

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

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this September 25, 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 - Agenda Session & Executive Session
- ☒ August 14, 2017 - Special Meeting-PBA Grievance Matter & Executive Session
- ☒ August 19, 2017 - Receipt of Bids (Manual Brine Making Facility with four Hook Lift Applicators)

Seconded by Councilwoman Novak.

Roll Call: Voice Vote, all Ayes.

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

- **EXECUTIVE SESSION - Tax Matters**

Mayor announced that the Council would be going into Closed Executive Session to discuss Tax Matters.

Borough 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 10 minutes to discuss the following matters:

**Litigation - Tax Appeal**

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. Motion seconded by Councilwoman Novak.

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

Nays: None

Time: 7:03 PM

#### **Reconvene**

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

Roll Call: Voice Vote, all Ayes. - Time 7:13 PM

Mayor called for the next order of business.

#### **OLD BUSINESS:**

a) Municipal Clerk Farbaniec reported on having received the Planning Board's report on Ordinances 363-17 and 366B-17 As Amended (in packet).

Councilwoman Novak made a motion to Receive & File the Planning Board report. Motion was seconded by Council President Buchanan.

Roll Call: Voice Vote, all Ayes.

b) Public Hearing on the following Ordinances:

#### **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)

(Re-Introduced on Sept. 11, 2017)

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

Mayor opened the meeting to the public for questions or comments on Ordinance 363-17, reminding everyone of the five minute limit.

Those appearing were:

- Steve Melanaski, 28 Scarlet Drive

Questioned what the estimated proformer impact would be to the tax payers of Sayreville.

The Planner, John Leoncavallo, stated that we do not have a formal or proformer estimate. He did explain that this is the implementation ordinance for all of the regulations, new definitions, administrative items, etc.

Mr. Melanaski asked about the impact to services here in Sayreville.

Mr. Leoncavallo responded that he does not have an answer other than there are 785 affordable units and there will be an impact. He said that if these ordinances don't pass there will be no impact, except an effect from the courts for not taking action.

- Donna Roberts, Washington Road

Questioned the term "inclusionary development" and the amount of units that would be affecting the environment and lifestyle residents are accustomed to.

COAH Attorney, Larry Sachs responded to the term inclusionary housing being the number that the court has imposed upon us and that there will be other units that will be built which are not inclusionary, they are the market units. He explained the ratio and what properties would be subject to what.

Mr. Leoncavallo gave the overall numbers, areas and projects.

Ms. Roberts then asked if there was another way to go with this order, such as on municipal land.

Mr. Sachs said that there was not enough municipal land available. He then explained what an intervenor was and what the results are with having developers as intervenors.

Ms. Roberts then expressed her concerns about the zoning changes and the compact size of the dwellings and impact on the community.

- James Robinson, 11 Borelle Square

Questioned section 35-3 Certificates of Occupancy and the number of market rate units that would have to be built before any affordable units are built.

Mr. Leoncavallo explained Sayreville's obligation and options.

Mr. Sachs said that these ordinances were reviewed by the Special Master of the Court Ms. McKenzie. He said that he would not rule out these ordinances being changes in the future, subject to the Special Master's input on the matter.

Councilman Buchanan asked if there would be any legal ramifications if we pass this ordinance and go to move another one. Mr. Sachs said that this ordinance is the enabling ordinance for the others and the entire COAH Plan. He went on to say that if the question is – is there risk in adopting this particular ordinance at this time and amending it in the future- then the wiser course would be not to adopt tonight and discuss the amendments with the Special Master.

- Ken Olchaskey, 108 North Edward Street

Asked who is responsible for this, how this happened.

Mr. Sachs said that that was the COAH Ordinance that the borough has been operating under for the last 18 years and that particular provision has been in there.

Mr. Olchaskey commented on the Kaplan issue and the units that were approved as senior housing at the time that housing was not doing well and developers got the law changed where 20% would have to be affordable housing and the 20% was never enforced by the planning board. There was no requirement of the Planning Board to build affordable housing. He asked if the law had been enforced how many affordable housing units would have been already built. He felt the Planning Board let Kaplan off the hook on the number of affordable housing units he could have been obligated to build.

Response by Mr. Leoncavallo.

Discussion on how many intervenors there were and what that meant in the number of units.

- Monica Consiglio, 7 James Street, Melrose

Commented on her attendance last week and said that they did not adopt the changes or amendments that were made by the Council.

Mr. Leoncavallo said that the Planning Board attorney instructed them that they could have the option to accept what was in the previous ordinance or they could adopt and review the new one. They decided, based upon what was in litigation that they would keep their numbers where they were with the Standards that were set before. Mr. Sachs added that the advice of the planning board is just that and the council could consider the ordinance with stricter bulk standards they could go ahead and do that.

She then asked were Melrose stood with this tonight?

Mr. Sachs said that the ordinance for Cross Avenue is not being considered. The only ordinances that the council was required to consider by the court are the two Kaplan properties. Melrose may still be considered at another time.

Councilwoman Kilpatrick questioned Melrose section having 163 Market Rate units with 20% being affordable units added.

Mr. Leoncavallo explained the total number of units are 163 – 20% so it would make it around 25 Affordable and that would total 163 depending on if they are for sale units.

Discussion on the percentages.

- Janice Benedetto, Thomas Avenue, Melrose  
Commented that the Cross Avenue site is still part of the Master Plan.

Councilman Grillo clarified a statement he made at the last Planning Board meeting.

She asked if he had commented at all regarding the Cross Avenue Site. But cautioned that Cross Avenue is still zoned residential and is owned by a developer

Councilman Grillo responded that it is no longer part of the Ordinance.

Ms. Benedetto commented to Mr. Sachs regarding NL site and intervenor filing with the court and his representing the borough.

Mr. Sachs said that they are opposing the motion that was filed by National Lead as well as a Motion that was filed by Mocco.

She questioned how she could find out the outcome of the court's decision.

Mr. DuPont said that if there is an order entered by the Judge he could have the Borough Clerk post it on the web site once it is prepared.

- Charlie Lukie, 324 Oak Street, Melrose  
Asked if the Council took into consideration what this would cost the taxpayers if this goes through.

Mayor said that the borough was not given an option, we were given a ruling.

Mr. Sachs said that this is the same issue occurring in 565 municipalities in the State of New Jersey. He also said that New Jersey does not have developer impact fees.

Councilwoman Kilpatrick questioned the properties in a redevelopment zone.

Mr. Sachs said that there is a redevelopment ordinance that can impose additional fees. He also said that there is an ordinance before them this evening that also deals with developers paying a de minimis COAH fee which can be collected in the future. Mrs. Kilpatrick said that this is an ordinance that you recommended the council pull. She said that it was her opinion that this ordinance should have been before the governing body many years ago and this would have had developers like Kaplan pay fees. She also commented on SERA redevelopment fees.

Mr. Lukie asked how much it would cost to have all the streets in Melrose (Oak, Laurel, Fouratt, Andrejewski Dr., Melrose and Scott Ave.) brought up to standards that could handle the amount of vehicle traffic the NL/Cross Ave. development would bring in. He said that this is cost prohibitive to the taxpayers of Sayreville.

The Borough Engineer responded that he did not have those figures.

Councilwoman Novak talked about the previous ordinance increasing the density just so we could get in the number of affordable housing units. She also mentioned Susan Gruel coming up with more units that we could use and place so the number that we have is being cut down little by little.

Councilwoman Kilpatrick said that the number on the NL Site was achievable because the parcel of land in the center of that tract belongs to the borough was included. Mr. Leoncavallo indicated that it was not included in the count for affordable housing.

- Regina Lodato, 20 Frazee Ave.

Questioned what happened to the Special Meeting the council was supposed to have with SERA, Planning and Zoning Boards and Open Space at the High School.

Council President Buchanan responded that there was a conflict in the date and will be rescheduled for October 2<sup>nd</sup> here in the Council Chambers.

Mayor said that the High School or Sr. Center would be more appropriate and asked the clerk to check on the availability. He then addressed the concerns regarding the legal ramifications on the Zoning Board and Planning Board participating. He said that there was a recommendation made that there be a committee from each board to discuss this matter.

Mr. Sachs gave the different matters that the Zoning Board could meet and this was not one of them.

Councilwoman Kilpatrick commented on what was said at the last Planning Board meeting regarding attendance at the special meeting. She said that the Planning Board and the Council used to meet to discuss things years ago. Mr. Sachs said that they would have to look at the Municipal Land Use Law and the Planning Boards statutory prerequisites.

Mr. DuPont further commented on the concerns about violating the Municipal Land Use Law, especially if specifics are talked about. Such as a specific Planning Board application or thought. He said that it was his opinion that they could send a couple people from the planning board and talk about the COAH obligation that the borough has, in general and strategic options. Mr. Sachs expressed concerns of tainting any Planning Board proceedings but agreed that could talk strategic, but warned about zoning board sending no more than two members if any.

Councilman Grillo requested the Open Space Committee be invited. All agreed.

Councilman Grillo than asked that if SERA is approved as an intervenor then would it be proper for them to attend this special meeting and if so, what about National Lead and Kaplan. Mr. Sachs said that he would consider National Lead and Kaplan and advisory intervenors and SERA to be advisory but stand in same shoes as the municipality. Mr. Grillo asked for a memo on this matter after it is brought up with the Judge tomorrow.

Mayor O'Brien then read a letter he received from Mr. Rogoff the Planning Board Attorney expressing his concerns about members of land use boards participating in this special meeting to discuss the boroughs affordable housing obligation. He suggested that the Mayor and Council consider appointing a committee with members of the community, the planner, SERA, housing authority, environmental commission, etc. and hold public meetings, stating that this would engage the communities impacted by the determinations. Mayor suggested a committee of people affected by this change.

Councilwoman Novak felt that it was too late for this approach.

Councilwoman Kilpatrick spoke about transparency and having all residents involved.

Mayor spoke about having the people impacted by the ordinance and change involved.

Discussions followed.

- Back to the Public Hearing on Ord. 363-17

- Arthur Rittenhouse, 33 Delikat Lane

Disagreed with Councilwomen Novak and Kilpatrick. He commented on a vote that was taken in May of 2016. Council was informed of 785 affordable housing units. He then commented on the number of market rate and affordable housing units the council were informed of during a closed session and Councilwoman Novak disagreed.

- Tom Biesiada, 17 Greenhill Avenue

Asked that this Ordinance be tabled until such time as the attorney by the name of Jeffrey Suranan from Brielle who he spoke about two weeks ago who he represents 60 municipalities fighting COAH.

- Steve Melanaski, 28 Scarlett Drive

Felt the town residents should have a say.

Asked if he could get an estimate on what this would cost the town in the end.

Councilman Grillo commented stated that the vote on Resolution #2016-197 the Afford Housing and Compliance Plan was on unanimously last year and was put forth by Mr. Leoncavallo. He said that it does explain how many market rate units and how many affordable units are at the five proposed sites.

- Ruth Ann Mahoney, 2 Gerard Place

Commented that if Sayreville had done their due diligence in the past we would not be in this predicament with regards to the number of affordable housing needing to be built.

Mr. Sachs responded that he was not here during that time period but she was correct.

- Monica Consiglio, 7 James Street

Commented on the number of residents residing in the Melrose area is a lot less than the 162 that is proposed for that little 22 acre spot.

- James Robinson, 11 Borelle Sq.

Spoke about intervenors and asked what rights would the intervenors have is the town has taken the other options posed over the past months.

Mr. Sachs responded that you would have to look at the individual intervenors as to what rights they would have and the Supreme Court decision and what it permitted.

Discussion followed regarding the River Road plan past and present as well as the property on Ernston Road site proposed by the Housing Authority in the past and why the Housing Authority plan was not accepted by the Planning Board.

Mr. Robinson spoke about if these properties were approached differently by the Planning Board we would have gotten credit for other things and have diminished the powers of these intervenors who are virtually writing the ordinance. He then said that the next ordinance provides for the densest housing in Sayreville.

Followed by a discussion on the "plan" and its enabling ordinances.

Mr. Robinson commented on the special meeting the council discussed having and who would be able to attend and what could be discussed.

Councilwoman Novak asked Mr. Robinson's opinion about noticing the residents.

Mr. Robinson said that he could not speak on the law but there is plenty ways of social media, etc. to notice people for their input.

At this time the Mayor called for a 10 minute recess.

Moved by Councilman Lembo, seconded by Councilwoman Kilpatrick.

Time: 9:09 P.M.

Meeting Reconvened at 9:24 P.M.

Council President Buchanan moved to reconvene at 9:24 P.M. Seconded by Councilwoman Novak.

Roll Call: All Ayes.

- Ken Olchaskey, 108 North Edward Street

Commented on a survey that the Housing Authority did four years ago regarding senior housing. He then commented on housing projects by other municipalities and where the

monies came from other than the towns and why the Housing Authority made their presentation to this council.

Mayor asked if there were any other questions or comments on this Ordinance.

There being none. Councilman Grillo made a motion to close the public portion. Seconded by Councilwoman Novak.

Roll Call: Voice vote, all Ayes.

Councilwoman Kilpatrick questioned page 7, 35-3 of the ordinance regarding certificates of occupancy and how many market rate units would have to be built prior to one COAH unit being built saying that Mr. Sachs is saying that this can be changed where they thought this was law and now can be changed. She was upset that the market rates would be build prior to the affordable housing. Suggested that this ordinance be voted down.

Mayor asked Clerk to read Ordinance heading into record once again.

Clerk Read:

**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)

(Re-Introduced on Sept. 11, 2017)

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

Councilman Grillo moved the Ordinance be adopted on Roll Call Vote.

Councilwoman Kilpatrick asked that if she were to second the motion if she would have to vote in favor of the ordinance?

Borough Attorney DuPont stated that if there was no second to the motion the motion would fail for a lack of a second.

Council President Buchanan asked for clarification on what happens if the motion dies due to the lack of a second. If it could be brought up again.

Attorney DuPont suggested that if there were no second to this ordinance a motion should be made to deny the ordinance and there should be a second.

Mayor asked if there was a second to the motion to adopt Ordinance 363-17. There being no second, the motion dies.

Mayor then said that he would now entertain a motion to deny ordinance 363-17, as the borough attorney recommended.

Council President Buchanan moved to deny the adoption of ordinance 363-17. Motion was seconded by Councilman Lembo.

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

Ordinance adoption denied.

Clerk Announced:

Public Hearing on the following Ordinance:

Mayor asked the Borough Attorney if this ordinance would be mute inasmuch as Ord. 363-17 was denied.

The Borough Attorney said that this is a standalone ordinance and would not.

Councilman Grillo asked for Mr. Sachs' opinion, because he thought that the origin was that the Judge informed that we would have to have 363-17 in place before we could take any action on any ordinance related to COAH.

Mr. Sachs said that Ordinance 363-17 was the enabling ordinance for all of the affordable housing within the municipality. 366B-17 just deals with the Kaplan Tract. So you could consider 366B-17 separately but you would give it no teeth because you could not impose any affordable housing criteria to the Kaplan Ordinance if the other has not been approved. But it is up for adoption so you should vote on it. It is its own zoning ordinance. Councilman Grillo said that if we were to adopt it without an affordable housing component, could Kaplan then make a mandate that they could come into the site and build zero affordable housing because we do not have an affordable housing plan?

Mr. Sachs said no because it is all part of the COAH Settlement Agreement.

Council President Buchanan said that Section 35-3 has been talked about in length about the Certificate of Occupancy and the affordable housing in place.

Mr. Sachs said that is already in the ordinance and that could be amended going forward.

**ORDINANCE 366B-17 AMENDED**  
**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)

At this time the Mayor opened the meeting to the public for 366B-17 Amended

Those appearing were:

Jim Robinson, 11 Borelle Sq.

Said that he supports affordable housing and the report he gave regarding senior housing, veterans housing, adaptive reuse, special needs housing, little houses, etc. and others that would qualify as affordable housing. What he doesn't support is this inclusionary zoning and the number of units this ordinance would allow and how many of those units would be affordable housing. He also spoke about Heritage Homes, Golden Age, and no affordable housing there. Asked if these units could be looked into to see if they could be converted to give us our affordable units. He said that he opposed this ordinance.

Councilman Grillo talked about resolutions in regard to the re-adaptive reuse going down the line and rezoning of Route 35 that were referred to the planning board.

Councilwoman Novak responded to Mr. Robinson saying that she does not know how those applications were approved without affordable housing components being part of their building when SERA included it.

Mr. Robinson continued to express his concerns about the Kaplan build and the dense, congested housing this ordinance would allow him to build. He spoke about an active rail line, high tension lines, wetlands, thousands of trees will be removed, adjacent to Kennedy Park. He requested that this ordinance not be adopted.

- Tom Biesiada, 17 Greenhill Court

Questioned who altered Ordinance 366-17 to 366-17B,

The Borough Attorney stated that there were revisions requested by the Mayor and Council at their last meeting, so he revised the ordinance and created 366B-17. Mr. Biesiada said that that was not what he was talking about. He said that he meant.

Mr. Grillo said that the original 366-17 included all four sites. River Road, Cross Avenue, two Kaplan Sites. Since then it has been changed when SERA introduced the opportunity to do the River Road Project that was removed. Two meetings ago there was the discussion to remove the Cross Avenue Tract under the guidance of Mr. Sachs, this was the paragraph k removal. He said that he could not exactly answer his question on how this all worked out because of issues being removed periodically to what we have now which is the two (2) Kaplan Sites, under the recommendation of Mr. Sachs.

Council President Buchanan commented on what was stated between the Planning Board Attorney and the Planning Board Chairman.

Mr. Sachs that said that at the Aug. 2<sup>nd</sup>, Planning Board Meeting, the Planning Board was instructed to only consider Camelot I and Camelot II Sites. Back in May the Council had an

ordinance that contained all five sites (for the record Mr. Sachs said five but the ordinance only contains four. National Lead/Cross Avenue, River Road and Camelot I and Camelot II [tf]). He said that the only sites considered by the Planning Board on Aug. 2<sup>nd</sup> were the two Kaplan Sites. Then on August 16<sup>th</sup> they Memorialized the Resolution then sent it back to the Council.

Councilwoman Kilpatrick reiterated what took place at the planning Board meeting which was the cause of the confusion and explained the time line of what took place and when till it came back before us now, hoping this would clear up Mr. Biesiada question.

Mr. Sachs said that we are under a court order of July 2017 to adopt the Kaplan Ordinance that was initially presented to the Council in May and that is why he instructed Mr. Leoncavallo to have that ordinance in front of the Council without the changes the council requested regarding the density. He said that the ordinance before them for tonight contains the changes the council wants not what the court ordered or the planning board Memorialized.

Mr. Biesiada expressed his dissatisfaction with the council and lack of transparency.

Mayor commented on affordable housing in Carteret and how they were veterans housing, it was seniors. There were different categories but the total was 10. He then commented on the Planning Board and their conscientious efforts.

Comments between the Mayor and Mr. Biesiada.

Council President Buchanan asked the Mayor what his thoughts were on the Planning Board not abiding Affordable Housing Law over all these years.

Mayor asked Mr. Sachs for the history.

Councilwoman Novak said that Betsy MacKenzie specifically said that Kaplan was supposed to build affordable housing and when he was going to the planning board said no.

Mr. Sachs said that the municipality was certified under Round One and Round Two. Mr. Leoncavallo explained Round Three and that there was a 15 year gap from 1999 till 2015. As a result of the Council on Affordable Housing (COAH) not doing their administrative duties under State Laws and Regulations under the State of New Jersey it was decided that it would be taken away from that commission. After a number of lawsuits. It went to the Supreme Court and in March of 2015 they decided that they would take the responsibility of Affordable Housing away from COAH, decommission it and put all the housing litigation to every Municipality - County wide in the State to the County level. This is how we got Judge Wolfson. It was decided to allow the Judge that was appointed to make the determinations under the law for the litigation of the suit.

Councilwoman Kilpatrick commented on how the law was ignored and we lost out. She further commented on Developers Fees.

Council President again asked the Mayor what his opinion was on the planning board circumventing the law.

Mayor said that he felt that Sayreville had a surplus of inexpensive housing and housing that predates WWII and housing for the returning GI's. Then builders came in through the years fixed them up and rented to low income and felt we had enough. He checked with the borough officials and felt that we were in compliance.

- Steve Melanaski, 28 Scarlett Drive

Questioned who the Planning Board reports to.

Mr. Sachs, for the Mayor, responded that the Planning Board is bound by State Statute. He stated that the Planning Board only has the right to grant preliminary and final site plans, subdivisions. The Zoning Board has authority to issue Variances but they are governed by the Municipal Land Use Law. They are independent agencies. The Mayor gets to appoint the Members of the Planning Board. The Council gets to appoint the Zoning Board Members. They are both independent boards. They are both legal entities.

Council President further clarified that the Planning Board members are appointments of the Mayor.

Councilman Grillo stepped out 10:29 and returned at 10:30.

Further comments made by council.

- Ken Olchaskey, 108 North Edward Street

Spoke about the Towne Lake Rentals and the 20% law which we do not have.

- Ruth Ann Mahoney, 2 Gerard Place

Talked about the Prime Land on North Ernston Road and felt it should be used to expand Kennedy Park. She then asked if Sayreville has long term planning.

Mayor stated that we have a Master Plan.

She mentioned that the angle iron and the pipes were still in the ground by the old Pizza Hut on Ernston Road.

- Monica Consiglio, 7 James Street

Stated that the Public was not made aware of this until May of 2017.

Councilman Melendez said that he agreed and asked where we were a year ago. There needs to be better transparency, through Social Media and alike. We need to be better educated and educate the public.

There being no other questions or comments on Ordinance #366B-17 Amended.

Council President moved to close the public portion. Seconded by Councilwoman Novak.

Roll Call: Voice Vote: All Ayes.

Clerk Read the following Ordinance heading into record:

**ORDINANCE 366B-17 AMENDED**  
**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)

Council President Buchanan made a motion for Ordinance 366B-17 As Amended be denied. Motion was seconded by Councilwoman Novak.

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

Nays: None

Comments during roll call:

Councilman Grillo went on record stating we were given a mandate by the court to put the ordinance through as written. But we have chosen not to do that. We have chosen to amend it and now we are making a decision to deny that amendment. So for the record he is denying it because he feels that at its face that this is in contempt of court.

Councilwoman Kilpatrick said that she is voting to deny because she felt that they could do better for our affordable housing plan.

- **NEW BUSINESS:**

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

**ORDINANCE NO. 364-17**  
**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,**  
**STATE OF NEW JERSEY ADDING A NEW SECTION TO CHAPTER XXVI,**  
**SECTION 25-111, ENTITLED “DEVELOPMENT FEE ORDINANCE”,**  
**OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE**

(Introduced on May 22, 2017 & Withdrawn on 8/21/17)

(Planning & Zoning – Public Hearing, October 10, 2017)

Councilman Lembo moved the ordinance be introduced on first reading, advertised according to law and a public hearing be scheduled for October 10, 2017. Motion was seconded by Councilwoman Novak.

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

Nays: None.

**ORDINANCE NO. 365-17**

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY SUPPLEMENTING AND AMENDING ARTICLE III OF  
CHAPTER XXVI, LAND DEVELOPMENT, OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF SAYREVILLE TO PERMIT AFFORDABLE ACCESSORY APARTMENT  
IN THE OFFICE/SERVICES OVERLAY ZONE**

(Introduced on May 22, 2017 & Withdrawn on 8/21/17)  
(Planning & Zoning – Public Hearing, October 10, 2017)

Councilman Lembo moved the ordinance be introduced on first reading,  
advertised according to law and a public hearing be scheduled for October 10, 2017. Motion  
was seconded by Councilwoman Novak.

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

Nays: None.

b) Municipal Clerk Farbaniec reported on having received the Supplemental Debt  
Statement as of September 25, 2017 from C.F.O. Kronowski.

Councilwoman Novak moved the Supplemental Debt Statement be received and  
filed. Motion was seconded by Council President Buchanan.

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

Nays: None.

c) Introduction of the following ordinances:

**ORDINANCE NO. 376-17**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO PULASKI  
AVENUE IN THE BOROUGH OF SAYREVILLE, NEW JERSEY,  
APPROPRIATING \$2,600,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$1,525,000 BONDS OR NOTES OF THE BOROUGH FOR  
FINANCING PART OF SUCH APPROPRIATION**

(Admin. & Executive – Public Hearing, October 10, 2017)

Councilwoman Novak moved the ordinance be introduced on first reading,  
advertised according to law and a Public Hearing be held on October 10, 2017. Motion  
was seconded by Councilwoman Kilpatrick.

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

Nays: None

**ORDINANCE #377-17**

**AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #257-14  
FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS,  
OFFICERS AND EMPLOYEES FOR THE  
YEARS 2013, 2014, 2015 AND 2016 AS SET FORTH IN  
THE S.A.M.S. BARGAINING AGREEMENT**

Recycling Coordinator

(Admin. & Executive – Public Hearing, October 10, 2017)

Councilwoman Novak moved the ordinance be introduced on first reading,  
advertised according to law and a Public Hearing be held on October 10, 2017. Motion  
was seconded by Council President Buchanan.

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

Nays: None

Abstained: Councilman Grillo.

- **CONSENT AGENDA/RESOLUTIONS**

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

There were no appearance.

Council President moved the public hearing be closed and the Consent Agenda Resolutions be adopted on Roll Call Vote. Seconded by Councilwoman Novak.

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

**RESOLUTION #2017- 280**

**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, Mayor

/s/Daniel Buchanan, Councilman

/s/Pasquale Lembo, Councilman

/s/Steven Grillo, Councilman

/s/ Ricci Melendez, Councilman

/s/Victoria Kilpatrick, Councilwoman

/s/Mary J. Novak, Councilwoman

**Bill list of September 25, 2017 in the amount of \$2,867,718.98 in a separate Bill List File for 2017 (See Appendix Bill List 2017-A for this date).**

**RESOLUTION #2017-281**

**BE IT RESOLVED** that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

<b>NAME OF APPOINTEE:</b>	Veronica McGloan
<b>POSITION:</b>	Omni Bus Operator – Permanent Part-time
<b>DEPARTMENT:</b>	Office on Aging
<b>EFFECTIVE:</b>	October 1, 2017

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

/s/ Mary Novak  
Mary Novak, Councilwoman

**ATTEST:**

**APPROVED:**

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

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

**RESOLUTION #2017-282**

**BE IT RESOLVED** that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

**NAME OF APPOINTEE:** Frank Olchaskey  
**POSITION:** Police Sergeant  
**DEPARTMENT:** Police Department  
**EFFECTIVE:** October 1, 2017

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

/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 #2017-283**

**BE IT RESOLVED** that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

**NAME OF APPOINTEE:** Amy Noble  
**POSITION:** Police Sergeant  
**DEPARTMENT:** Police Department  
**EFFECTIVE:** November 1, 2017

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

/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 #2017-284**

**BE IT RESOLVED** that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

**NAME OF APPOINTEE:** Matthew Johnsen  
**POSITION:** Heavy Truck Drive  
**DEPARTMENT:** Dept. of Public Works  
**EFFECTIVE:** October 1, 2017

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

/s/ Victoria Kilpatrick  
Victoria Kilpatrick, Councilwoman

**ATTEST:**

**APPROVED:**

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

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

**RESOLUTION #2017-285**

**BE IT RESOLVED** that the following person is hereby appointed to the following title and department as per NJ Civil Service Commission Procedures:

**NAME OF APPOINTEE:** Thomas R. Farbaniec  
**POSITION:** Truck Driver  
**DEPARTMENT:** Dept. of Public Works  
**EFFECTIVE:** October 1, 2017

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

/s/ Victoria Kilpatrick  
Victoria Kilpatrick, Councilwoman

**ATTEST:**

**APPROVED:**

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

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

**RESOLUTION #2017-286**

**BE IT AND IT IS HEREBY RESOLVED**, that the Mayor and Borough Clerk are hereby authorized and directed to execute an Public Health Interlocal Shared Services Agreement with the County of Middlesex to provide the Health Services associated with the Board of Health for the period of January 1, 2018 through December 31, 2018 with a cost not to exceed \$173,522.75.

/s/ Steven Grillo  
Councilman  
(Public Safety Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2017-287**

**WHEREAS**, IT Director Thomas Bracken 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: 700 MHz System Verification and Final Acceptance
- Contractor: V-COMM LLC  
2540 U.S. Highway 130 Suite 101  
Cranbury, NJ 08512
- Net Increase: \$16,350.00
- 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 IT Director 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 #2017-288**

**BE IT AND IT IS HEREBY RESOLVED** that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for the Improvements to Haag Street at a fee not to exceed \$24,500.00 and upon approval of said plans and specifications that Borough Clerk is further authorized to advertise for the receipt of bids.

/s/ Victoria Kilpatrick  
Councilwoman  
(Public Works Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2017-289**

**Approval to submit a Grant Application and execute a Grant Agreement  
with the New Jersey Department of Transportation  
for the MacArthur Avenue Road Improvements Project**

**WHEREAS**, the Borough Engineer has recommended the submission of an application for a grant related to a project within the Borough of Sayreville which would fall into the category of projects covered by the Fiscal Year 2018 Municipal Aid Program promulgated by the NJDOT Transportation Trust Fund; and

**WHEREAS**, the Borough Council believes that it is in the best interests of its residents to submit applications for possible grant funds from the Transportation Trust Fund for projects recommended by the Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED** that Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that they Mayor and Council are hereby authorized to submit an electronic grant application identified as MA-2018-Sayreville Borough-00387 to the New Jersey Department of Transportation on behalf of the Borough of Sayreville.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant application on behalf of the Borough of Sayreville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

/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 #2017-290**

**Approval to submit a Grant Application and execute a Grant Agreement  
with the New Jersey Department of Transportation  
for the Bordentown Avenue Pedestrian Improvements Project**

**WHEREAS**, the Borough Engineer has recommended the submission of an application for a grant related to a project within the Borough of Sayreville which would fall into the category of projects covered by the Fiscal Year 2018 Municipal Aid Program promulgated by the NJDOT Transportation Trust Fund; and

**WHEREAS**, the Borough Council believes that it is in the best interests of its residents to submit applications for possible grant funds from the Transportation Trust Fund for projects recommended by the Borough Engineer.

**NOW, THEREFORE, BE IT RESOLVED** that Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that they Mayor and Council are hereby authorized to submit an electronic grant application identified as SST-2018-Sayreville Borough-00047 to the New Jersey Department of Transportation on behalf of the Borough of Sayreville.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant application on behalf of the Borough of Sayreville and that their signature

constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

/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 #2017-291**  
**RESOLUTION AUTHORIZING THE AWARD OF A  
NON-FAIR AND OPEN CONTRACT FOR PHYSICAL SECURITY ASSESSMENT AT THE  
WATER TREATMENT FACILITY ON BORDENTOWN AVENUE**

**WHEREAS**, the Borough of Sayreville has a need to purchase the service of a Physical Security Assessment at the Water Treatment Facility on Bordentown Avenue through a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A- 20.5* and,

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

**WHEREAS**, Unified Technology Partners of Cedar Grove, NJ has indicated they will provide a Physical Security Assessment at the Water Treatment Facility on Bordentown Avenue for the Borough of Sayreville; and

**WHEREAS**, Unified Technology Partners. has completed and submitted a Business Entity Disclosure Certification which certifies that Unified Technology Partners 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 Unified Technology Partners 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 Unified Technology Partners 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/ Daniel Buchanan  
Councilman  
(Water & Sewer Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**RESOLUTION #2017-292**  
**RESOLUTION AUTHORIZING THE AWARD OF A  
NON-FAIR AND OPEN CONTRACT FOR THREE  
(3) SENSUS 6502-GB BARCODE SCANNERS**

**WHEREAS**, the Borough of Sayreville has a need to acquire three (3) Sensus 6502-GB Barcode Scanners 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**, HD Supply Waterworks of Edison, NJ has indicated they will provide three (3) Sensus 6502-GB Barcode Scanners for the Borough of Sayreville; and

**WHEREAS**, HD Supply Waterworks has completed and submitted a Business Entity Disclosure Certification which certifies that HD Supply Waterworks 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 HD Supply Waterworks 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 HD Supply Waterworks 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/ Daniel Buchanan  
Councilman  
(Water & Sewer Committee)

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

- **RESOLUTION READ IN BULL BY BORUGH ATTORNEY MIKE DuPONT:**

**RESOLUTION (Un-Numbered)**

Resolution of the Borough of Sayreville, County of Middlesex, State of New Jersey requesting that all members of the Planning Board of the Borough of Sayreville, extending an invitation to attend a Special Meeting on October 2, 2017; and

**WHEREAS**, the Governing Body of the Borough of Sayreville will hold a Special Meeting on October 2, 2017 beginning at 7:00 P.M. at the Borough Hall or another place as will be noticed in order to conduct discussions of its affordable housing compliance; and

**WHEREAS**, the Governing Body of the Borough of Sayreville has determined that input of the Planning Board Members and or representatives is essential to discussions.

**NOW THEREFORE BE IT RESOLVED** that the Mayor Kennedy O'Brien requests that all members of the Planning Board or representatives of the Planning Board attend this Special Meeting beginning on October 2, 2017 at 7:00 P.M. in the Borough Hall or any other place that will be placed in the Notice.

Mayor O'Brien requested that the request be changed from his request to that of Councilman Dan Buchanan's request.

(Paragraph changed to)

**NOW THEREFORE BE IT RESOLVED** that Council President Buchanan requests that all members of the Planning Board or representatives of the Planning Board attend this Special Meeting beginning on October 2, 2017 at 7:00 P.M. in the Borough Hall or any other place that will be placed in the Notice.

/s/ Daniel Buchanan, Council President

**ATTEST:**

**BOROUGH OF SAYREVILLE:**

/s/ Theresa A. Farbaniec, RMC

Mayor Kennedy O'Brien returned resolution unsigned.

Mayor O'Brien opened the meeting up to the public for questions or comments on this Resolution.

There being no questions or comments Mayor called for a motion to close the public portion and adopt the resolution.

Council President moved the public portion be closed and the Resolution adopted on Roll Call vote. Motion was seconded by Councilwoman Novak.

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

Nays:

Abstain: Councilman Grillo, questioned the legality of the Planning Board attending such a meeting or the legality of the Resolution.

Council President asked that the Borough Attorney and Larry Sachs review the legality of the Planning Board attending such a meeting.

- **EXECUTIVE SESSION** - Conducted earlier in meeting.

- **PUBLIC PORTION**

At this time Mayor O'Brien opened the meeting up to the public for questions or comments on any and all matters.

There being no questions or comments, Councilwoman Novak moved to close the Public Portion. Seconded by Council President Buchanan.

Roll Call – Voice vote, all Ayes.

- **ADJOURNMENT**

No further business for this Council Session. Councilwoman Novak moved to adjourn. Seconded by Council President Buchanan.

Roll Call – Voice Vote, all Ayes. Carried.

Time 10:49 P.M.

SIGNED:

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Theresa A. Farbaniec, RMC  
Municipal Clerk

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Date Approved