t/a APG Security as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

/s/ Steven Grillo
Councilman
(Public Safety Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-272

WHEREAS, on August 16, 2017 the Mayor and Council of the Borough of Sayreville received bids for the "Reed Systems, or Equivalent, Manual Brine Making Facility with Four (4) Hook Lift Applicators"; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council on this 11th day of September, 2017, that:

1. Contract for the "Reed Systems, or Equivalent, Manual Brine Making Facility with Four (4) Hook Lift Applicators" be awarded to Reed Systems LTD, P.O. Box 209, Ellenville, NY 12428 on their bid price of \$121,367.00 as appears on copy of bid document attached hereto and made a part hereof and is subject to the waiver of minor irregularities.

/s/ Victoria Kilpatrick
Councilwoman
(Public Works Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

BOROUGH OF SAYREVILLE

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-273
**RESOLUTION AUTHORIZING THE AWARD OF A
NON-FAIR AND OPEN CONTRACT FOR A 40" x 50" POLE BARN**

WHEREAS, the Borough of Sayreville has a need to acquire one (1) 40" x 50" Pole Barn through a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A- 20.5* and,

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is less than one year; and

WHEREAS, Pioneer Pole Buildings, Inc. of Schuylkill Haven, PA has indicated they will provide one (1) 40" x 50" Pole Barn for the Borough of Sayreville; and

WHEREAS, Pioneer Pole Buildings, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Pioneer Pole Buildings, Inc. has not made any reportable contributions to a political or candidate committee in The Borough of Sayreville in the previous one year, and that the contract will prohibit Pioneer Pole Buildings, Inc. from making any reportable contributions through the term of the contract, and

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

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sayreville authorizes the Purchasing Agent to enter into a contract with Pioneer Pole Buildings, Inc. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

/s/ Steven Grillo
Councilman
(Public Safety Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-274

BE IT AND IT IS HEREBY RESOLVED, that the proper Borough officials are hereby authorized and directed to prepare and advertise a Request for Qualifications/Proposals for Water and Wastewater Process Control. For engineering and related telemetry, communications and programming services at various water facilities.

/s/ Daniel Buchanan
Councilman
(Water & Sewer Committee)

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-275

BE IT AND IT IS HEREBY RESOLVED that the proper Borough officials are hereby authorized to purchase One (1) Bobcat T770 Compact Track Loader for the Borough of Sayreville Water & Sewer Department, through the Educational Services Commission of NJ Contract #15/16-08, from Garden State Bobcat, 45 Route 22 East, Green Brook, NJ 08812, at a total cost not to exceed \$123,618.96.

/s/ Daniel Buchanan
Councilman
(Water & Sewer Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-276

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING THE BUDGET FOR SUSAN S. GRUEL, PP OF THE FIRM HEYER, GRUEL & ASSOCIATES AS REVIEW PLANNER FOR THE BOROUGH OF SAYREVILLE'S COAH OBLIGATIONS

WHEREAS, the Governing Body of the Borough of Sayreville recognizes the need for a certified Planner to advise the Governing Body of its obligations concerning COAH; and

WHEREAS, the Governing Body of the Borough of Sayreville received recommendations for qualified Planners; and

WHEREAS, the Governing Body passed Resolution 2017-185 awarding a contract to Susan S. Gruel, PP of the firm of Heyer, Gruel & Associates to act as Review Planner at a fee not to exceed \$10,000; and

WHEREAS, at this time, the Governing Body would like to increase the fee limits of the contract by \$7,000.00; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED the Governing Body of the Borough of Sayreville amends the contract to Susan S. Gruel, PP of the firm of Heyer, Gruel & Associates to act as Review Planner with regards to the Borough of Sayreville's COAH obligations increasing the initial cap of \$10,000.00 by \$7,000.00 for a total of \$17,000.00.

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

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2017-277

AUTHORIZING STERN & DRAGOSET APPRAISAL GROUP TO PROVIDE APPRAISAL SERVICES TO THE BOROUGH OF SAYREVILLE IN CONNECTION WITH MATTERS INVOLVING REAL PROPERTY

WHEREAS, the Mayor and Borough Council of the Borough of Sayreville are knowledgeable that the Borough requires the services of an appraiser to provide an appraisal covering Block 169, Lots 3, 4, 5, 6, 7 & 8 (Duhernal Property) in Monroe Township; and

WHEREAS, the Laws of New Jersey provide for such services and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A11-5(1)(a) requires that the resolution authorizing such services without competitive bids must be publicly advertised; and

WHEREAS, funds are available for this purpose;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Sayreville as follows;

1. Stern Dragoset Appraisal Group is hereby appointed to provide an appraisal covering Block 169, Lots 3, 4, 5, 6, 7 & 8 (Duhernal Property) in Monroe Township and that he be paid for said services at a fee not to exceed 2,500.00.

2. This appointment is made without competitive bidding as a “professional service” under the provisions of N.J.S.A. 40A11-1, et seq.

3. That a copy of this resolution shall be kept on file with the Borough Clerk.

4. That a copy of this, certified copy be a true copy by the Borough Clerk, shall be published as required by law within ten (10) days from the date of adoption.

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk be and is hereby authorized to forward a true copy of this resolution to Stern Dragoset Appraisal Group, 109 Green Street, Woodbridge, NJ 07095.

/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 #2017-278

**AUTHORIZING SOCKLER REALTY SERVICES GROUP, INC.
TO PROVIDE APPRAISAL SERVICES TO THE BOROUGH OF
SAYREVILLE IN CONNECTION WITH MATTERS
INVOLVING REAL PROPERTY**

WHEREAS, the Mayor and Borough Council of the Borough of Sayreville are knowledgeable that the Borough requires the services of an appraiser to provide an appraisal covering Block 169, Lots 3, 4, 5, 6, 7, & 8 (Duhernal Property) in Monroe Township; and

WHEREAS, the Laws of New Jersey provide for such services and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A11-5(1)(a) requires that the resolution authorizing such services without competitive bids must be publicly advertised; and

WHEREAS, funds are available for this purpose;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Sayreville as follows;

1. Stern Dragoset Appraisal Group is hereby appointed to provide an appraisal covering Block 169, Lots 3, 4, 5, 6, 7 & 8 (Duhernal Property) in Monroe Township and that he be paid for said services at a fee not to exceed 4,500.00.

2. This appointment is made without competitive bidding as a “professional service” under the provisions of N.J.S.A. 40A11-1, et seq.

3. That a copy of this resolution shall be kept on file with the Borough Clerk.

4. That a copy of this, certified copy be a true copy by the Borough Clerk, shall be published as required by law within ten (10) days from the date of adoption.

BE IT AND IT IS HEREBY RESOLVED that the Borough Clerk be and is hereby authorized to forward a true copy of this resolution to Sockler Realty Services Group, Inc., 229 Ward Street, Hightstown, NJ 08520.

/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 #2017 - 279

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AUTHORIZING THE EXTENSION OF A
SUPPLEMENTAL FINANCIAL AGREEMENT WITH
ESI TRACTEBEL URBAN RENEWAL CORPORATION (NextEra)**

WHEREAS, the Borough of Sayreville, Middlesex County, New Jersey entered into a Financial Agreement with IEC Urban Renewal Corporation on June 28, 1989, (and amended by Letter Agreement on December 3, 1992) for the construction of an energy co-generation facility within an area within Sayreville, New Jersey which by Resolution dated March 1, 1989 (Resolution 1989-101) was declared blighted by the Governing Body of the Borough of Sayreville; and

WHEREAS, ESI Tractebel Urban Renewal Corporation (NextEra), formally known as IEC Urban Renewal Corporation, now wishes to extend it's agreement with the Borough of Sayreville; and

WHEREAS, after careful consideration, the Governing Body of the Borough of Sayreville has approved this request; and

BE IT AND IT IS HEREBY RESOLVED that the Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the Second Extension of Supplemental Financial Agreement with ESI Tractebel Urban Renewal Corporation (NextEra).

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

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Council President Buchanan asked the Borough Attorney for an update on the Tom Tighe hearing that was supposed to take place at 6:00 PM this evening.

Mr. DuPont said that he had been in touch with Mr. DeSarno, who represents Mr. Tighe and following discussions with Mr. DeSarno and correspondence received from Mr. DeSarno. He prepared a letter to the borough business administrator requesting that this matter be carried from tonight's agenda so he could provide the documentation and witnesses in order for the hearing to be held with proper efficiency and to help Mr. DeSarno prepare for any hearing that may be held.

Councilwoman Kilpatrick at this time called upon the Mayor at this time to stand up and remove Thomas Tighe as Chairperson for the Planning Board, because the Mayor is one who has the ability to remove him and the council does not unless they

go through and conduct the hearing. She read the following reasons into the record as reasons to remove Mr. Tighe.

- Under NJSA 10:4-10 States that it is required that a statement and minutes reflect adequate notice was provided and stated at every meeting.
- Under NJSA 10:4-13 it is required to state exactly what is going to be discussed when a board or party enter into a Executive Session meeting. She said that during the planning board meeting the Executive Sessions were not entered into legally.
- Under NJSA 10:4-15 States that any action taken by a public body at the meeting which does not conform with the provisions of this act shall be voidable.

She said that with the COAH situation here before us, which has been handled by the Planning Board, she stated that these executive sessions could have dramatic impact on whether or not any of which they vote on today is valid.

She said that it is under these acts that the Mayor can use his authority and remove Mr. Tighe from his position from the Planning Board.

She said that aside from the violation of the State Statutes that she also has personal objections about Mr. Tighe and the way he conducted himself in addressing our residents and read the following dates and incidents into record.

- March 1, 2017, Mr. Tighe invalidated a residents' concerns regarding the COAH matter, regarding the resident not knowing where the Morgan Fire House was located.
- June 21, 2017 Mr. Tighe made disparaging remarks to a resident who came to express her concerns on the COAH Housing matter.
- June 21, 2017 Mr. Tighe made a comment about money and the councils' seats.
- June 21, 2017 the Planning Board asked Mr. Tighe if he would be attending the next council meeting to defend the planning board's action in reference to the COAH situation and Mr. Tighe's response was that he didn't want to smack someone.

Councilwoman Kilpatrick went on to say that she understood that in order for the council to remove someone they would have to conduct the hearing and vote but felt that based on all of these situations and many others she said that the Mayor has a right and ability to remove someone that is not acting in the correct manner in their appointed or an elected capacity.

She said she would like to **move this forward as a resolution and request the Mayor use his powers as such and remove Tom Tighe at this time. Seconded by Councilwoman Novak.**

Mayor asked what the motion / resolution stated.

Councilwoman Kilpatrick said that for all the reasons stated that she called upon the Mayor to ...

She said that she withheld other disparaging comments Mr. Tighe made against the Council President Dan Buchanan. Mayor asked what that comment was. She then repeated the comments that were made against Co. Buchanan.

Comments back and forth from Mayor and Co. Kilpatrick.

She said that she read the statutes that were in violation including a comment from the Planning Board Attorney to the Chairman regarding Closed Session Resolutions being memorialized into record. Again, she asked that the Mayor remove Mr. Tighe from his position on the Planning Board.

Roll Call: Ayes: Councilpersons Buchanan, Kilpatrick, Melendez, Novak with comments regarding how the legal proceeding may play out and why it should be acting on tonight by the Mayor.

Nay: Councilpersons Grillo, agreed that Mr. Tighe's comments were absolutely inappropriate however, he deserves a hearing, etc. Lembo, with comments to let the legal process proceed.

Mayor asked that the resolution be placed on his desk.

Clerk questioned the resolution.

- **PUBLIC PORTION**

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

Those appearing were:

- Thomas Biasiada, 17 Greenhill Avenue, Parlin

Commented on what ordinance the planning board approved with regards to only the two Kaplan properties being included and what the council had.

He also suggested the council seeking out Jeffrey Surenian, Esq. from

Brielle and Dr. Robert Burchell a Professor from Rutgers and becoming one of the 40-60 municipalities they represent in fighting COAH. He also

commented on the percents in the Fair Share Plan. He questioned what happened with finding out about the use of open space for the Melrose Section.

Councilwoman Novak said that it would be discussed at the Open Space Committee will be meeting this week.

He then asked what happened to the Special Meeting they discussed holding between the specific boards. Council President Buchanan said that he had received e-mails from the Planning Board and Zoning Board that they were not coming and that SERA and Housing Authority reps were out of town and he was going to try and schedule another date tonight. Council President quoted from one of our ordinances where it stated that they could meet on an advisory nature. Mayor stated that he understood that it was against the law for them to attend. Mr. Biasiada said that the boards could advertise that no action would be taken. Further comments were made regarding the special meeting.

Mayor commented on how development and real estate has changed over the years.

Mr. Biasiada then reported to Mr. Frankel that there was still nothing done to his steps and roadway.

-Ken Olchaskey, 108 North Edward Street

Questioned where the ordinance was on the Developers Fees.

Response from the Borough attorney that he has not seen the recommendation from the Planning Board and will see that it gets listed on the next agenda.

Mr. Olchaskey commented about Golden Age Development not having any affordable housing.

- Janice Benedetto, 1 Thomas Avenue, Melrose

Questioned what it meant for NL to file as an intervenor in this case.

Mr. DuPont said that they filed but it hasn't been heard yet and explained what it meant.

Questioned the ownership of the NL Property. Response by the Engineer and Business Admin.

Questioned the amount in the Borough's Open Space Trust Fund and what the process is for spending that money.

Response by the CFO.

Councilwoman Novak also stated that the Open Space Committee prepared a report and in the report it suggested what they felt should be purchased and that the council did authorize the Tax Assessor to be the agent to negotiate the purchase of this property and he has not been able to do so because of this COAH litigation.

- Charles Lukie, Oak Street, Melrose

Commented on there only being one roadway into and out of the Melrose section. He questioned how much it would cost to upgrade all the roadways to get all the traffic through.

The engineer stated that any road development and improvement associated with the development would be part of the construction costs of that developers. So it would not be done by the municipality.

- Jim Robinson, 11 Borelle Square

Stated that it was not illegal for their Municipalities/Governing Bodies to meet with their Planning Board. He then questioned what was contained in the 366B-17 Standard Development Ordinance and that the council had suggested to Mr. Leoncavallo that the standards for the most dense development in town with the greatest number of people compacted in the smallest area should at least match what is the borough's standard is for the rest of the town and asked why that change has not been made.

Mr. Leoncavallo stated that Mr. Larry Sachs is the COAH Attorney in charge was informed that the only change that he should make as per the Judge, was that it contain these two properties, Kaplan Site I and Kaplan Site II and to delete paragraph K. He said that is what he provided to him and that is what is before you tonight. Mr. Robinson suggested an amendment be made tonight for introduction. Councilwoman Novak was upset that was not what the Council had directed him to prepare. Further comments made by Mr. Robinson as to what was contained in this ordinance Mr. Leoncavallo responded that ultimately it has to go before the Planning Board for Site approval.

Mr. DuPont stated that at the last meeting he pushed off the introduction because he it was a substantial change of k and a through j. He informed the council on what was explained to the Judge that these were substantial changes and the ordinance had to be re-written and that the council wanted stronger bulk variances. The Judge wanted to know when the Kaplan Ordinances were going to be Introduced and Adopted in which he responded that introduction would be this evening and the adoption would be on September 25th.

Councilwoman Novak stated that they gave Mr. Leoncavallo direction to change these standards to what is the highest standard in the town to make it less dense.

Councilman Grillo said that they could make the changes tonight. Mr. DuPont reiterated that they are substantial changes and cannot be made in this fashion.

Mr. Leoncavallo explained that changes that were made in his report to the Mayor and Council relating to minimal set back standards that were changed as close as he could to the council's request.

Mr. Robinson continued to commented on the setbacks.

Mayor asked Co. Grillo as a planner what we should be looking to accomplish here.

Councilman Grillo said that he believes that are in agreement that in order for this ordinance to pass and be in compliance with the court they would like Kaplan Site I and Kaplan Site II to match the current Borough Standards for setbacks building cover, etc. The Borough Attorney agreed.

Mr. Leoncavallo said that he did make those changes in a copy 366B-17 but was told by Mr. Sachs, the COAH Attorney directing him to supply a copy without any other changes except the elimination of section k, which is what is before you tonight. He said that he has with him the other copy with the changes the Council had directed.

The Borough Attorney suggested that the council have the introduction before them and public hearing is on for the 25th so the council could vote 366B-17 up or down and if gets defeated then the council could direct him to amend 366B-17 to include the minimum setbacks of 50' and the minimum distance between buildings in accordance with the current standards.

Council President said that he can't sit here knowing that at the last meeting the council gave direction to have Bulk Standards set and that was not followed. The COAH Attorney did not have the Planner make those changes. And he could not see himself voting yes for this Ordinance the way it is written.

The Borough Attorney stated that the Introduction has already taken place on 366B-17 (earlier in the meeting). You can vote against it on Sept. 25th you can announce the reasons for it at that time.

Councilwoman Novak asked if there was a possibility to make a motion to reconsider, voting it down and changing it tonight, then voting to introduce again?

Mr. DuPont stated that he would not recommend that. He said that in his opinion that is a substantial change that you would have to notice.

Councilman Grillo said that the attorney at the last meeting said that because the change was for the benefit of the borough than it should be considered advanced and this is a similar situation.

Mr. DuPont said that if Mr. Leoncavallo is stating that it is a Scribner's error. That the minimum setback should be 50 and the minimum distance between building should be 2X height.

Councilwoman Kilpatrick said that there are multiple changes to two different sites.

Discussion followed regarding tabling of this ordinance.

Councilwoman Kilpatrick said that He (Mr. Leoncavallo) had a copy of what they had requested but that is not what they have before them.

Mr. Leoncavallo stated that this matter is in litigation. Asked if he was supposed to go to the director of this Litigation, and Attorney in the State of NJ and tell him to do something or tell him that he wouldn't prepare what he asked because the council had directed me.

Borough Attorney further suggested that they make a motion to withdraw the Introduced Ordinance and then make another motion to Amend Ordinance 366B-17 to include the minimum setback

Mayor stated that there are now two versions – that he had received instructions from the governing body for the bulk standards. Two version were created. One which was exactly the way the council asked him to prepare it and another as told by the attorney who is representing the borough who was appointed by the governing body to prepare a different version.

At this time the borough attorney made another suggestion to amend the introduced ordinance 366B-17 to amend the ordinance to include the setback to 50' and to include the minimum distance between buildings of 2X the height.

Councilwoman Novak asked if he had the version that the Borough Attorney described.

(Copies were being made).

Councilwoman Novak moved for a 5 minute recess. Seconded by Kilpatrick.
Roll Call: Voice Vote, All Ayes.

Council President Buchanan moved to return to open. Seconded by Councilwoman Novak.
Roll Call: Voice Vote, all Ayes. Time: 9:39.

Mayor called upon the Borough Attorney.

Mr. DuPont sated that before them they have an ordinance known as 366B-17 Amended. An Ordinance that has been prepared by Mr. Leoncavallo and has included the changes that included the minimum setback 50' and the minimum distance between building to 2x height.

He suggested that there be a motion to withdraw or vacate the introduction of 366B-17. Then once that is complete there would need to be a motion to Introduce Ordinance 366B-17 Amended.

Councilwoman Novak made a motion to withdraw and Vacate Ordinance 366B-17 as was introduced tonight. Motion was seconded by Council President Buchanan.

Roll Call: Ayes: Councilpersons Novak, Grillo, Buchanan, Kilpatrick, Lembo, Melendez.
Nay: None

Councilwoman Novak made a motion to Introduce Ordinance 366B-17 Amended presented here tonight by Mr. Leoncavallo. Motion was seconded by Councilman Grillo.

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

Nay: None

Further clarification made by the Borough Attorney.

Clerk was instructed to send to the Planning Board for their Review.

(Back to Public Portion)

- Ruth Mahoney, Gerard Place

Expressed concerns about the PRIME property on North Ernston Road. She stated how it needs to remain zoned as PRIME.

Commented on apartments in Sayreville that have not been rented for a period of time and now you are going to create many more. More children, need for more schools and services. Then how the people are voted in and appointed to represent the residents of Sayreville. There is not one resident who spoke on this issue that wanted this building to happen.

She informed the council that there is an angle iron and pipe sticking out of the ground by Pizza Hut between the grassy area and sidewalk.

- Jim Robinson, 11 Borelle Square

Thanked the members of the governing body for coming together and voting unanimously on amending that Ordinance. Suggested the ord. be referred to the planning board for their review.

Questioned who was the largest taxpayer in Sayreville.

Mr. Kronowski responded that it is Hillside Estates.

Mr. Robinson spoke about intervenors.

- Pam Malik, Smith Street, Sayreville

Thanked the council for correcting a problem she had in front of her house.

Stated that there were water main breaks in front of her house and in turn had a sewer back issue and had to have a plumber come out. She said she had the bill and would like to be reimbursed. The engineer stated that she was told that if she had damage to send bill to them they would forward to the contractor.

- Gary Novak, Dolan Avenue, Morgan

Sent a letter a long time ago which expressed an interest in purchasing property on Mason Ave behind him home. He said they would like to preserve the property not build on it. Requested that the Council reconsider his request. Councilwoman Novak said that the Open Space Committee would be meeting next week and would get a copy of his request and bring it up again.

- Ruth Ann Mahoney,

Would like Sayreville to take back Sayreville and not the builders.

Hope someone is able to ask the attorney and why he gave those directions he gave to the Planner.

No further questions or comments.

Councilwoman Novak made a motion to close the Public Session. Seconded by Councilman Lembo.

Roll Call: Voice Vote, all ayes.

- **EXECUTIVE SESSION** - None
- **ADJOURNMENT**

Council President moved to adjourn. Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

Carried.

Time 10:04 P.M.

SIGNED:

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved