

Mayor O'Brien opened the Council Meeting at 7:01 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Theresa Farbaniec, Municipal Clerk announced that this October 9, 2018 Council Meeting had 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
Denise Biancamano, 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 Kilpatrick moved the following Council Minutes be approved, subject to correction if necessary:

- ✍ September 11, 2018 - Regular, Executive & Agenda Session Minutes
- ✍ September 18, 2018 - Receipt of Bids (2018 Roadway Paving & Reconstruction Project - Phase I)
- ✍ September 24, 2018 - Regular, Agenda & Executive Session Minutes
- ✍ September 25, 2018 - Special Meeting (Recreational Marijuana)
- ✍ September 26, 2018 - Receipt of Bids (Furnishing & Installation of One Pole Barn)

Seconded by Councilman Buchanan.

Roll Call: Voice Vote, all Ayes.

- **PROCLAMATION & PRESENTATIONS**

Mayor O'Brien asked the Clerk to read the proclamation into record.

PROCLAMATION

WHEREAS, veterinary technicians are important members of the veterinary health care team, work in veterinary medicine throughout the nation, and are extremely important in the effort to provide quality animal health care to insure the humane treatment of all animals;

WHEREAS, there are over sixty accredited programs throughout the United States which provide intensive study of the skills and knowledge to work competently as a Veterinary Technician, including, anatomy, physiology, microbiology, clinical techniques, pharmacology, anesthesiology, surgical and medical nursing, radiology, and clinical pathology training;

WHEREAS, it is extremely important that each veterinary technician maintain certification, registration, or licensure through the successful completion of a national and or state examination, practice lifelong learning through continuing education and uphold high ethical standards;

WHEREAS, veterinary technicians will be joining their colleagues across the country to urge all to become aware of the important contribution of veterinary technicians to the health and wellbeing of all animals;

NOW, THEREFORE, I, Kennedy O'Brien, Mayor of the Borough of Sayreville, do hereby proclaim the third week in October be designated National Veterinary Technician Week in the Borough of Sayreville.



Kennedy O'Brien
Mayor

Attest:

/s/ Theresa A. Farbaniec, R.M.C., Municipal Clerk

Councilman Buchanan moved the Mayor's Proclamation be approved on Roll Call Vote. Seconded by Council President Kilpatrick.

Roll Call: Voice Vote, all Ayes.

- **EAGLE SCOUT AWARD**

Presented by the Mayor and Council to Diego Candelario, Troop 96, Sayreville -- Painted the twenty park benches at the Jackson Street Park.

Mayor announced that we will be retreating into Closed Session.

- **EXECUTIVE SESSION** – Contract Negotiations

Borough Attorney Mr. DuPont read the following Executive Session 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 20 minutes to discuss the following matters:

Personnel
COAH Litigation
Attorney-Client Privilege / Possible Rent Leveling Board 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/ Victoria Kilpatrick, Council President

APPROVED:

/s/ Kennedy O'Brien, Mayor

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

Roll Call: Voice Vote, all Ayes.

Time: 7:09 PM

Reconvene:

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

Roll Call: Voice Vote, all Ayes. - Time 8:14 PM

After reconvening Council President Kilpatrick asked that we first read the Resolutions that are to be read in full.

Borough Attorney Michael DuPont read the following Resolutions in Full:

RESOLUTION #2018 - 348
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN
THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AUTHORIZING THE EXECUTION OF AN ADDENDUM
DATED OCTOBER 9, 2018 TO THE SETTLEMENT AGREEMENT
BETWEEN BOROUGH AND K-LAND CORP.

WHEREAS, the Borough of Sayreville ("Borough") and K-LAND CORP. ("K-Land") wish revise the Settlement Agreement dated June 16, 2018 by executing the enclosed Addendum dated October 9, 2018.

WHEREAS, the representatives of the parties have negotiated an Addendum in the form attached hereto for purposes of fulfilling the Section 3.12 of the Settlement Agreement to facilitate the purchase of the real property contemplated therein for purposes of open space;

WHEREAS, the parties wish to enter this form of addendum; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED as follows:

1. The Governing Body of the Borough of Sayreville do hereby authorize Mayor to execute the October 9, 2018 Addendum in the form attached hereto or if the Mayor declines to sign then authorizing the Council President as an alternate; and
2. The Borough directs its Affordable Housing counsel to seek approval of the agreement from the trial court, if necessary.

/s/ Victoria Kilpatrick
Council President

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

OCTOBER 9, 2018
REGULAR MEETING

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Victoria Kilpatrick
Council President

RESOLUTION #2018 - 349

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY AUTHORIZING PREPARATION OF A DEED OF TRANSFER AND
EXECUTION OF THE DEED BETWEEN BOROUGH AND NATIONAL LEAD INDUSTRIES
PURSUANT TO THE SETTLEMENT AGREEMENT BETWEEN THE BOROUGH AND
NATIONAL LEAD DATED JUNE 25, 2018**

WHEREAS, the Borough of Sayreville ("Borough") entered into a Settlement Agreement with National Lead ("NL") on June 25, 2018 (the "Settlement Agreement") to resolve NL's intervention into the Borough of Sayreville's Declaratory Judgment Action entitled In the Matter of the Application of the Borough of Sayreville, County of Middlesex, Docket No. MID-L-4010-15;

WHEREAS, pursuant to Section 4.9 of the Settlement Agreement, the Borough agreed to deed Borough owned property abutting the NL Site to NL.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED as follows:

1. The Borough Council authorizes the Borough's Attorney, Michael DuPont, Esq. to prepare the deed of transfer for the subject property; and
2. The Borough authorizes the execution of the deed of transfer upon completion.

/s/ Victoria Kilpatrick
Council President

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-350

**RESOLUTION OF THE BOROUGH OF SAYREVILLE ENDORSING
AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN
ADOPTED BY THE PLANNING BOARD**

WHEREAS, on July 6, 2015, the Borough of Sayreville (hereinafter "Sayreville" or the "Borough") filed a declaratory action with the Superior Court of New Jersey pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), entitled In the Matter of the Application of the Borough of Sayreville, County of Middlesex, Docket No. MID-L-4010-15 seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfied its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, in connection with this lawsuit, the Borough simultaneously sought, and ultimately secured, a protective order providing Sayreville and its Planning Board

immunity from all exclusionary zoning lawsuits while the Borough pursued approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, an issue arose in the declaratory relief action concerning whether the Borough ever authorized the execution of an agreement with Fair Share Housing Center, Inc. (FSHC) and K-Land Corporation (K-Land), resulting in the Borough filing of a motion to acknowledge that there was no agreement and that the Borough was free to satisfy its Mount Laurel obligations free from any limitations from the purported agreement; and

WHEREAS, prior to the Court ruling on the Borough’s motion, the Borough engaged in litigation with FSHC, K-Land and National Lead, Inc.(NL); and

WHEREAS, as a result of those negotiations, the Borough entered into separate settlement agreements with FSHC, K-Land and NL; and

WHEREAS, at the insistence of K-Land and NL, the Sayreville Planning Board (Planning Board) also is a named party to these settlements; and

WHEREAS, the Planning Board has adopted an amended Housing Element and Fair Share Plan (affordable housing plan) incorporating and implementing the three settlements; and

WHEREAS, the Borough wishes to endorse said affordable housing plan.

NOW THEREFORE BE IT RESOLVED, BY THE Governing Body of the Borough of Sayreville in the County of Middlesex, and the State of New Jersey hereby endorses the Amended Housing Element Fair Share Plan, adopted by the Planning Board on June 13, 2018.

/s/ Victoria Kilpatrick
Council President

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor’s signature.

/s/ Michael DuPont, Borough Attorney

ATTEST: **BOROUGH OF SAYREVILLE:**

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

**RESOLUTION #2018 - 351
A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AUTHORIZING EXECUTION OF DEVELOPER FEE ASSESSMENT AND
ALLOCATION AGREEMENT BETWEEN THE BOROUGH, SAYREVILLE SEAPORT
ASSOCIATES URBAN RENEWAL, L.P. AND
SAYREVILLE ECONOMIC & REDEVELOPMENT AGENCY**

WHEREAS, the Borough of Sayreville (“Borough”), Sayreville Seaport Associates Urban Renewal, L.P. (“SSA”) and Sayreville Economic & Redevelopment Agency wish to amicably resolve a dispute regarding the utilization of trust fund dollars generated from development fees from the Waterfront Redevelopment Plan Project currently referred to as Riverton; and

WHEREAS, the representatives of the parties have negotiated an agreement in the form attached hereto and parties wish to enter this Agreement.

THEREFORE, BE IT AND IT IS HEREBY RESOLVED as follows:

1. The Borough Council authorizes Council President Kilpatrick or the Borough's Administrator, Daniel Frankel, to execute the Settlement Agreement in the form attached hereto; and
2. The Borough directs its Affordable Housing counsel to seek approval of the agreement from the trial court, in the event that court approval is necessary

/s/ Victoria Kilpatrick
Council President

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

At this time the mayor opened the meeting up to the public on any on these four resolutions.

Those appearing were:

- Jim Robinson, 11 Borrelle Square.

Questioned Resolution #2018-348 and what the addendum was.

Responded to by Mike Edwards, Esq. He explained that the K-Land Addendum basically states that they make representations that there are no known contaminates on the site that the Borough reserves the right to sue K-Land in the chain of title if and when contaminates are ever found on the site.

Mr. Robinson then commented on the time when John McCormack was Mayor and he served on the Planning Board and zoned that whole area as PRIME, so that homes could not be built there. Mayor McCormack back then had a dream to purchase the whole forty acres not just this four as open space. He spoke about the Open Space fund amount and its use. He asked that the council look favorably and pass this resolution.

- Ruth Ann Mahoney, 2 Gerard Place.

Spoke in favor of the purchase of the 4.1 acre purchase.

There were no further questions or comments. Mayor called for a motion.

Councilwoman Novak made a motion to close the public portion. Motion was seconded by Council President Kilpatrick.

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

Councilwoman Novak moved Resolution #2018-348 be approved on Roll Call Vote. Motion was seconded by Council President Kilpatrick.

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

- Nays: None

Council President Kilpatrick moved Resolution #2018-349 be approved on Roll Call Vote. Motion was seconded by Councilwoman Novak.

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

- Nays: None

Council President Kilpatrick moved Resolution #2018-350 be approved on Roll Call Vote. Motion was seconded by Councilwoman Novak.

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

Council President Kilpatrick moved Resolution #2018-351 be approved on Roll Call Vote. Motion was seconded by Councilwoman Novak.

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

Mayor called for Old and New Business.

- **OLD BUSINESS:**
 - a) Public Hearing on the following Ordinances:
Municipal Clerk Farbaniec read the heading for the following ordinances listed for Public Hearing:

Mayor O'Brien opened the meeting to the public on Ordinance #431-18. There were no appearances. **Councilwoman Novak moved the Public Hearing be closed and the Ordinance #431-18 be adopted on second and final reading and advertised according to law.** Seconded by Councilman Buchanan.

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

ORDINANCE #431-18
**AN ORDINANCE FIXING THE SALARIES OF CERTAIN
BOROUGH OFFICIALS, OFFICERS AND EMPLOYEES
FOR THE YEARS 2014, 2015 AND 2016**
(Employee Benefit Specialist)
(Admin. & Finance Committee – Public Hearing on October 9, 2018)

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Sayreville as follows:

Section 1. The following annual salaries be and the same are hereby established for the following Borough Officials, officers and employees as per Schedules annexed hereto and made a part hereof.

Borough of Sayreville – AFSCME Salary & Wage Schedules

2016

EMPLOYEE BENEFITS SPECIALIST									
A	B	1	2	3	4	5	6	7	8
37,226.00	39,526.00	42,026.00	48,396.00	50,521.00	52,642.00	53,703.00	54,947.00	55,871.00	56,683.00

Section 2. All ordinance or parts of ordinances inconsistent herewith are hereby repealed and this ordinance shall take effect immediately upon final passage and publication as required by law.

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

ATTEST:
/s/Theresa A. Farbaniec, RMC
 Municipal Clerk
APPROVED AS TO FORM:
/s/Michael DuPont, Esq.
 Borough Attorney

APPROVED:
/s/Kennedy O'Brien
 Mayor

- **APPOINTMENTS**

Mayor stated that Helen Racchia resigned from the Recreation Advisory Board after more than 10 years of service. He thanked her for her service and that for the next 30 days, if there is anyone interested in serving on the Board can file an application with the Clerk. Councilwoman Novak stated that there is an application filed and that there are two previous vacancies.

Councilman Melendez then made a motion to appoint Kristin Johnson to the Recreation Advisory Board. Motion seconded by Councilwoman Novak.

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

- **CONSENT AGENDA/RESOLUTIONS**

Mayor O'Brien opened the meeting to the public for questions or comments on Consent Agenda Resolutions.

There were no appearances.

Council President Kilpatrick moved to close the public portion and approve the Consent Agenda Resolutions Roll Call Vote. Seconded by Councilman Buchanan.

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

RESOLUTION #2018-337

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

A/s/ Pasquale Lembo, Councilman

/s/Steven Grillo, Councilman

/s/Ricci Melendez, Councilman

/s/Victoria Kilpatrick, Councilwoman

/s/Mary J. Novak, Councilwoman

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

Bill list of October 9, 2018 in the amount of \$12,084,428.19 in a separate Bill List File for 2018 (See Appendix Bill List 2018-A for this date).

RESOLUTION #2018-338

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: Dana Piscitelli
POSITION: Principal Payroll Clerk
DEPARTMENT: Finance
EFFECTIVE: October 15, 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 Civil Service Commission.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

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

BOROUGH OF SAYREVILLE
/s/Kennedy O'Brien
Mayor

RESOLUTION #2018-339

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: Beata Duigon
POSITION: Employee Benefits Specialist
DEPARTMENT: Finance
EFFECTIVE: October 15, 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 Civil Service Commission.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

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

BOROUGH OF SAYREVILLE
/s/Kennedy O'Brien
Mayor

OCTOBER 9, 2018
REGULAR MEETING

RESOLUTION #2018-340

BE IT AND IT IS HEREBY RESOLVED that the proper Borough officials are hereby authorized and directed to execute a three-year Interlocal Services Agreement with the County of Middlesex covering Hazardous Materials Billback and Cost Recovery, effective January 1, 2019 through December 31, 2021, copy of said agreement being attached hereto and made a part hereof .

/s/ Daniel Buchanan
Councilman
(Public Safety Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-341

BE IT AND IT IS HEREBY RESOLVED that the use of the portable stage owned by the Borough of Sayreville is authorized for use by the Progressive Fire Co., Inc., South Amboy on October 13, 2018 and that all costs associated with the delivery, use and retrieval/return of said stage shall be the responsibility of the City of South Amboy as agreed to by the Business Administrator Glenn Skarzynski.

/s/Victoria Kilpatrick, Councilwoman
(Public Works Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Theresa A. Farbaniec, RMC
Municipal Clerk

/s/Kennedy O'Brien
Mayor

RESOLUTION #2018-342

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY
OF MIDDLESEX, STATE OF NEW JERSEY, DECLARING
THE CROSSMAN/MOCCO PROPERTY COMMONLY KNOWN AS BLOCK
249, LOT 1; BLOCK 250, LOT 1; AND BLOCK 251, LOT 1
AS AN AREA IN NEED OF REDEVELOPMENT AS PERMITTED UNDER
N.J.S.A. 40A:12A-1 ET SEQ.**

WHEREAS, the Borough of Sayreville contains a property commonly known as Block 249, Lot 1; Block 250, Lot 1; and Block 251, Lot 1 (the "Crossman/Mocco Property"); and

WHEREAS, New Jersey law provides tools to assist municipalities to encourage investment, development, and improvement of certain properties through the redevelopment process under N.J.S.A. 40A:12A-1 et seq.

WHEREAS, the Sayreville Economic and Redevelopment Agency ("SERA") requested CME Associates to prepare a report to ascertain whether the Crossman/Mocco Property meets the criteria to be designated as a non-condemnation area in need of redevelopment; and

WHEREAS, CME Associates prepared a January 23, 2018 report recommending the Crossman/Mocco Property be designated as a non-condemnation area in need of redevelopment;

WHEREAS, the Mayor and Council referred the matter to the Sayreville Planning Board for review and recommendation; and

WHEREAS, on September 5, 2018, the Sayreville Planning Board held a public hearing regarding the determination of the Crossman/Mocco Property as an area in need of redevelopment; and

WHEREAS, after reviewing the report from CME and conducting the Public Hearing, the Sayreville Planning Board found that the subject property met the statutory criteria for being designated an area in need of redevelopment and made a formal recommendation that the Crossman/Mocco Property be designated as an Area in Need of Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.

BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Sayreville that the Borough Council does hereby conclude that the Crossman/Mocco Property meets the statutory criteria for designating an area in need of redevelopment including those criteria outlined in N.J.S.A. 40A:12A-5(c), (d), and (e).

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Sayreville that the Borough Council does hereby designate the Crossman/Mocco Property located at Block 249, Lot 1; Block 250, Lot 1; and block 251, Lot 1 as a Non-Condemnation Area in Need of Redevelopment.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

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

BOROUGH OF SAYREVILLE:
/s/ Kennedy O'Brien
Mayor

OCTOBER 9, 2018
REGULAR MEETING

PUBLIC NOTICE
NOTICE OF DETERMINATION OF NON-CONDEMNATION
AREA OF REDEVELOPMENT

RESOLUTION 2018-342

A RESOLUTION OF THE BOROUGH OF SAYREVILL IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, DELCARING THE CROSSMAN/MOCCO PROPERTY COMMONLY KNOWN AS BLOCK 249, LOT 1; BLOCK 250, LOT 1; AND BLOCK 251, LOT 1 AS AN AREA IN NEED OF REDEVELOPMENT AS PERMITTED UNDER N.J.S.A. 40A:12A-1 ET SEQ.

Notice is hereby given that the above entitled Resolution 2018-399 was duly approved at a Regular Meeting of the Council of the Borough of Sayreville held October 9, 2018 at the Sayreville Borough Hall located at 167 Main Street, Sayreville, New Jersey, pursuant to which the Council of the Borough, among other things:

1. Determined that Block 249, Lot 1, Block 250, Lot 1, and Block 251, Lot 1, as shown on the official tax map of the Borough of Sayreville (the "Crossman/Mocco Property") is an area in need of redevelopment and therefore determined it to be a Non-Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A.40A:12A-1 et seq.;
2. Expressly provided that the determination of the Crossman/Mocco Property as a Non-Condemnation Redevelopment Area shall *not* authorize the Borough to exercise the power of eminent domain to acquire any property in the area.

A copy of this Resolution has been filed with the Commissioner of the Department of Community Affairs. This resolution shall take effect upon approval by the Commissioner or after 30 days of silence from the same. A copy of the same shall be available for public inspection at the offices of the Township Clerk.

Theresa A. Farbaniec, RMC
Municipal Clerk

RESOLUTION #2018-343

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for Duhernal Wellfield Maintenance and Redevelopment Project and that he be paid for said services at a fee not to exceed \$60,000.00.

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/ Steven Grillo, Councilman
(Water & Sewer Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

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

BOROUGH OF SAYREVILLE
/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-344

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for Duhernal Wells BF & 1 Standby Generator Project and that he be paid for said services at a fee not to exceed \$80,000.00.

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/ Steven Grillo
Councilman
(Water & Sewer Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-345

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to prepare plans and specifications for Duhernal Booster Station Upgrades Project and that he be paid for said services at a fee not to exceed \$50,000.00.

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/ Steven Grillo
Councilman
(Water & Sewer Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

OCTOBER 9, 2018
REGULAR MEETING

RESOLUTION #2018-346

BE IT RESOLVED, that the Borough Engineer is hereby authorized and directed to continue with the preparation of the Water and Sanitary Sewer GIS Mapping and that he be paid for said services at a fee not to exceed \$25,000.00.

/s/ Steven Grillo
Councilman
(Water & Sewer Committee)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont
Borough Attorney
BOROUGH OF SAYREVILLE

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2018-347

BE IT AND IT IS HEREBY RESOLVED, that Resolution #2018-222 and 2018-223 renewing inactive license PRCL #1219-33-033-008 for the license terms of 2017/2018 and 2018/2019 adopted on June 25, 2018, are hereby rescinded due to the fact that the as the licensee failed to obtain a Special Ruling from the Division of Alcoholic Beverage Control.

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

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor's signature.

/s/ Michael DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTIONS TO BE READ IN FULL - (2018-348, 2018-349, 2018-350 and 2018-351 were read earlier in meeting)

- **BOROUGH ENGINEER - Jay Cornell** - No Report
- **BOROUGH ATTORNEY - Michael DuPont** - No Report
- **CFO - Denise Biancamano** - No Report

- **PUBLIC PORTION**

At this time the Mayor opened the meeting to the Public for questions or comments on any and all matters.

Those appearing were:

Ken Kurczeski, 17 Pershing Avenue

Appearing on behalf of his mother and father of 17 Pershing Avenue requesting the "No Parking" signs that were put up on Wednesday be removed until such time as the residents can be heard from. He also went on to talk about the issue that there have been no improvements ever being made to the street.

The Mayor asked the Engineer to address the capital improvement issue. Mr. Cornell explained that as part of Hercules Village Area Improvements. First, there would be Water and Sanitary Sewer Improvements which should be starting this month and then next spring the roads will be reconstructed with curbs, no sidewalks.

He said that most of his concern at this point was that they had no knowledge of this ordinance and sign. He said that this sign creates a burden for both of his parents. He said that the zig zag parking on the street slows people down. Further expressed his concerns about cars speeding with no one parked on both sides with the Zig zag pattern.

He did say that his father has a driveway, however his father cannot turn his head enough to safely back out. He stressed that the council leaves it up to the residents of Pershing Avenue to make this decision.

Mayor said that there are two things he is looking to accomplish as a policy.

1) When there is an ordinance affecting a residential street that the residents be notified.

Mayor asked if there were any objections to this change of process. None heard.

2) Form a committee to meet with the residents of Pershing Avenue for their input. He then asked Co. Lembo, Buchanan and Grillo be part of this committee. He also requested that the police attend, Mr. Krushinski.

Councilwoman Novak stopped the Mayor and asked the Borough Attorney for his legal opinion; if we were now to have the signs removed and then there was an incident after the police recommended that signs be placed. Mayor said that there are many side streets along that Washington Road corridor and this one has been singled out. He said that he would like the residents input.

The Borough Attorney indicated that inasmuch as we have a report from the police department indicating that it is unsafe. If someone were to be injured for whatever reason, it would be most likely that the attorney would file a Tort Claims Notice upon the Borough that the Borough knew this. The Police Department made a recommendation and the Borough did x,y&z. The Borough would probably get a Tort Claims Notice.

Councilwoman Novak said that when she drives the ambulance and was involved in a case where they hit one of the parked cars, trying to get the ambulance down the street when parking was allowed on both sides of the street and now these ambulances are much wider than they used to be and she took out the side of a car because there was parking on both sides of the street and it was impossible to pass and to get to the cardiac arrest patient, she had to hit the car. Mr. Kurczeski said a garbage truck could get down his street.

Councilwoman Novak asked the Mayor if Keven Krushinski could come up and speak on this matter. Mr. Krushinski said that he is the Assistant Fire Chief and the Fire Marshall. And after receiving a complaint about the way the vehicles park along Pershing Avenue. He said that it was like threading a needle the way the vehicles are parked along the road he talked about the size of a parking lane, width of an average vehicle and the width of the roadway and the size of a fire

truck. That the truck would not fit to put out a fire, so that is the basis as to why he made the recommendation he did and that the no parking was for the side of the street that would only affect three homes.

Mayor asked that these issues be brought up at the committee meeting with the residents.

Council President Kilpatrick again brought up the issue that after all of these safety issues have been brought up, if there would be even more of a legal issue if the signs get removed.

The Borough Attorney stated that additional Tort Claims could be filed because of the heightened risk brought out by our professionals. She then said now that we have heard from the professionals that the discussion should be what side of the street we should make No Parking.

Councilman Grillo asked what would have happened if Mr. Kurczeski Sr. had a dedicated handicapped space in front of his home. Councilwoman Novak the Police Traffic bureau never recommends this when there resident has a driveway.

More discussion between the council and the resident and Fire Official.

Council President Kilpatrick stated that before policy gets changed that they get input from the Traffic Safety Bureau, the Fire Department..... Mayor asked that Mr. Kurczeski meet with the committee and the Fire Marshall and Police Traffic Safety and discuss the matter and come up with a solution.

- Phil Emma, Parlin

Questioned what is happening with the marijuana committee.

Councilman Buchanan responded that the sub-committee met and are working on some ideas however they are still waiting for the Statute. He said he has asked the Assembly Speaker's office and they said that it can't be released yet because they are still working on it. He said that he reached out to the gentleman from the Woodbridge dispensary to get an idea on how it operates and looks like and they never returned the call. Councilman Grillo said they are trying to access the different variations they would have to address on all areas. Adult dispensaries, grow houses, bud bars - need to see what the Statute is going to allow. At this point they do not have enough of information to make a decision. At this point we need to have another public meeting. Councilman Buchanan said that they want to make sure everything is addressed in this ordinance and that it is in line with the State Statute. Councilman Lembo said that he also tried reaching out to the dispensary and no one answers or responds.

Mr. Emma questioned the mission of the committee.

Councilman Lembo said that after meeting they are waiting to see what the State says. Nothing is etched in stone yet, they need the bill.

Mr. Emma asked that they have an ordinance right now prohibiting recreational marijuana just as the Police Chief had recommended because it would affect our quality of life and public safety.

Councilwoman Novak said that the Chief had asked for a resolution and that such a resolution basically bears no weight. For an ordinance we need a complete ordinance, one that would be legally defensible in court. Councilman Lembo expressed how he does not want to see recreational marijuana in Sayreville but he does not object to medical marijuana.

The Borough Attorney said that they want to draft an ordinance that would survive a challenge. The committee also asked for the input from the planner regarding the zoning aspect. He explained that this is in no way a stall tactic. He further explained what other towns have done. Certain ordinances would be preempted by State law, so at this point they do not want to create paperwork that may not survive a challenge to the State law, they want to get it right the first time.

Mr. Emma read an article from USA Today regarding the teen use of marijuana and its effects, etc.

Discussion continued regarding the law and how complicated it is and how this council wants to get it right.

- Jim Robinson, 11 Borelle Square

Thanked the Council for approving Resolutions #2018-348, 349, 350 and 351. He then asked the Mayor if he was going to sign the Resolutions. Mayor O'Brien indicated that he had not read in yet. Mr. Robinson stated that the Clerk read it in full. Mayor indicated that he wanted to go over it again.

Mr. Robinson asked how much property was involved in the transfer in Resolution 2018-349 and about the compensation? Councilwoman Novak stated that it was a little less than 1 acer. Council President Kilpatrick said that by the Judges orders the Borough would have to pay the attorney fees.

Mr. Robinson asked if the Public Safety Committee should be the one addressing Mr. Kurczeski's parking concerns? Council President said that he was correct. He also asked if the Mayor can appoint.

Mr. DuPont said that he can with the advice and consent of the Council.

Mr. Robinson then asked what the status was on the potential senior housing on Ernston Road. The one that the Housing Authority has recommended.

Councilwoman Novak said that is being considered in the next round of our housing obligation.

Mr. Robinson again asked the Mayor if he signed the resolution and that if he does not sign it the Council President will.

-Ken Olchaskey, 10-8 North Edward Street

Commented that people are complaining about not hearing council meetings on television.

Spoke about committee assignments.

Asked the Council to pass a Resolution opposing marijuana in Sayreville and send it to the legislature.

Councilwoman Novak said that she agreed with sending a resolution to our legislature telling them that they are not in favor of it for recreational use. But they must take their time on the Ordinance in order to get it right. Councilwoman Kilpatrick felt the same. Councilwoman Novak asked if the Attorney could compose a resolution for the next meeting. There was no opposition to the resolution.

Councilman Grillo asked Mr. Olchaskey if he could send the Business Administrator or clerk a copy of the Ernston Rd. Sr. Project. He would like to see it again.

- Ruth Ann Mahoney,

Asked if anyone looked into the North Ernston Road/Chase Bank traffic issue.

Mr. Frankel said that the Police Chief gave it to the traffic bureau and he did not get a reply yet.

- Jim Robinson, 11 Borelle Square

Asked the Borough Attorney that if there is a Resolution that provided that if the Mayor declines signing a resolution, it will then be signed by the Council President and how long until the Council President signs. Mr. DuPont said that if the Mayor does not sign it this evening that the Council President could sign it this evening.

- There were no further appearances.

Councilwoman Novak moved the public portion be closed. Seconded by Councilman Buchanan.

OCTOBER 9, 2018
REGULAR MEETING

Roll Call – Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business. **Councilwoman Novak moved to adjourn the Council Session. Motion was seconded by Councilman Buchanan.**

Roll Call: Voice Vote, all Ayes.

Time 9:57 P.M.

Respectfully submitted,

Theresa A. Farbaniec, RMC
Municipal Clerk

Date Approved