

Combined Meeting of the Mayor and Borough Council held on Monday, Sept. 23, 2013, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Mayor Kennedy O'Brien at 7:00 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this combined meeting of the Mayor and Council, 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 her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Eicher, Henry, McGill,
Melendez, Novak.

Absent: None

Others Present: Kennedy O'Brien, Mayor
Daniel E. Frankel, Business Administrator
Wayne A. Kronowski, C.F.O./Treasurer
Theresa A. Farbaniec, Municipal Clerk
Jay Cornell, P.E., Borough Engineer
Michael DuPont, Esq., Borough Attorney

Others Absent: None

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES – None**

- **PROCLAMATION & PRESENTATION – None**

- **OLD BUSINESS**

a. Public Hearing on the following Ordinance(s):
None

- **NEW BUSINESS:**

Introduction of the following Ordinance(s):

None

CONSENT AGENDA/RESOLUTIONS

Mayor opened the meeting to the public for questions or comments on the consent agenda items.

No one appeared.

Mayor called for a motion to close public portion.

Council President Buchanan made a motion to close public portion to approve the Consent Agenda Resolutions on roll call vote. Motion was seconded by Councilman Henry.

Roll Call: Councilpersons Buchanan, Eicher, Henry, Melendez, McGill; Novak, all Ayes

RESOLUTION #2013-234

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.

	<u>/s/ Kennedy O'Brien</u> Mayor	
<u>/s/ Daniel Buchanan</u> Councilman		<u>/s/ David McGill</u> Councilman
<u>/s/ Lisa Eicher</u> Councilwoman		<u>/s/ Ricci Melendez</u> Councilman
<u>/s/ William J. Henry</u> Councilman		<u>/S/Mary J. Novak</u> Councilwoman

**Bill list of September 23, 2013, in the amount of \$ _____
(Bill List – See Appendix 2013-A for this date, in a separate Bill List File for 2013).**

RESOLUTION #2013-235

WHEREAS, Tapan Liquors, LLC is the holder of Plenary Retail Consumption License #1219-33-024-006 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 2012-2013 and 2013-2014 license terms; and

WHEREAS, on August 20, 2013, Michael I. Halfacre, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of an inactive license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 06-13-8135 for a **two-year period**, covering the **2012/2013 and 2013/2014 license terms**; 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 2012/2013 and 2013/2014 license terms 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. 1219-33-024-006 to the licensee for the 2012/2013 and 2013/2014 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 20, 2013 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
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION # 2013-236

WHEREAS, the **Aquatics & Fitness Center** has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a fund raising event at the Center for Lifelong Learning at 333 Cheesecake Road, Parlin on September 28, 2013 from 11:00 A.M. to 4:00 P.M.; and

WHEREAS, it is the belief of the Mayor and Council that this fund-raising event will be a way to reach out to the community to help raise support a scholarship fund for children; and

WHEREAS, the Mayor and Borough Council agree that the event proposed will enhance community spirit and help raise support for this fund; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Acquatics & Fitness Center is hereby authorized to a fund raising event at the Center for Lifelong Learning Center (private property) on Sept. 28, 2013.

/s/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-237

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the 2013 Roadway Paving and Reconstruction project and that he be paid for said services at a fee not to exceed \$195,000.00.

BE IT FURTHER RESOLVED that upon approval of said plans and specifications for the project the Borough Clerk is also herein authorized to advertise for the receipt of bids.

/s/ William J. Henry, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-238

WHEREAS, on March 22, 2012 the Borough of Sayreville awarded a contract for "Water Meters and Related Equipment" to HD Supply Waterworks, LTD, 61 Gross Avenue, Edison, NJ 08837; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract for another one-year period at no additional increase in price contained therein; and

WHEREAS, HD Supply Waterworks, LTD, has indicated their interest in extending their terms of the aforesaid contract for one (1) additional year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for "Water Meters and Related Equipment" is hereby renewed for one additional year period at no additional increase in price.

/s/ Ricci Melendez, Councilman
(Water & Sewer Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-239

BE IT AND IT IS HEREBY RESOLVED the proper borough officials are hereby authorized and directed to execute a contract with Firefighter One of Sparta, NJ, a State Contracted vendor for the purchase of Rescue Boats and Equipment at a fee not to exceed \$77,700.00 (State Contract #81374-Zodiak Boats; #A81363-Mustang Suits; #A81363-Sterns).

/s/ Daniel Buchanan, Councilman
(Public Safety Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013-240

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

NAME OF APPOINTEE: Margarite Porta
POSITION: Jr. Instructor
DEPARTMENT: Recreation Department
EFFECTIVE: September 16, 2013

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/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

Business Session Agenda – September 23, 2013

BUSINESS SESSION AGENDA
COMMUNICATIONS & COMMITTEE REPORTS

Mayor asked the Borough Attorney about the request the Council received from the VFW at the last meeting regarding an amendment to their deed.

Mr. DuPont reported that he spoke with Roger McLaughlin who is preparing the new deed and he should have it for the next meeting.

• **ADMINISTRATIVE & FINANCE – Councilwoman Novak**

a) **Minutes & Departmental Reports:**

- Councilwoman Novak made a moved the following Minutes and or Reports be Received & Filed:

1) Board of Education Minutes of June 25, 2013
Motion seconded by Councilman Henry.

b) Received the following **application(s) for Bingo/Raffle Licenses:**

- 1) Emma L. Arleth PTO to conduct an On-Premise 50/50 on Oct. 30, 2013 #RL:1826.
- 2) Harry S. Truman School PTO, Inc. to conduct an Off-Premise 50/50 on Nov. 22, 2013 #RL:1827.

- Approved

- **PLANNING & ZONING – Councilman McGill**

a) **Minutes & Departmental Reports:**

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

- 1) Housing Authority Minutes of June 11, 2013
Motion seconded by Councilman Henry.

b) **Public Notices & Notices to the Borough of Sayreville as an Adjacent property Owner:**

- 1) On an application(s) before the Zoning Board of Adjustment on Sept. 25, 2013 at 7:30 PM submitted by the following:

- Frontier Sayreville, LLC, application for a Use Variance, Bulk Variance, Design Waiver and Preliminary and Final Site Plan approval for premises known as Blk 440, Lot 5, 957 Hwy 9. Applicant proposed to construct a one story building with a drive thru facility to house a Starbucks Coffee Shop.

- Lenahan Properties, LLC, application for Use Variance, Bulk Variance and Design Waiver relief to use property known as Block 400, Lot 8, 837 Rt. 9 North, a 2 family building to house a chiropractic office and a residential apartment

- Receive & File

- **PUBLIC WORKS – Councilman Henry**

- a) Request for one (1) two (2) year extension of the Traffic Signal Repairs and Electrical Services contract held with Jen Electric, Inc., with no increase in cost.

- Approved/Resolution

b) Committee Reports – Co. Henry:

1) Requested authorization for the Borough Attorney to prepare a Resolution to form a committee with the City of South Amboy to study the feasibility of a Shared Services Agreement for a Public Works Building. The committee would consist of twelve (12) individuals, six (6) from South Amboy six (6) from Sayreville. Sayreville's committee would be made up of Bernie Bailey, Dan Frankel, Councilwoman Mary Novak, Councilman Dave McGill and himself. He is hoping the study be complete in a 60-90 day time period and see if this is something that we should move forward with or if there something else we could be doing.

Mayor recommended that he not be part of this committee because of the fact that his brother is the Mayor of South Amboy and there may be a conflict. Councilman Henry referred the issue to the Borough Attorney. Mr. DuPont responded that he would like to look into what they are exactly looking to accomplish and if this is just a study. He said that he would look into it and advise them.

2) Requested the Business Admin. look into the area of shared services with South Amboy for Sayreville providing South Amboy with Recycling Coordinator services which South Amboy is in need of.

3) Concerns that there is no fire suppression system in a building at Fort Grumpy which houses borough vehicles. Mr. Frankel suggested this matter be referred to Kirk Miick the Construction Official. Mayor agreed.

- **RECREATION – Councilwoman Eicher**

a) Applications for **Special Event** received from the following:

- 1) Boy Scouts of America to conduct a Fall Camporee at the Sayreville Scout Camp located at the Julian Capik Nature Preserve on Friday, October 20, 2013.

- Approved/Resolution.

b) Committee Report – Co. Eicher:

1) Reported on the success of the Angel On My Shoulder Walk/Run in tribute of Rene Lajewski and the Blast from the Past Car Show and Sayreville Day. She thanked Patty Burch for her hard work and dedication every year. She also thanked the Public Works, Parks Dept, Police Dept and all other who helped make these events a great success.

• **WATER & SEWER/ENVIRONMENTAL – Councilman Melendez**

a) **Minutes & Departmental Reports: (None)**

b) Committee Reports – Councilman Melendez

1) Questioned the location of Frontier LLC's application before the Board of Adjustment. Engineer responded that it was one lot over from the Peter Pank Diner on Rt. 9. Co. Melendez said that he has been getting a lot of complaints of dumping on those lots.

Mr. Frankel said that he would be sending out Code Enforcement.

• **PUBLIC SAFETY – Council President Buchanan**

a) **Minutes & Departmental Reports:**

Council President Buchanan moved the following Minutes/Reports be Received & Filed:

1) Board of Health Minutes of June 6, 2013

Motion seconded by Councilman Henry.

b) Request for **coin toss** received from Sayreville Riverdogs 9U baseball on Nov. 23, 2013 from 10AM-2PM at the intersection of Washington & Ernston Roads. All approvals in place.

- Approved.

c) The following correspondence was received from
from the President Park Fire Co:

1) Notice of resignation received from Anthony Guarnera

2) Request for a 3 month leave of absence received from Connor Gianetto.

- Receive & File.

d) Request received from Jackie Blaszkka for a turn signal or delayed green to be installed at the intersection of Bordentown Ave. and Jernee Mill Rd. due to safety concerns.

- Engineer responded that the County is working on reconstructing that intersection. There are plans prepared that would include the left turn lane at the intersections. They are currently reviewing the design then after that would come property acquisition so this project is in the works but it is a County job.

- Clerk to respond on behalf of the Mayor and Council.

e) Request received from Our Lady of Victories HSA to hang banners for their Christmas Bazaar across Washington Rd. and Bissett Street. All approvals are in place.

- Approved

f) Committee Reports – Council President Buchanan

1) Questioned the punch list items for the Bordentown Ave & Ernston Rd. Improvement project. He received resident complaints about dirt still being piled up.

- Engineer responded that there are still punch list items that have to be completed, such as stabilization and other items. He said he would have someone look into the complaint about the stock pile of dirt.

- **MAYOR – Kennedy O'Brien**

- 1) Commented on the success of Sayreville Day.

- 2) Appointments:

Mayor appointed Anna M. O'Leary to the Planning Board Alt #2 unexpired term, expiring on Dec. 31, 2013.

- 3) Called upon Art Rittenhouse on behalf of Arts and Education.

- Mr. Rittenhouse, 32 Delekat Lane

Arts & Education Center of Middlesex County & President of the Sayreville Historical Society. He said that George Street Playhouse is celebrating their 40th Anniversary. They are sponsoring a program on Oct. 3rd at 8:00 P.M. called Gettin' the Band Back Together. The scene takes place in Sayreville it is about a person who moves back home where he used to paly in a band back in high school. He gets together with some of his old band mates and they go on to have a battle of the bands. He told the council he had further information for them and to see him after the meeting. He said that residents who call the George Street Playhouse and mention SAYRE get a special discount.

Requested contact information for the United Methodists Church on Main Street. He said that it is the oldest church in Sayreville and the Historical Society received a State plaquard similar to the one in their Reading room and would like to present it on Oct. 10th at 6PM just prior to their meeting.

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

- 1) Closed Session/Bob Clarke, Labor Counsel – Personnel Matters

- 2) NJ Dept. of Infrastructure, Office of Planning – requesting a written Statement of consent for the Middlesex County Wastewater Management Plan Map, Proposed Amendment to the Lower Raritan-Middlesex County Water Quality Management Plan

- Resolution for consent or not in support due w/I 60 days.

Mayor asked the Engineer to put together his report and recommendation.

Mr. Cornell said that he would speak with the Business Admin.

- 3) Authorization to introduce an Ordinance for the prevention of flood damage.

-Approved/Intro on Oct. 15, 2013.

- **C.F.O.- Wayne Kronowski**

1. Bill List Resolution

2. Resolution required to file application for NJ Highway Safety Grant to purchase 2 motorcycles in the Police Department for traffic control and enforcement.

- Resolution.

3. Local Government Finance Best Practices Inventory required to be filed by October 15, 2013.

- Resolution.

4. Sale of \$4,978,000 of General Obligation Bonds on Tuesday September 25, 2013. Report to be provided at October 15th meeting.

5. Reported that a contractor his the T-1 Lines that feed this area so our Internet has been down and can not receive in-coming phone calls.

- **BOROUGH ENGINEER - Jay Cornell**
 1. Mechanics Garage Truck Bay Addition - Receipt of Bids (Verbal Report)
- Still under review by the Public Works Committee.

- **BOROUGH ATTORNEY - Michael DuPont**

- **PUBLIC PORTION**

At this time the Mayor opened the meeting to the public on any and all issues.

Those appearing were:

- Ed Streck, 58 Nickel Ave.
Questioned if the motor cycles being purchased for the police department were American made.
-Mr. Kronowski responded that they are being are manufactured by Harley Davidson.

- Linda Scales, 22 Telegraph Lane
Expressed her concerns about Kimball Drive East being used as a traffic roadway for trucks. She questioned if the study took into account the number of school children and busses in the development.

-Mr. Cornell explained to the Mayor that there is an application for development with approximately 600,000 sq. ft of office warehouse across the street from Main Street Townhouse complex. He explained that the traffic report has already been submitted and the planning board has already heard that application and they are ready to take action at their next meeting scheduled for October 2nd so there will not be any further discussion on traffic, busses or other issues. He said that it was not the intention of the applicant to have trucks use Kimball Drive East because Main Street will be their access.

Questions on the By-Pass Road

-Mr. Cornell explained that the Borough has filed applications with the Dept. of Environmental Protection for approvals to construct a road known as the "Main Street By-Pass", which runs parallel to Main Street from River Road to Kimball Drive East. This is a different issue it is not part of that planning board application. He also expressed that it also the intention of the DEP application not to use Kimball Drive East as well.

-Mayor said announced that there is a Main Street By-Pass Committee meeting this Thursday, Sept. 26th at 7PM. He said that the residents could present their questions at that time.

- Robin Paneque, 14 Karwatt Ct.
Expressed that her concerns related to the By-Pass roadway, truck use and warehouse proposal, traffic study and the by-pass impact.

-Mayor said that there are ordinances in place that does not allow large trucks on residential roadways.

-Mr. Cornell said that it was not the intention of the By-pass roadway to have the trucks utilize Kimball Drive East to access that roadway. He said the application for the first phase of the by-pass, previously submitted to the State and was denied. The borough appealed and was told to resubmit. The By-Pass would provide a secondary means of access to the 1,000 homes that are on the north side of Main Street that are all dead end roadways, so it is intended for health and safety of residents that currently live there to provide this secondary means of access. It would also improve circulation in that area. Then an application to extend from Crossman to the National Lead property where the "Point" is to be built as a secondary roadway off of Crossman Road and extend out toward the National Lead Property then

there would be a branch that would come toward the Mani Street Townhouses. But it is the intention not to let that branch end to serve as a truck roadway.

- Michelle Gorman, 15 Byrnes Lane West
She questioned the intention of Main Street By-Pass as she was first told that Kimball Drive East was going to be used as an access road.

-The engineer said that there are going to be a number of roadways that will connect to the By-Pass. All of the dead-end roads that you now have off of Main Street are going to be extended and tie into the by-pass road.

-Mayor again commented on trucks not being allowed on residential streets.

Ms. Gorman expressed concerns about another traffic light at Kimball Drive, the proposed warehouses and dynamic compaction .

- The engineer responded that there would not be any dynamic compaction. The Engineer said that is what was agreed that they would not provide dynamic compaction as an option. Mayor stated that this would be part of the Planning Boards resolution.

Then questioned if the governing Body received their Petition.
The Mayor stated that they had.

She questioned that once Planning Board grants approval nothing can be done to stop the development and felt that it was too late in the game to do anything.

-Mayor stated that if an application before the Planning Board meets all requirements and criteria they must approve by law. He also explained the Zoning Board and the process.

Mayor asked what she was looking to do.

She said that they are opposing the building of the warehouses across from Main Street Townhomes because of the number of adverse effects it will have on the community. Mayor explained that this area has been in the Master Plan for some years and that the Borough did attempt to purchase that property within the last ten years to no avail.

- John LaPatriello, Third Street, Sayreville
Questioned if this By-Pass roadway a parallel road to Main Street and thought it had been denied a few years ago.

Mayor deferred to the Engineer who stated that there were permit applications submitted to the DEP in 2009 and the DEP denied those applications in 2010. The borough then appealed the denial and that appeal has been pending with the State for two years, they did not take any action on that appeal and they suggested that the borough re-submit the applications and that is where we are right now-the borough has just re-submitted those applications. He further explained that this section is only from River Road to Kimball Drive East and half of that has already been constructed.

- Bob Kominkiewicz, 103 Ernston Road
Positive comments regarding the Ernston Road/Bordentown Avenue Improvement project.
Comments about his accident.
Comments made about a complaint filed about his hot dog wagon.

Comments made about another vendor with a P1 Mobile Vendors License locating at various locations and not operating as the license was intended.
-Response by Mayor O'Brien as to why these types of licenses are limited.
Council President Buchanan asked that the Borough Attorney write a letter to this particular licensee. Mr. DuPont said he would meet with the borough clerk, review the process and report back about revocation.
Mayor also asked the borough council to reconsider the ordinance and to revoke it because it is problematic.

➤ Antoinette Isabella, 17 Siedler Lane.

She reviewed old articles from the newspaper regarding the Main Street By-Pass and the use of trucks and where they would be entering and exiting from.

- Borough Engineer explained that the original recommendation was for no trucks but the planning board did not agree with that so they recommended that trucks be allowed on the by-pass but there is still a restriction on all of the interconnecting streets, not allowing truck access. This application is for the first phase of the by-pass which is from River Road to Kimball Drive East. This is the application that was submitted in 2009 and denied in 2010, then the borough filed an appeal because they didn't agree with the decision and lead to the borough re-submitting the applications for the same project earlier this month so it is now before the DEP. He further explained the application process.

Ms. Isabella then commented on the ordinance that was adopted in 2011 that the area could not be used for residential development.

-The engineer responded that was two different parcels of property. The 50 acres was the subject of the application of the Planning Board that was always zoned SED which allowed warehouses. What you are referring to in 2011 was the other 100 acres that used to be zoned residential and that zoning was changed to light industrial, Offices and smaller warehouses.

She expressed concerns about Crossman warehouses having an entrance from Lakeview Drive.

-The Engineer stated that their application did not propose that. They proposed access only from Main Street and that they were going to build what is called the extension to Lakeview Drive to the railroad. The planning Board recommended that this be known as an off tract improvement requiring the developer to pay his fair share.

➤ Robin Paneque, 14 Karwatt Ct.

She questioning that if a truck was on the By-Pass Road and ended up by Kimball Drive East with no other access where it would go?

-The Engineer said that they would have to go through somewhere but it is the main intention not to go through the side streets.

➤ Elizabeth DeNardo, Main Street Townhome resident

She objected - that their quality of life would be affected when the warehouses are built. They won't be able to walk, run, ride bikes, etc. This is not what she and other residents bought into this neighbor for.
Asked how they could stop the warehouse from being built?

-Mayor stated that they did attempt to purchase the property from the owner to no avail. The Mayor asked the council members if they had any suggestions. He then asked the Borough Attorney. Mr. DuPont stated that there are certain requirements that have to be met with respect to approval of variances. He also explained that they had the right to appeal the

resolution of approval by the Planning Board. He suggested they hire an attorney who specialized in Land Use.

-Mr. Frankel suggested that they sit with the developer and express their concerns about sidewalks, bike paths, etc. and he may be willing to work with the residents.

-Councilwoman Eicher asked the governing body, as a group could put restrictions upon the developer with regard to noise.

-The Borough Attorney said the perhaps he and the Business Administrator could set up a meeting with the applicant and the residents. The residents could list what they would like, dislike and what they would like to improve. How their quality of life could be improved by certain structures, sidewalks, noise reduction, lighting, etc. But he said that he would first suggest that their attorney get in touch with the developers attorney.

-Councilman Henry suggested perhaps getting in touch with the developer again for the borough to purchase this portion.

-Mayor O'Brien asked the Business Administrator to reach out to the developer and see if he would again be interested in selling the 50 acre parcel other than building on it.

She then questioned what will become of the Weber Avenue area after the buy-out.

-Mayor said it would become Open Space land.

-Councilwoman Novak further stated that the homes would be demolished and there would never be anything built on it again.

-Mayor O'Brien did suggest that they move forward with listing their needs and approach the developer.

➤ Michelle Gorman, 15 Byrnes Lane West.

Questioned if the Council was concerned about the traffic or not because it was a County road. She felt that the warehouses would be adding to the car and truck traffic and noise.

-Mayor stated that the Main Street By-pass was supposed to help alleviate the traffic problem. Restrictions may be put in place just as there with the Shop Rite trucks loading and unloading time restrictions.

-The Engineer said that properties have certain zoning requirements which gives the developer the right to build in accordance with that zoning. You can't look at the traffic on the county road but you could look at the traffic going into and out of the facility as a concern. They did and that is why the developer agreed to build a traffic signal so that you could turn in and out of the developments. There are very strict legal requirements as to what the board can do when it comes to traffic but the county is aware of the signal problems at Crossman and are working out the issue.

Mayor described Sayreville as a bottle neck with people working north of the Raritan and traveling home south of the Raritan.

The Borough Attorney stated that the borough has certain zoning requirements that it has to follow and if the borough does not follow than the developer will file a lawsuit for enforcement. It was his suggestion that if they have an attorney and the attorney specializes in Land Use Law they have him present the concerns in a format at the next planning board meeting.

➤ Robin Paneque, 14 Karwatt Ct.

She said that the developer did follow the legal notification process but this was in August and people were on vacation. Those that were able to attend the meeting did not have enough time to prepare. When they were able to get everyone together and appear before the meeting last week, the testimony was only given by the Geo-engineer talking about the dynamic compaction. It was made very clear that the next meeting would be for a vote for the preliminary and will not be taking any more public statements.

The Borough Attorney said that at the end of the applicants case they have the right to present their side.

Mayor told her that she and the residents should go back and meet with their board and attorney and prepare a presentation at the next Planning Board on their objections to the application. Simutainesly you will come up with a list of quality of life demands for the development-the sidewalk, etc. and the borough will reach out and try and engage the property owner in discussions about selling the property to the borough for Green Acres Open Space.

➤ Elizabeth DeNardo,

She asked if we knew what/amount they bought the property for.
-Mayor said they borough it when it was a sand pit.

No further questions or comments. Council President made a motion to close the public Portion. Motion seconded by Councilwoman Novak.

Roll Call: Voice Vote, all ayes.

- **EXECUTIVE SESSION ITEMS** - Personnel, Contract Negotiations & Litigation – 15 minutes- 8:36 PM.

Mayor O'Brien announced that the Council will be going into Closed Session and they do not expect any action to be taken when we reconvene.

Roll Call: Councilpersons Buchanan Eicher, Henry, McGill, Melendez.
Attorney 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 minutes to discuss the following matters:

Contract Negotiations
Personnel
Litigation

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, Council President

APPROVED:

/s/ Kennedy O'Brien
Mayor

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

Roll Call: Voice Vote, all Ayes. Carried.
Time: 8:23 PM

- **RECONVENE**

Councilman Buchanan moved to reconvene the meeting. Motion was seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

Time: 9:12 P.M.

- **ADJOURNMENT**

No further business.

Councilman Buchanan made a motion to adjourn. Motion seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

Time: 8:12 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved