

Council President Kilpatrick opened the Council Meeting at 7:00 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Theresa Farbaniec, Municipal Clerk announced that this June 25, 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: 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: Mayor Kennedy O'Brien - Excused

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

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

- ☒ April 23, 2018 - Executive Session I – COAH Matter
  - ☒ April 23, 2018 - Executive Session II – Security Matters
  - ☒ May 14, 2018 - Council Meeting & Agenda Session
- Seconded by Councilman Buchanan.

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

- **PROCLAMATION & PRESENTATIONS – None**

- **EXECUTIVE SESSION – Tax Appeal Litigation, General Litigation & Personnel**

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 15 minutes to discuss the following matters:

Tax Appeal Litigation  
Litigation (general)  
& Personnel

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, Councilman

APPROVED:

/s/ Victoria Kilpatrick, Council President

**Councilwoman Novak moved the Executive Session Resolution be adopted on Roll Call Vote. Motion seconded by Councilman Buchanan.**

Roll Call, Voice Vote, all Ayes.

Time: 7:02 PM

#### **Reconvene**

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

Roll Call: Councilpersons Buchanan, Grillo, Kilpatrick, Lembo, Melendez, Novak, all Ayes. - Time 7:36 PM

- **OLD BUSINESS:**

- a) **The following resolutions were received from the Planning Board following**

- their June 13, 2018 Special Meeting:**

- The Clerk read the following into record.

- Adopting the Amended Housing Element and Fair Share Plan
      - Authorizing the Execution of a Settlement Agreement between the Borough of Sayreville and National Lead Industries, Inc.
      - Authorizing the Execution of a Settlement Agreement between the Borough and K-Land Corporation.
      - Resolution Declaring the Rezoning Ordinance for Property Identified on the Borough's Tax Map as Block 297, Lot 1; Block 333, Lot 1; and Block 332, Lots 1, 3 and 4 (The NL Site) to Create the AH3 Zone for Affordable Housing Consistent with the Borough's Master Plan.
      - Resolution Declaring the Rezoning Ordinance for Property Identified on the Borough's Tax Map as Block 136.16, Lots 30.05 and 30.06 and Block 366.01, Lot 1; Block 367.01, Lot 1 and Block 347.01, Lot 3.01 to Create the AH-1 and AH-2 Zones for Inclusionary Residential Development as Consistent with the Borough's Master Plan.
      - Resolution Adopting the Amended River Road Redevelopment Plan and Ordinance Implementing the Amendment.

Motion to receive and file made by Councilwoman Novak and seconded by Councilman Lembo.

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

- b) Public Hearing on the following Ordinances:  
Municipal Clerk Farbaniec read the heading for the following ordinances listed for Public Hearing:

Council President Kilpatrick opened the meeting to the public on Ordinance #413-18.

Those appearing were:

- Jim Robinson, 11 Borelle Square

He said that he would be touching briefly on Ordinance 413, 414 and 415-18 and they all are tied together as they all deal with the Fair Share. He thanked the Council for getting these ordinances to the point of adopting tonight. As they all may not be perfect but they are a far cry from the original ordinances that would have allowed for the build of hundreds more market rate units in Sayreville. He spoke about the benefits as a result of these ordinances. He spoke about the team that brought us to this, through negotiations and he felt that he was a part of having the council put these teams on and spoke on their expertise. Mr. Robinson spoke about the merit of the council listening to the public and that it is important to get information out to the public.

There were no other comments on Ordinance #413-18.

Council President Kilpatrick called for a motion.

Councilman Lembo moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law.

Seconded by Councilman Buchanan.

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

**ORDINANCE 413-18**  
**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE**  
**AMENDING AND SUPPLEMENTING ARTICLE III, OF CHAPTER XXVI**  
**LAND DEVELOPMENT, OF THE CODE OF THE BOROUGH OF SAYREVILLE**  
**TO ESTABLISH NEW AFFORDABLE HOUSING DISTRICTS (AH-1, AH-2)**  
**AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE**

**THERETO**

(K-Land/Camelot I and Camelot II)

**WHEREAS**, the Borough Council of the Borough of Sayreville desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

**WHEREAS**, the Borough Council has determined that certain lands comprised of 12.5 acres within the proposed AH-1 Zone commonly referred to as Block 136.16 Lots 30.05 and 30.06; and 25.4 acres within the proposed AH-2 Zone commonly referred to as Block 347.01 Lot 3.01 and Block 366.01 Lot 1; are suited for inclusionary development; and

**WHEREAS**, the Borough has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

**WHEREAS**, the Borough wishes to foster development that provides an affordable housing set aside.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Sayreville in the County of Middlesex and the State of New Jersey as follows:

**Section 26-84, SUPPLEMENTAL ZONING REGULATIONS, of Chapter XXVI, LAND DEVELOPMENT**, of the revised General Ordinances of the Borough of Sayreville, is hereby amended to delete Section 26-84.3.1 in its entirety and replace Section 26-84.3.1 with the following:

Subsection 3.1a- **AH-1 Affordable Housing 1 Zone (Camelot I)**

1. The purpose of the AH-1 Affordable Housing 1 Zone, which applies to Block 136.16 Lots 30.05 and 30.06, is to provide areas within the Borough designed for multi-family housing, including family affordable housing. The intent of this zone is to be developed as a comprehensive development. Should any other section of the Borough's Land Development Ordinance (Chapter 26 of the Borough's Revised General Code) contradict with the standards herein, this ordinance section shall take precedence.

The development of the AH-1 Zone shall be substantially consistent with the attached concept plan, dated May 15, 2018.

This ordinance supersedes the Court Ordered Rezoning of this area.

2. Principal Permitted Uses
  - (a) Multi-family dwellings
3. Permitted Accessory Uses
  - (a) Private parks and playgrounds
  - (b) Private recreation buildings and facilities
  - (c) Garages and off-street parking facilities
  - (d) Uses customary and incidental to the principal use
4. The following bulk standards shall apply:
  - (a) Minimum Lot Area: 11 acres
  - (b) Minimum Building Setback:
    - i. From Main Street: 90 feet
    - ii. From eastern lot line: 100 feet
    - iii. From southern lot line: 40 feet
    - iv. From western lot line: 20 feet
  - (c) Minimum Distance Between Buildings:
    - i. Front to front: 60 feet
    - ii. Front to rear or end: 72 feet
    - iii. Rear to rear or end: 72 feet
    - iv. End to end: 25 feet
  - (d) Minimum Parking Setback:
    - i. The minimum distance to off-street parking spaces from buildings shall be 15 feet. Driveways located in front of garages do not require a setback.
    - ii. The minimum distance to off-street parking areas from the Main Street ROW shall be 25 feet.
  - (e) The minimum distance from buildings less than thirty-five (35) feet in height to off-street parking spaces shall be twelve (12) feet. (Note: Does not apply to garages and driveway parking). The minimum distance from buildings equal to or greater than thirty five (35) feet in height to off-street parking spaces shall be 15 feet. Driveways adjacent to garages shall be a minimum of 20 feet in length.
  - (f) Maximum Building Height: 4 stories / 56 feet
  - (g) Minimum Roof Pitch shall be 5 on 12
  - (h) Maximum Building Coverage: 25%
  - (i) Maximum Impervious Coverage: 65%
5. Minimum Off-Street Parking: Parking shall comply with RSIS
6. Maximum Density: 168 dwelling units. A minimum of 10 units shall be affordable units. An additional 10 units may be permitted, however, in no instance shall more than 318 units be permitted on both Camelot I and Camelot II Developments.

## 7. Affordable Housing

- (a) The development of all affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation.
- (b) A minimum of 50% of all affordable units shall be affordable to very-low and low-income households. All other affordable units shall be affordable to moderate-income households.
- (c) A minimum of 13% of all affordable units will be affordable to very-low income households.
- (d) All aspects of the affordable housing component of the tract, including but not limited to monitoring, advertisement, eligibility, controls, and restrictions, shall be in conformance with the Borough's affordable housing ordinance, found in Chapter 35 of the Borough's Revised General Code.

## 8. Additional Standards

- (a) The development shall include recreational facilities for use by the residents of the entire tract.
- (b) A landscaped boulevard entrance to the site is required off Main Street. A secondary entrance off Main Street is permitted, subject to appropriate approvals.
- (c) Existing water features may be modified. However, the water feature shall be enhanced and maintained as an additional amenity and potentially function as a retention basin.
- (d) No building shall exceed 170 feet in length.
- (e) Basement dwellings are prohibited.

## 9. Design Standards

Any deviation from the following standards shall trigger waiver relief.

### (a) Buffers

- i. To the extent feasible, (e.g. limitation within easements), a minimum 10 foot wide landscape buffer shall be provided along the perimeter lot lines/easements, closest to residential structures.
- ii. The buffer areas shall be planted with evergreen trees and other vegetation to provide optimal year-round screening.
- iii. Evergreen plantings shall be a minimum of six (6) feet in height at the time of planting. No buildings, signs, structures, storage of materials, roadways or parking shall be permitted within the buffer areas, with the exception of access roads into the development and freestanding signage, in accordance with this section.

### (b) Signage

- i. The provisions of §26-89, entitled "Signs," shall govern any provisions regarding signage not addressed herein. Where there is conflict between §26-89 and this ordinance, this ordinance shall take precedence.
- ii. One (1) freestanding sign is permitted at the main entrance to the development. The sign shall not exceed 32 square feet per side and four (4) feet in height. This sign may or may not be illuminated.
- iii. The freestanding sign shall be setback a minimum of 10 feet from the lot line.

### (c) Landscaping

- i. Any landscaping which, within 2 years of planting dies for any reason, shall be replaced by the developer(s) at their expense by way of written agreement.
- ii. A minimum of 1 tree per 10 surface parking spaces shall be provided.
- iii. All areas not occupied by buildings, roadways, parking areas, patios, walkways, and/or any other impervious surface shall be adequately landscaped. Landscaping may include grass.
- iv. No landscaping at any location shall interfere with site triangles.

(d) Street Trees

- i. Street trees shall be required as detailed in Section 26-97,2c of the Borough Land Development Ordinance

(e) Exterior Lighting

- i. Exterior lighting fixtures shall not create excessive glare or light levels or direct light onto neighboring buildings or properties.
- ii. Parking lot lights shall be LED and be provided at height not to exceed 22 feet.

(f) Circulation

- i. The development of the tract shall take into consideration both the vehicular and pedestrian movement of the site in accordance with RSIS standards.
- ii. Sidewalks shall have a minimum clearance of 4 feet in width. Sidewalk clearance must not be less than the minimum levels set by the Americans with Disabilities Act.

(g) Utilities

- i. Utilities shall be as visually unobtrusive as possible.
- ii. Meters and access panels shall be integrated with street and building design.
- iii. Transformers and primary and back-up generators shall be screened.

(h) Refuse and Recycling

- i. For affordable multi-family construction:
  - (1) No refuse and recycling storage and collection areas shall be permitted between the front of a building and the street.
  - (2) All outside refuse and recycling storage areas shall conform to the perimeter setbacks as established herein.
  - (3) Outdoor refuse and recycling containers shall be screened with a durable enclosure, so as to not be visible by public rights-of-way or adjacent properties. Landscaping and/or fencing may be used as additional screening measures.
  - (4) Refuse and recycling areas shall be designed to appropriately contain all refuse generated on site.
  - (5) There shall be clear and unobstructed access to all refuse and recycling areas for collection vehicles.

10. Section 26-81.2 Zoning Map of Chapter XXVI Land Development of the Revised General Ordinances of the Borough of Sayreville is hereby amended and superseded to include the AH-1 Affordable Housing 1 Zone as follows:

- (a) Block 136.16 Lots 30.05 and 30.06



**Subsection 3.1b- AH-2 Affordable Housing 2 Zone (Camelot II)**

1. The purpose of the AH-2 Affordable Housing 2 Zone, which applies to Block 347.01 Lot 3.01 and Block 366.01 Lot 1, is to provide areas within the Borough designed for multi-family housing, including family affordable housing. The intent of this zone is to be developed as a comprehensive development. Should any other section of the Borough’s Land Development Ordinance (Chapter 26 of the Borough’s Revised General Code) contradict with the standards herein, this ordinance section shall take precedence.

The development of the AH-2 Zone shall be substantially consistent with the attached concept plan, dated May 15, 2018.

This ordinance supersedes the Court Ordered Rezoning of this area.

2. Principal Permitted Uses
  - (a) Multi-family dwellings
3. Permitted Accessory Uses
  - (a) Private parks and playgrounds
  - (b) Private recreation buildings and facilities
  - (c) Garages and off-street parking facilities
  - (d) Uses customary and incidental to the principal use
4. The following bulk standards shall apply:
  - (a) Minimum Lot Area: 20 acres
  - (b) Minimum Building Setback:
    - i. From Main Street: 30 feet
    - ii. From perimeter lot lines: 20 feet
  - (c) Minimum Distance Between Buildings:

- i. Front to front: 60 feet
- ii. Front to rear or end: 72 feet
- iii. Rear to rear or end: 72 feet
- iv. End to end: 25 feet

(d) Minimum Parking Setback:

- i. The minimum distance to off-street parking spaces from buildings shall be 15 feet. Driveways located in front of garages do not require a setback.
- ii. Off-street parking shall not be located within the building setback along the eastern boundary of the property that shares a property line with Block 347.01 Lot 2.05.

(e) The minimum distance from buildings less than thirty-five (35) feet in height to off-street parking spaces shall be twelve (12) feet. (Note: Does not apply to garages and driveway parking). The minimum distance from buildings equal to or greater than thirty five (35) feet in height to off-street parking spaces shall be 15 feet. Driveways adjacent to garages shall be a minimum of 20 feet in length.

(f) Maximum Building Height: 4 stories / 56 feet

(g) Minimum roof pitch shall be 5 on 12

(h) Maximum Building Coverage: 25%

(i) Maximum Impervious Coverage: 65%

5. Minimum Off-Street Parking: Parking shall comply with RSIS

6. Maximum Density: 150 dwelling units. A minimum of 8 units shall be affordable. An additional 10 units may be permitted, however, in no instance shall more than 318 units be permitted on both Camelot I and Camelot II Developments.

7. Affordable Housing

(a) The development of all affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation.

(b) A minimum of 50% of all affordable units shall be affordable to very-low and low-income households. All other affordable units shall be affordable to moderate-income households.

(c) A minimum of 13% of all affordable units will be affordable to very-low income households.

(d) All aspects of the affordable housing component of the tract, including but not limited to monitoring, advertisement, eligibility, controls, and restrictions, shall be in conformance with the Borough's affordable housing ordinance, found in Chapter 35 of the Borough's Revised General Code.

8. Additional Standards

(a) The development shall include recreational facilities for use by the residents of the entire tract.

(b) A landscaped boulevard entrance to the site is required off Main Street. No other entrances are permitted unless an emergency access is required.

(c) The proposed retention basins shall be maintained as an additional amenity for the site.

(d) No building shall exceed 170 feet in length.

(e) Basement dwellings are prohibited.

9. Design Standards

Any deviation from the following standards shall trigger waiver relief.

(a) Buffers

- i. A minimum 10-foot wide landscape buffer shall be provided between the buildings/parking areas and Main Street as well as between the buildings/parking areas and the adjacent lot (Block 347.01 Lot 2.05).
- ii. The buffer areas shall be planted with evergreen trees and other vegetation to provide optimal year-round screening.
- iii. Evergreen plantings shall be a minimum of six (6) feet in height at the time of planting. No buildings, signs, structures, storage of materials, roadways or parking shall be permitted within the buffer areas, with the exception of access roads into the development and freestanding signage, in accordance this section.

(b) Signage

- i. The provisions of §26-89, entitled "Signs," shall govern any provisions regarding signage not addressed herein. Where there is conflict between §26-89 and this ordinance, this ordinance shall take precedence.
- ii. One (1) freestanding sign is permitted at the main entrance to the development. The sign shall not exceed 32 square feet per side and four (4) feet in height. This sign may or may not be illuminated.
- iii. The freestanding sign shall be setback a minimum of 10 feet from the lot line.

(c) Landscaping

- i. Any landscaping which, within 2 years of planting dies for any reason, shall be replaced by the developer(s) at their expense by way of written agreement.
- ii. A minimum of 1 tree per 10 surface parking spaces shall be provided.
- iii. All areas not occupied by buildings, roadways, parking areas, patios, walkways, and/or any other impervious surface shall be adequately landscaped. Landscaping includes grass.
- iv. No landscaping at any location shall interfere with site triangles.

(d) Street Trees

- i. Street trees shall be required as detailed in Section 26-97,2c of the Borough Land Development Ordinance

(e) Exterior Lighting

- i. Exterior lighting fixtures shall not create excessive glare or light levels or direct light onto neighboring buildings or properties.
- ii. Parking lot lights shall be LED and provided at a height not to exceed 22 feet.

(f) Circulation

- i. The development of the tract shall take into consideration both the vehicular and pedestrian movement of the site in accordance with RSIS standards.
- ii. Sidewalks shall have a minimum clearance of 4 feet in width. Sidewalk clearance must not be less than the minimum levels set by the Americans with Disabilities Act.

(g) Utilities

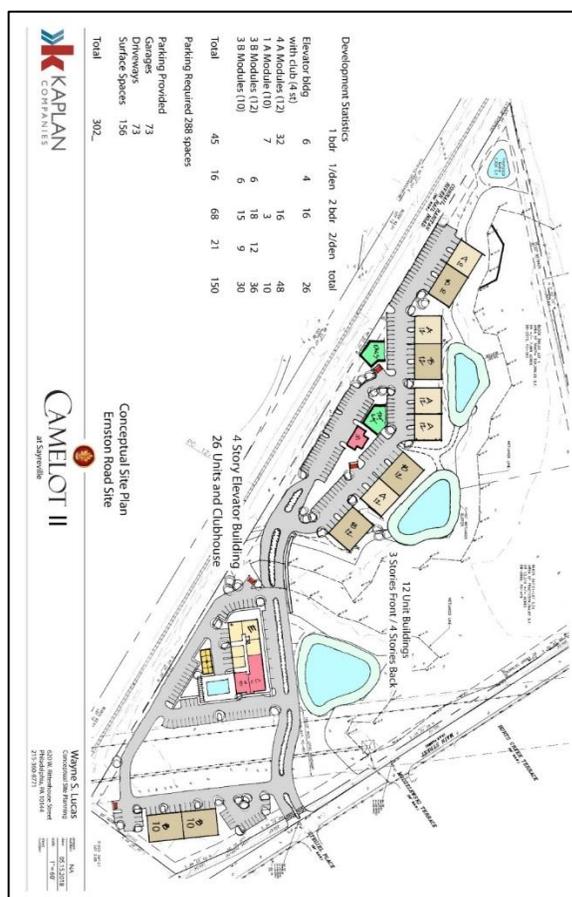
- i. Utilities shall be as visually unobtrusive as possible.
- ii. Meters and access panels shall be integrated with street and building design.
- iii. Transformers and primary and back-up generators shall be screened.

(h) Refuse and Recycling

- i. For affordable multi-family construction:
  - 1. No refuse and recycling storage and collection areas shall be permitted between the front of a building and the street.
  - 2. All outside refuse and recycling storage areas shall conform to the perimeter setbacks as established herein.
  - 3. Outdoor refuse and recycling containers shall be screened with a durable enclosure, so as to not be visible by public rights-of-way or adjacent properties. Landscaping and/or fencing may be used as additional screening measures.
  - 4. Refuse and recycling areas shall be designed to appropriately contain all refuse generated on site.
  - 5. There shall be clear and unobstructed access to all refuse and recycling areas for collection vehicles.

10. Section 26-81.2 Zoning Map of Chapter XXVI Land Development of the Revised General Ordinances of the Borough of Sayreville is hereby amended and superseded to include the AH-2 Affordable Housing 2 Zone as follows:

(a) Block 347.01 Lot 3.01 and Block 366.01 Lot 1



(b)

Effective Date

This ordinance shall take effect immediately upon final passage and publication as required by law and upon receipt of an Order from the Superior Court of New Jersey approving of the Settlement Agreement, dated June 13, 2018 between the Borough of Sayreville, the Planning Board of the Borough of Sayreville and K-Land in the litigation In re: Borough of Sayreville, Docket No. MIDL-4010-15.

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

**ATTEST:**

**APPROVED:**

(Placed on the Mayor's desk for signature 6/26/18)

\_\_\_\_\_  
Theresa A. Farbaniec, RMC  
Municipal Clerk

\_\_\_\_\_  
Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

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

**Council President Kilpatrick opened the meeting to the Public for questions or comments on Ordinance 414-18.**

Those appearing were:

-Janice Benedetto, 1 Thomas Avenue, Melrose

Commented that she felt the same as Jim Robinson, that even they are not happy with the fact that they are not getting 22 acres of Open Space. She said she appreciates everyone's efforts in taking a bad situation and improving it as best as possible. Ms. Benedetto said that there is still a lot of work to be done and need everyone's support. She said she felt that as we go forward there needs to be some changes in the Settlement Agreement Concept Plan. In the development of an advanced Concept Plan and that it be done in a reasonable time frame. She went on to speak about Cross Avenue and the dedication of Cross Avenue and who is responsible for making the improvements for a municipal standard two way street. Thanked all the Melrose residents and K-Land property residents for everything they did.

- Steve Melanaski, Scarlett Drive, Parlin.

He agreed with Jim Robinson's comments and that the key thing was bringing in the right people to do the right job. Those who really knew how to create and do what needed to be done. He discussed the checks and balances when it comes to the Planning Board or any other board. He said that transparency is critically important. He is hoping that after the June 28<sup>th</sup> Fairness Hearing with the Judge we can start to create a real pro forma and see what the impact to our town will be.

There were no other comments on Ordinance #414-18.

Council President Kilpatrick called for a motion.

**Councilman Lembo moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Seconded by Councilman Buchanan.**

Roll Call: Councilpersons Lembo, Buchanan, Grillo (with comment), Kilpatrick (with comment), Melendez, Novak (with comment), all Ayes. Carried.

**ORDINANCE 414-18**  
**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE AMENDING AND**  
**SUPPLEMENTING ARTICLE III, OF CHAPTER XXVI LAND**  
**DEVELOPMENT,**  
**OF THE CODE OF THE BOROUGH OF SAYREVILLE TO ESTABLISH**  
**NEW AFFORDABLE HOUSING DISTRICTS (AH-3) AND**  
**TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE**  
**THERETO**

(National Lead/Cross Avenue - AH3)

**WHEREAS**, the Borough Council of the Borough of Sayreville desires to create a realistic opportunity for the creation of affordable housing within the Borough; and

**WHEREAS**, the Borough Council has determined that certain lands comprised 20.9 acres within the proposed AH-3 Zone commonly referred to as Block 297 Lot 1, Block 333 Lot 1, Block 332 Lots 1, 2, 3, 4 are suited for inclusionary development; and

**WHEREAS**, the Borough has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region's need for affordable housing; and

**WHEREAS**, the Borough wishes to foster development that provides an affordable housing set aside.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Sayreville in the County of Middlesex and the State of New Jersey as follows:

**Section 26-84, SUPPLEMENTAL ZONING REGULATIONS, of Chapter XXVI, LAND DEVELOPMENT**, of the revised General Ordinances of the Borough of Sayreville, is hereby amended to delete Section 26-84.3.1 in its entirety and replace Section 26-84.3.1 with the following:

Subsection 3.1c- **AH-3 Affordable Housing 3 Zone (Cross Ave / NL)**

1. The purpose of the AH-3 Affordable Housing 3 Zone, which applies to Block 297 Lot 1, Block 333 Lot 1, and Block 332 Lots 1, 2, 3, and 4, is to provide areas within the Borough designed for multi-family, attached single-family, and townhome inclusionary housing, including family affordable housing that may be developed as stacked flats forming part of a multi-family building or as part of a townhouse building. The intent of this zone is to be developed as a comprehensive development. Should any other section of the Borough's Land Development Ordinance (Chapter XXVI of the Revised General Ordinances of the Borough of Sayreville (Codified 1986), as amended and supplemented) contradict with the standards herein, this ordinance section shall take precedence.

This Ordinance supersedes the Court Ordered Rezoning of this area.

2. Principal Permitted Uses
  - (a) Single-family attached structures/townhomes.
  - (b) Affordable units may be developed as stacked flats located within a multi-family building or as part of a townhouse building.
3. Permitted Accessory Uses
  - (a) Private parks and playgrounds.
  - (b) Private recreation buildings and facilities.
  - (c) Garages and off-street parking facilities.
  - (d) Uses customary and incidental to the principal use.
4. The following bulk standards shall apply:
  - (a) Minimum Lot Area: 20 acres
  - (b) Area Permitted for Buildings: Block 333 Lot 1, Block 332, Lots 1, 2, 3, and 4.
  - (c) Minimum Building Setback:
    - i. From Cross Avenue: 25 feet.
    - ii. From perimeter lot lines, except the westerly perimeter: 25 feet.
    - iii. From internal streets: 12 feet.
    - iv. From westerly perimeter lot lines (westerly lot lines of Block 332, Lots 1 and 4: 100 feet.
    - v. No setbacks are required from Block 297 Lot 1.
    - vi. Block 297 Lot 1 and Block 332 Lots 1, 2, 3, 4 may contain stormwater facilities and/or recreational facilities, and Block

297 Lot 1 may also contain utility improvements, structures, and appurtenances.

(d) Minimum Distance Between Buildings:

- i. Front to front: 1.25 x height.
- ii. Front to rear or end: 1.5 x height.
- iii. Rear to rear or rear to end: 35 feet.
- iv. End to end: 20 feet.

(e) Minimum Parking Setback:

- i. The minimum distance to off-street parking spaces from buildings less than 35 feet in height shall be 12 feet. Driveways located in front of garages do not require a setback. Driveways shall be a minimum of 20 feet deep, as measured from the face of the garage door to the street.
- ii. The minimum distance to off-street parking spaces from buildings equal to or greater than 35 feet in height shall be 15 feet.

(f) Maximum Building Height:

- i. Townhouses: 2.5 stories / 35 feet.
- ii. Affordable Multi-Family Structures: 3 stories / 48 feet.

(g) Maximum Building Coverage: 25%.

(h) Maximum Impervious Coverage: 65%.

5. Minimum Off-Street Parking:

(a) Parking shall comply with RSIS.

(b) A one-car garage and driveway combination shall count as 2.0 off-street spaces, provided the driveway measures a minimum of 18 feet in length between the face of the garage door and the right-of-way.

6. Maximum Density: 132 dwelling units. A minimum of 7 units shall be affordable units.

7. Affordable Housing

(a) The development of all affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation.

(b) A minimum of 50% of all affordable units shall be affordable to very-low and low-income households. All other affordable units shall be affordable to moderate-income households.

(c) A minimum of 13% of all affordable units will be affordable to very-low income households.

(d) All aspects of the affordable housing component, including but not limited to monitoring, advertisement, eligibility, controls, and restrictions, shall be in conformance with the Borough's affordable housing ordinance, Chapter XXXV of the Revised General Ordinances of the Borough of Sayreville (Codified 1986), as amended and supplemented.

8. Additional Standards

(a) The development shall include a tot lot and a sitting/picnic area for use by the residents of the entire tract.

(b) A boulevard entrance to the site is permitted from the east side of the tract, off Cross Avenue. No other entrances are permitted unless an emergency access is required.

- (c) Basement dwelling units are not permitted. But, finished basements, with a bathroom, as part of an overall townhouse, shall be permitted.

## 9. Design Standards

Any deviation from the following standards shall trigger waiver relief.

### (a) Buffers

- i. A minimum of a 10-foot planting strip, within and forming part of each building setback, (required by the provisions of Section 4.c, above) shall serve as a buffer area. The 10-foot minimum planting strip shall be situated in that portion of a building setback that is farthest away from any particular building.
- ii. Stormwater facilities shall be permitted within building setbacks and the buffer areas that form a part of those setbacks.
- iii. The buffer areas shall be planted with evergreen trees and other vegetation to provide optimal year-round screening.
- iv. Screening materials shall be a minimum of six (6) feet in height at the time of planting.

### (b) Signage

- i. The provisions of §26-89 of the Revised General Ordinances of the Borough of Sayreville (Codified 1986), as amended and supplemented, entitled "Signs," shall govern any provisions regarding signage not addressed herein. Where there is conflict between §26-89 and this Ordinance, this Ordinance shall take precedence.
- ii. One (1) freestanding sign is permitted at the main entrance to the development. The sign shall not exceed 32 square feet per side and four (4) feet in height. This sign may or may not be illuminated.
- iii. The freestanding sign shall be setback a minimum of 10 feet from the lot line.
- iv. Directional and temporary marketing signs are permitted on all internal roadways. Directional signs shall be consistent with each other and the tract's other signage.
- v. As an alternative to the one (1) double sided freestanding sign, permitted by the provisions of Section 9.b.ii, two (2) single sided entrance wall signs are permitted. Each sign shall not exceed 24 square feet. The height of any sign on a retaining wall shall not exceed six (6) feet. All other signs shall not exceed four (4) feet in height.

### (c) Landscaping

- i. Any landscaping which, within one (1) year or one (1) growing season of planting dies for any reason, shall be replaced by the developer(s) at the developer(s)' expense by way of written agreement.
- ii. All areas not occupied by buildings, roadways, parking areas, patios, walkways, and/or any other impervious surface shall be adequately landscaped. Landscaping may include grass. In larger open areas, grass may constitute the only landscaped feature.
- iii. No landscaping at any location shall interfere with site triangles.

### (d) Street Trees

- i. Street trees shall be required. Trees shall be approximately fifty (50') feet apart and located between the setback line and the street right-of-way line if possible (including the side street on corner lots) and not closer than twenty-five (25) feet from any existing or proposed streetlight or street intersection.

- ii. The trees shall be planted so as not to interfere with utilities, roadways or sidewalks
- iii. Trees shall be nursery grown stock of not less than two and one-half (2-1/2") inches in caliper at breast height. There shall be no requirement as to the height of the branches at planting. Where there is adequate existing growth the Borough may waive this requirement. Species which provide shading and aesthetic benefit, conform to prevailing street tree patterns in the Borough and take branching pattern and hardiness into consideration, are recommended.

(e) Exterior Lighting

- i. Exterior lighting fixtures shall not create excessive glare or light levels or direct light onto neighboring buildings or properties and illumination shall be in accordance with IES standards.
- ii. Street lights shall be LED and provided along all internal streets at a height not to exceed 22 feet.

(f) Circulation

- i. The development of the tract shall take into consideration both the vehicular and pedestrian movement of the site.
- ii. Sidewalks shall be provided throughout the entire tract, providing access to all structures and parking areas in accordance with applicable RSIS standards. Based upon RSIS standards, the Planning Board may grant a de minimis exception regarding the provision of sidewalks.
- iii. Sidewalks shall have a minimum clearance of 4 feet in width. Sidewalk clearance must not be less than the minimum levels set by the Americans with Disabilities Act.
- iv. All intersections shall contain handicapped accessible ramps.
- v. All intersections shall contain crosswalks.

(g) Utilities

- i. Utilities shall be as visually unobtrusive as possible.
- ii. Meters and access panels shall be integrated with street and building design.
- iii. Transformers and primary and back-up generators shall be screened.

(h) Refuse and Recycling.

- i. For affordable multi-family construction:
  - (1) No refuse and recycling storage and collection areas shall be permitted between the front of a building and the street.
  - (2) All outside refuse and recycling storage areas shall conform to the perimeter setbacks as established herein.
  - (3) Outdoor refuse and recycling containers shall be screened with a durable enclosure, so as to not be visible by public rights-of-way or adjacent properties. Landscaping and/or fencing may be used as additional screening measures.
  - (4) Refuse and recycling areas shall be designed to appropriately contain all refuse generated on site.

(5) There shall be clear and unobstructed access to all refuse and recycling areas for collection vehicles.

- ii. Alternative Refuse and Recycling Concept for Affordable Housing: Instead of providing for refuse and recycling storage and collection facilities and processes as set forth in Section I.h.i, above, if affordable housing units are provided utilizing a townhouse development scheme, footprint, or building, then refuse and recycling storage and collection for affordable units may be the same as for all other townhomes. Refuse and recycling storage may be on an individual basis and internal to the footprint of each unit, with collection being achieved via individual pickup and the use of private containers placed curbside on collection days.

10. Section 26-81.2 Zoning Map of Chapter XXVI, Land Development Ordinance, of the Revised General Ordinances of the Borough of Sayreville (Codified 1986), as amended and supplemented, is hereby amended and superseded to include the AH-3 Affordable Housing 3 Zone as follows:

- (a) Block 297 Lot 1, Block 333 Lot 1, Block 332 Lots 1, 2, 3, 4 (Cross Avenue/NL Site)

Effective Date: This ordinance shall take effect immediately upon final passage and publication as required by law and upon receipt of an Order from the Superior Court of New Jersey approving of the Settlement Agreement, dated June 13, between the Borough of Sayreville, the Planning Board of the Borough of Sayreville and NL in the litigation In re: Borough of Sayreville, Docket No. MIDL-4010-15

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

**ATTEST:**

**APPROVED:**

(Placed on the Mayor's desk for signature 6/26/18)

\_\_\_\_\_  
Theresa A. Farbaniec, RMC  
Municipal Clerk

\_\_\_\_\_  
Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

**Council President Kilpatrick opened the meeting to the Public for questions or comments on Ordinance 418-18.**

There being no appearances, Council President Kilpatrick called for a motion. **Councilman Lembo moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Seconded by Councilman Buchanan.**

Roll Call: Councilpersons Lembo, Buchanan, Grillo (with comment), Kilpatrick (with comment), Melendez, Novak, all Ayes. Carried.

**ORDINANCE 418-18**  
**AN ORDINANCE ADOPTING THE RIVER ROAD**  
**REDEVELOPMENT PLAN AMENDMENT**  
(River Road Redevelopment)

**WHEREAS**, on January 27, 2003 the Borough deemed the following properties as an area in need of Redevelopment:

- Block 175 Lots 9, 10, 11, 12.03, 12.04, 12.05
- Block 175.01, Lots 1 and 2
- Block 176, Lots 2.02 and 2.04 ; and

**WHEREAS**, a portion of the Redevelopment Area is a component of the Settlement Agreement between the Borough of Sayreville and the Fair Share Housing Center (FSHC) and is also one of the affordable housing sites identified in the Sayreville Housing Element/Fair Share (HE/FSP) plan adopted by the Planning Board on August 2, 2017; and

**WHEREAS**, recently the Borough and SERA determined that it is more appropriate to significantly increase the number of affordable family rental units and reduce the number of market rate units by the developer; and

**WHEREAS**, the Governing Body of the Borough of Sayreville feels that it would be in the best interest of the Borough that an addendum be made to the River Road Redevelopment Plan reflect these changes.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the River Road Redevelopment Plan Amendment dated May 2018, attached hereto as Rider A, is hereby adopted as the Redevelopment Plan for the River Road Redevelopment Area as defined within the Plan; and

**BE IT FURTHER ORDAINED** that Section 26-81.2, Zoning Map, of the Land Development Ordinance for the Borough of Sayreville, is hereby amended to show the River Road Redevelopment Area, and that all parcels located within the River Road Redevelopment Area shall be subject to the standards detailed in such Redevelopment Plan; and

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

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

(Placed on the Mayor's desk for signature 6/26/18)  
Theresa A. Farbaniec, RMC  
Municipal Clerk  
Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

**Council President Kilpatrick opened the meeting to the Public for questions or comments on Ordinance 416-18.**

There being no appearances, Council President Kilpatrick called for a motion. **Councilman Lembo moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Seconded by Councilman Buchanan.**

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

**ORDINANCE #416-18**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING**  
**CHAPTER XII OF THE REVISED GENERAL**  
**ORDINANCES OF THE BOROUGH OF**  
**SAYREVILLE TO AMEND**  
**SECTION 12.1 STATE UNIFORM CONSTRUCTION CODE**  
(Planning & Zoning – Public Hearing, June 25, 2018)

**12-1.3 Construction Fees.**

A. The Building Subcode fees shall be as follows:

1. New Construction: Up to one hundred thousand (100,000) cubic feet. The fee shall be computed by volume multiplied by ~~0.0380~~ **0.0500**.
2. New Construction: Over one hundred thousand (100,000) cubic feet. The fee shall be computed by volume multiplied by ~~0.0270~~ **0.0040**.
3. New Construction: Commercial Farm Buildings and Structures on Farms. The fee shall be computed by volume multiplied by 0.0011 to a maximum of one thousand six hundred two (\$1,602.00) dollars.

For the purposes of calculating volume to determine the fee for large, open volume, single story spaces in buildings such as barns, silos, greenhouses, warehouses, distribution centers, and other agricultural and storage-use occupancies, the height shall be limited to twenty (20) feet notwithstanding the fact that the actual height of the space may be greater than twenty (20) feet.

4. Alterations, Renovations and Repairs.

(a) R5 residential, multiplied by estimated cost of construction.

<del>\$25.00</del> <b>\$30.00</b> per \$1,000	Up to \$50,000
<del>\$15.00</del> <b>\$24.00</b> per \$1,000	\$50,001—\$100,000
<del>\$12.00</del> <b>\$20.00</b> per \$1,000	Over \$100,000

(b) All other uses, multiplied by estimated cost of construction. Minimum fee: ~~Seventy-five (\$75.00)~~ **\$250.00** dollars.

<del>\$34.00</del> <b>\$35.00</b> per \$1,000	Up to \$50,000 (prorated)
<del>\$26.00</del> <b>\$29.00</b> per \$1,000	Amount exceeding \$50,001—\$100,000 (prorated)
<del>\$22.00</del> <b>\$26.00</b> per \$1,000	Amount exceeding over \$100,000 (prorated)

**\*\* (c) Surcharge fee—State of New Jersey: 0.00334/cf or one dollar and thirty-five (\$1.35) cents per one thousand (\$1,000.00) dollars estimated cost of construction.**

***B. Flat Fees as follows:***

Minimum Fee	Residential: 75.00
	Commercial <del>\$75.00</del> <b>\$125.00</b>

E. *Plumbing Fees and Definitions.* Definitions for the following items shall apply herein:

*Plumbing appliance* means and includes, but shall not be limited to, hot water heaters, tankless heater units, water conditioners and similar equipment.

*Plumbing appurtenance* means and includes but shall not be limited to devices, be the device a manufactured device or an on-the-job assembly of component parts, which device is an adjunct to the basic piping system and plumbing fixtures. Plumbing appurtenances shall include but not be limited to pressure-reducing waives, back flow prevention devices, back water valves, vacuum breakers, grease traps, interceptors, and similar devices.

*Plumbing fixture* means and includes but shall not be limited to, stacks, lavatories, kitchen sinks, stop sinks, urinals, water closets, toilets, bathtubs, shower stalls, laundry tubs, floor drains, washing machine connections, hose bibs, and similar devices.

Plumbing fees shall be as follows:

Minimum Fee – Residential	\$75.00
<b>Minimum Fee – Commercial</b>	<b>\$125.00</b>
1. Fees for each plumbing fixture, backflow preventer (nontestable type)	\$15.00
2. Water heater appliance	35.00

3. Fuel oil piping	60.00
4. Gas piping	60.00
5. Steam boiler	91.00
6. Hot water boiler	91.00
7. Sewer pump	91.00
8. Interceptor/separator and plumbing appurtenances	91.00
9. Grease trap/oil trap	91.00
10. Water-cooled A/C or refrigeration unit	60.00
11. Sewer connection:	
(a) Up to 6"	91.00
(b) 7" to 11"	150.00
(c) 12" to 23"	250.00
(d) 24" and up	300.00
12. Water service connection	91.00
13. Active solar system	91.00
14. Other minimum fee and testable back flow preventer	91.00
For cross connections and backflow preventers that are subject to testing, requiring reinspection annually, the fee shall be \$58.00 for each device when they are tested	
15. Each stack	15.00
16. Each tie-in process	15.00
17. Lawn sprinklers	45.00
18. Roof drain (each)/floor drain (each)	35.00
19. Plumbing appurtenances (each)	75.00
20. Building sewer/drain system	91.00
21. Fees are to be based on per \$1,000.00 of estimated cost (i.e., hydronic piping, geothermal wells, etc.). For the purpose of determining estimated cost, the applicant shall submit to the department cost data produced by the architect or engineer of record, or by a recognized estimating firm or by the contractor.	\$26.00 per \$1,000.00

G. Electrical Subcode fees shall be as follows:

1. For the purpose of computing these fees, devices, outlets, fixtures and switches shall include but not be limited to burglar alarms, intercom panels, smoke detectors, thermostats, motors, photocells, level probes, temperature sensors and similar items:	
(a) For the first <del>75</del> <b>25</b> devices	75.00
(b) Each additional 25 devices or fraction thereof	<del>25.00</del> <b>40.00</b>
2. For the purpose of computing these fees, the term service, service panel, sub-panels, feeders, switches, switchboards, motor control centers, alarm panels, signs, disconnects, reinspection or reintroduction of service;	
(a) Up to 100 amps	<del>75.00</del> <b>125.00</b>
(b) 101 amps up to 200 amps	<del>125.00</del> <b>175.00</b>
(c) 201 amps up to 1,000 amps	<del>225.00</del> <b>\$300.00</b>

(d) 1,000 amps and above	640.00
Minimum Fee – Residential	75.00
Minimum Fee – Commercial	<del>75.00</del> <b>125.00</b>
3. For the purpose of computing these fees, all motors including ranges, ovens, surface units, dryers, air conditioning units, water heater, central heat, (oil, gas, electric) baseboard heat units, generators, transformers or other devices consuming, generating or altering electricity:	
(a) Motors and electrical devices	15.00
(b) Fractional hp:	
(1) Over 1 hp, up to 10 hp	20.00
(2) 11 hp up to 50 hp	65.00
(3) 51 hp up to 100 hp	150.00
(4) Greater than 100 hp	640.00
(5) Each increment of 50 hp or part thereof, add \$10.00.	
(c) Transformers and generators:	
(1) Fractional kw	15.00
(2) Over 1 kw up to 10 kw	20.00
(3) 11 kw up to 50 kw	75.00
(4) 51 kw up to 100 kw	150.00
4. Pools, fountains and similar installations: Includes bonding, motor, 2 outlets and a switch	
Aboveground	126.00
In-ground	189.00
5. Lights standards (each)	15.00
6. Trailers	75.00
7. Solar Panels, grounding grids, disconnect switch, etc., per unit (module)	25.00
8. Branch circuits	35.00
9. Minimum fee	75.00
10. All other work requiring review and inspections	
Fees are to be based on \$75.00 per hour with a one hour minimum	

H. Fire Subcode fees (fire protection and other hazardous equipment) shall be as follows:

1. Automatic and manual fire alarm systems:	
(a) R3 and R5 smoke detectors	75.00
(b) Alarm system R3 and R5	<del>50.00</del> <b>100.00</b>
All other use groups:	
<del>(1) Modify existing system</del> <b>New and Existing Fire Alarm Systems:</b>	
<del>1—12 devices</del> <b>Minimum Residential</b>	<del>50.00</del> <b>75.00</b>
<del>Over 12 devices</del> <b>Minimum Commercial</b>	<del>75.00</del> <b>100.00</b>
Devices shall include smoke detectors, heat detectors, manual pull stations, bells, horns, strobes and other peripheral devices not itemized in this section.	

(2) Install new system:	
Automatic/manual alarm system up to 10,000 square feet coverage	
Minimum fee	100.00
Additional per 10,000 square feet	150.00
Central station alarm	75.00
Duct smoke detector	75.00
Flame or beam smoke detector	25.00
2. Automatic sprinkler systems:	50.00
1—20 heads	91.00
21—100 heads	168.00
101—200 heads	321.00
201—400 heads	831.00
401—1,000 heads	1,150.00
1,000 heads and over	1,469.00
Each additional riser	50.00
Foam suppression (not pre-engineered)	150.00
Fire pump	150.00
Hydraulic calculation review	50.00
3. Standpipes	321.00
Each additional reset	100.00
4. Commercial kitchen hood and hazardous exhaust system	175.00
5. Kitchen suppression systems (pre-engineered)	129.00
6. Pre-engineered systems	
CO 2 suppression	129.00
Halon suppression	129.00
Foam suppression	129.00
Dry chemical suppression	129.00
Wet chemical suppression	129.00
7. Gas or oil-fired vented appliance	
(a) Commercial	75.00
Additional devices	30.00
(b) Residential (New Construction Only)	50.00
Additional devices	20.00
8. Water tank and underground fire main	150.00
9. Flammable—Combustible storage tanks—Above/below-ground	
(a) Residential: Installation/removal and LPG	75.00
(b) Commercial: Installation/removal and LPG (includes manifold systems up to       quantity) and LNG	
Up to and including:	
1,000 gallons	100.00
2,000 gallons	400.00
Over 2,000 gallons	500.00
(c) Liquid or gaseous product dispensing system (per pump)	92.00
(d) Tank monitoring system (per tank)	50.00
10. Smoke removal system (includes smoke detectors (up to 6) not otherwise covered)	250.00
11. Elevator recall	150.00

12. Automatic smoke-fire control doors or shutters (pair) (Security locking devices integrated with alarm systems)	75.00
13. Emergency and voice com systems	100.00
14. Incinerators and crematoriums	511.00
15. Minimum (residential)	50.00
(commercial)	75.00

For miscellaneous required permits not itemized above, twenty-six dollars (\$26.00) per one thousand (\$1,000.00) dollars of project and/or work cost.

M. Occupancy permit fee shall be as follows:

1. Certificate of occupancy	
(a) R3 and R4 residential single family	<del>\$100.00</del> <b>150.00</b>
(b) All other use groups per occupancy	<del>150.00</del> <b>200.00</b>
2. Continued certificate of occupancy	Minimum fee per subcode
3. Change of use	200.00
4. Certificate of approval	No Fee
5. Temporary Certificate of Occupancy—First issuance and renewal ( <del>No fee for first issuance, if CO fee has already been paid</del> ) <b>First Issuance</b> <b>Every Renewal</b>	<del>39.00</del> <b>200.00</b> <b>100.00</b>

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Twelve - Building and Housing**, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**APPROVED:**

/s/ Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

**Council President Kilpatrick opened the meeting to the Public for questions or comments on Ordinance 417-18.**

There being no appearances, Council President Kilpatrick called for a motion. **Councilman Buchanan moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Seconded by Councilwoman Novak.**

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

**ORDINANCE #417-18**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII**  
**OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE**  
**TO AMEND SECTION 7-3.7 "HANDICAPPED PARKING SPACES IN STREETS"**

**7-3 - PARKING.**

**7-3.7 Handicapped Parking Spaces in Streets.**

- a. The purpose of this subsection is to establish certain designated parking spaces on public streets for use by handicapped persons and to prohibit parking spaces designated as handicapped parking spaces for use by persons who have been issued special identification cards by the Division of Motor Vehicles of the State of New Jersey. No other person shall be permitted to park in these spaces.
- b. The following areas shall be designated as handicapped parking spaces for use by persons who have been issued special identification cards by the Division of Motor Vehicles. No other persons shall be permitted to park in these spaces and shall be so marked by signs indicating the handicapped parking spaces in conformance with the current Manual on Uniform Traffic Control Devices for Streets and Highways.

*80 Roosevelt Boulevard*

One (1) parking space at 80 Roosevelt Boulevard, on the north side of the street, one hundred sixty (160') feet north of Garfield Avenue and continuing for an additional twenty-five (25') feet in a northerly direction.

***Brook Avenue***

~~One (1) parking space, easterly side, beginning at a point twenty-five (25') feet south of the prolongation of the south easterly curb line of Olsen Street and extending to a point twenty-two (22') feet south thereof (along side 249 Olsen Street).~~

*Brook Avenue*

One (1) parking space at 39 Brook Avenue, situate fifty (50') feet northwest from the intersection of 9th Street and Brook Avenue, on the west side of Brook Avenue.

*Canal Street*

One (1) parking space at 41 Canal Street which is twenty-five (25') feet south of the southeast corner of Hinton Street and continue for a distance of twenty-five (25') feet.

*Cliff Ave*

One (1) parking space, westerly side, beginning at a point approximately two hundred ninety-two (292') feet south of the prolongation of the northwest curb line of Route #35 south, and extending to a point twenty-two (22') feet north thereof. Parking space to service 211 Cliff Ave.

*Dane Street*

One (1) parking space at 29 Dane Street, on the north side of the street, three hundred sixty-seven (367') feet east of Main Street and continuing for a distance of twenty-two (22') feet in an easterly direction.

*Dane Street*

One (1) parking space at 37 Dane Street, northerly side, beginning at a point fifty-five (55') feet west of the prolongation of the westerly curb line of Joseph Street and extending to a point twenty-two (22') feet west thereof.

*Dane Street*

One (1) parking space at 45 Dane Street, on the north side of the street, six hundred ninety (690') feet east of Main Street and continuing for a distance of thirty (30') feet in an easterly direction.

*Jacobson Street*

One (1) parking space on Jacobson Street (west side), beginning at the driveway of 25 Jacobson Street and continuing in a southerly direction for a distance of twenty-two (22') feet.

*Joseph Street*

One (1) parking space on the east side of Joseph Street beginning fifty (50') feet south of Dane Street and continuing for a distance of twenty-two (22') feet in a southerly direction.

*Laurel St.*

One (1) parking space, easterly side, beginning at a point forty-seven (47') feet north of the prolongation of the northeast curb line of Ridgeway Avenue and extending to a point twenty-two (22') feet south thereof. Parking space to service 585 Ridgeway Ave. Apt. #2.

*Miller Ave*

One (1) parking space, easterly side, beginning at a point two hundred twenty-nine (229') feet north of the prolongation of the northeast curb line of Forrest Ave and extending to a point twenty-two (22') feet north thereof. Parking space to service 112 Miller Ave.

***Olsen Street***

~~One (1) parking space at 249 Olsen Street, southerly side, beginning at a point of fifty-seven (57') feet of the prolongation of the easterly curb line of Brook Avenue and extending to a point twenty-two (22') feet west thereof.~~

*Patton Drive*

One (1) parking space at 26 Patton Drive, on the east side of the street, seven hundred (700') feet north of Marshall Place and continuing for a distance of twenty-two (22') feet in a northerly direction.

*Patton Drive*

One (1) parking space at 29 Patton Drive, on the west side of the street, four hundred fifty (450') feet east of Nimitz Place and continuing for an additional thirty-seven (37') feet in a southerly direction.

*Pulaski Avenue*

One (1) parking space at #144 Pulaski Avenue which is three hundred thirty (330') feet south from the center of Snyder's Lane and eight hundred thirty-four (834') feet north from the center of Deerfield Road.

*Roll Avenue*

One (1) parking space at the southern side of 36 Roll Avenue, beginning at a point one hundred sixty-one (161') feet east of the eastern curb line of Clay Street and extending to a point twenty-two (22') feet east thereof.

*Steiner Court*

One (1) parking space, easterly side, beginning at a point one hundred ninety (190') feet south of the prolongation of the easterly curb line of Washington Road and extending to a point twenty-two (22') feet south thereof. Parking space to service 7 Minnisink Avenue.

*Thomas Street/ 29 Hart Street*

One (1) parking space at 29 Hart Street, easterly side, beginning at a point thirty five (35') feet east of the prolongation of the northern curb line of Hart Street and extending to a point twenty-two (22') feet north thereof.

*Van Loan Avenue*

One (1) parking space at 22 Van Loan Avenue, beginning on the westbound corner of the driveway at 22 Van Loan Avenue and continuing in a westerly direction for twenty-two (22') feet.

*William Street*

One (1) parking space at the southern side of 6 William Street, beginning at a point one hundred two (102') feet east of the eastern curb line of Thomas Street and extending to a point twenty-two (22') feet east thereof.

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Seven - Parking**, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

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

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

**APPROVED AS TO FORM:**

/s/ Michael R. DuPont, Esquire  
Borough Attorney

**Council President Kilpatrick opened the meeting to the Public for questions or comments on Ordinance 419-18.**

There being no appearances, Council President Kilpatrick called for a motion. **Councilwoman Novak moved the Public Hearing be closed and the Ordinance 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 #419-18**  
**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO**  
**VARIOUS PARKS IN THE BOROUGH OF SAYREVILLE, NEW JERSEY,**  
**APPROPRIATING \$1,417,000 THEREFOR AND AUTHORIZING**  
**THE ISSUANCE OF \$1,346,150 BONDS OR NOTES OF THE**  
**BOROUGH FOR FINANCING PART OF SUCH APPROPRIATION**

(Admin. & Finance – Public Hearing June 25, 20-18)

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby

appropriated the sum of \$1,417,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$70,850 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,417,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,346,150 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$1,346,150 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are various park improvements, including without limitation, various ball field upgrades, miscellaneous park improvements, Kennedy Park lake dredging, Kennedy Park lake and spillway clean out, rubber resurfacing at War Memorial Park and Burkes Park, Kennedy Park dam and bridge improvements, resurfacing of basketball and labyrinth at War Memorial Park, and other miscellaneous improvements, together with all other work, materials and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$1,346,150.

(c) The estimated cost of said purposes is \$1,417,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$70,850 down payment for said purposes.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not a current expense and are a property or improvement which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 15 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,346,150, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$192,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all

detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$1,346,150. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

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

**ATTEST:**

**APPROVED:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

**Council President Kilpatrick opened the meeting to the Public for questions or comments on Ordinance 420-18.**

There being no appearances, Council President Kilpatrick called for a motion. **Councilman Buchanan moved the Public Hearing be closed and the Ordinance adopted on second and final reading and advertised according to law. Seconded by Councilwoman Novak.**

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

**ORDINANCE #420-18**  
**BOND ORDINANCE PROVIDING FOR VARIOUS  
IMPROVEMENTS IN, BY AND FOR THE BOROUGH OF  
SAYREVILLE, NEW JERSEY, APPROPRIATING  
\$1,322,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$1,255,900 BONDS OR NOTES OF THE  
BOROUGH FOR FINANCING PART OF SUCH  
APPROPRIATION**

(Admin. & Finance – Public Hearing June 25, 2018)

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$1,322,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$66,100 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,322,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,255,900 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$1,255,900 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are various improvements, including without limitation, the following: (i) Senior Center window replacement; (ii) replacement of front doors for Engine Company #1; (iii) replacement of Parks Garage bathroom furnace; (iv) renovation of Library; (v) Borough Hall water infusion remediation; (vi) replacement of Borough Hall boiler; (vii) replacement of windows and siding for Construction Office; (viii) Public Safety Complex rear door replacement; (ix) Weber Avenue and various drainage improvements; and (x) renovation of Fort Grumpy breakroom, together with all other work, materials and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$1,255,900.

(c) The estimated cost of said purposes is \$1,322,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$66,100 down payment for said purposes.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially benefited thereby.

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 28.43 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,255,900, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

Section 5. Any funds from time to time received by the Borough as contributions-in-aid of financing the improvements or purposes described in Section 3 of this bond ordinance, including any grants, shall be used for financing said improvements or purposes by application thereof either to direct payment of the cost of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized therefor by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the cost of said improvements or purposes shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct and unlimited obligations of the

Borough, and the Borough shall be obligated to levy ad valorem taxes upon all of the taxable property within the jurisdiction of the Borough for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 7. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board of the Division showing all detail of the amended capital budget and capital program as approved by the Director of the Division, are on file with the Borough Clerk and are available for public inspection.

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$1,255,900. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by the Local Bond Law.

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

**ATTEST:**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

**APPROVED:**

/s/ Kennedy O'Brien  
Mayor

**APPROVED AS TO FORM:**

/s/ Michael DuPont, Esq.  
Borough Attorney

c) Appointments (if any) – None

Council President Kilpatrick released the police officer present here tonight.

• **NEW BUSINESS:**

a) Clerk Farbaniec read the following Ordinances into record for Introduction of the following ordinances:

**ORDINANCE # 421-18**

**BOND ORDINANCE PROVIDING FOR SCOTT AVENUE  
WATER LINE IMPROVEMENTS IN THE BOROUGH OF  
SAYREVILLE, NEW JERSEY, APPROPRIATING  
\$550,000 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$550,000 BONDS OR NOTES OF THE  
BOROUGH FOR  
FINANCING PART OF SUCH APPROPRIATION**

(Admin. & Finance – Public Hearing July 23, 2018)

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing to be held on July 23, 2018. Motion was seconded by Councilman Buchanan.

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

Clerk Farbaniec asked the CFO if she filed the Supplemental Debt Statement. Denise Biancamano, reported having filed the Supplemental Debt Statement today with the Division of Local Finance.

Clerk Farbaniec then reported on the Supplemental Debt Statement being filed as of June 25, 2018. And asked for a motion to receive and file.

Motion made by Councilwoman Novak. Seconded by Councilman Grillo.

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

**ORDINANCE # 422-18**  
**BOND ORDINANCE PROVIDING FOR *HERCULES***  
***VILLAGE SEWER IMPROVEMENTS* IN, BY AND FOR**  
**THE BOROUGH OF SAYREVILLE, NEW JERSEY,**  
**APPROPRIATING \$225,000 THEREFOR AND**  
**AUTHORIZING THE ISSUANCE OF \$213,750 BONDS**  
**OR NOTES OF THE BOROUGH FOR FINANCING PART**  
**OF SUCH APPROPRIATION**

(Admin. & Finance – Public Hearing July 23, 2018)

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing to be held on July 23, 2018. Motion was seconded by Councilman Buchanan.

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

**ORDINANCE # 423-18**  
**BOND ORDINANCE PROVIDING FOR *HERCULES***  
***VILLAGE WATER IMPROVEMENTS* IN THE BOROUGH**  
**OF SAYREVILLE, NEW JERSEY, APPROPRIATING**  
**\$675,000 THEREFOR AND AUTHORIZING THE**  
**ISSUANCE OF \$675,000 BONDS OR NOTES OF THE**  
**BOROUGH FOR**  
**FINANCING PART OF SUCH APPROPRIATION**

(Admin. & Finance – Public Hearing July 23, 2018)

Councilwoman Novak moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing to be held on July 23, 2018. Motion was seconded by Councilman Grillo.

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

**ORDINANCE 424-18**  
**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE,**  
**MIDDLESEX COUNTY, NEW JERSEY,**  
**AMENDING AND SUPPLEMENTING ORDINANCE 414-18**

(Planning & Zoning – Public Hearing July 23, 2018)

Councilman Lembo moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing to be held on July 23, 2018. Motion was seconded by Councilwoman Novak.

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

**ORDINANCE 425-18**  
**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE,  
MIDDLESEX COUNTY, NEW JERSEY AMENDING AND  
SUPPLEMENTING ORDINANCE 413-18**

(Planning & Zoning – Public Hearing July 23, 2018)

Councilman Lembo moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing to be held on July 23, 2018. Motion was seconded by Councilwoman Novak.

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

• **CONSENT AGENDA/RESOLUTIONS**

Council President Kilpatrick opened the meeting to the public for questions or comments on Consent Agenda Resolutions. There being none. **Council President Kilpatrick moved to close the public portion and the Consent Agenda Resolutions be approved on Roll Call Vote.** Seconded by Councilwoman Novak.

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

**RESOLUTION #2018-219**

**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.

Absent

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

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

/s/ Michael DuPont, Borough Attorney

**Bill list of June 25, 2018 in the amount of \$3,572,144.68 in a separate Bill List File for 2018 (See Appendix Bill List 2018-A for this date).**

**RESOLUTION #2018-220**

**WHEREAS, Yanooc 2, Inc.**, is the holder of Plenary Retail Consumption License No. 1219-33-020-004 issued by the Mayor and Council of the Borough of Sayreville as the Issuing authority for premises located at 50 Deerfield Road, Parlin, NJ 08859; and

**WHEREAS**, application for renewal has been made to the Mayor and Borough Council of the Borough of Sayreville for the 2018/2019 licensing term; and

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

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville, as follows:

1. That Plenary Retail Consumption License No. **1219-33-020-004 Yanooc 2, Inc., t/a Cooney's at the Deerfield Inn**, located at 50 Deerfield Road, Parlin, NJ 08859 in the Borough of Sayreville be and the same is hereby renewed for the 2018/2019 license term.

/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 signature.

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Council President

**RESOLUTION #2018-221**

**WHEREAS, Arlecchino, Inc.**, is the holder of Plenary Retail Consumption License #1219-33-025-010 issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premise located at 3067 Bordentown Avenue, Parlin, NJ; and

**WHEREAS**, application has been made to the Mayor and Borough Council of the Borough of Sayreville for the 2017/2018 renewal of Plenary Retail Consumption License No. **1219-33-025-010 Arlecchino, Inc., t/a Pulcinella Italian Restaurant & Pizza**; and

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

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville, as follows:

1. That Plenary Retail Consumption License No. **1219-33-025-010** held by **Arlecchino, Inc., t/a Pulcinella Italian Restaurant**, located at 3067 Bordentown Avenue, Parlin, NJ 08859 in the Borough of Sayreville be and the same is hereby **renewed for the 2018/2019 license term**.

/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 signature.

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Council President

**RESOLUTION #2018-222**

**WHEREAS**, application has been made for the renewal of Plenary Retail Consumption License No. **1219-33-033-008, Zinel & Neel LLC t/a Covello Liquor & Bar, Inc.;** and

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

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville, as follows:

1. That Plenary Retail Consumption License No. **1219-33-033-008 Zinel & Neel LLC t/a Covello Liquor & Bar**, a “inactive” license in the Borough of Sayreville be and the same is hereby **renewed for the 2017/2018 license term subject to the following terms and conditions as hereinbefore imposed and re-stated as follows.**

- Licensee shall not engage in the operation of having live dancers or “go go” dancers.

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

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

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

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

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

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Council President

**RESOLUTION #2018-223**

**WHEREAS**, application has been made for the renewal of Plenary Retail Consumption License No. **1219-33-033-008, Zinel & Neel LLC t/a Covello Liquor & Bar, Inc.;** and

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

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville, as follows:

1. That Plenary Retail Consumption License No. **1219-33-033-008 Zinel & Neel LLC t/a Covello Liquor & Bar**, a “inactive” license in the Borough of Sayreville be and the same is hereby **renewed for the 2018/2019 license term subject to the following terms and conditions as hereinbefore imposed and re-stated as follows.**

- Licensee shall not engage in the operation of having live dancers or “go go” dancers.

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

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

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

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

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

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Council President

**RESOLUTION #2018-224**

**WHEREAS, Tap & Growler, LLC** is the holder of Plenary Retail Consumption License # 1219-33-039-005 issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 361-363 Main Street, Sayreville, NJ 08872; and

**WHEREAS,** an application has been made to the Mayor and Borough Council of the Borough of Sayreville for the 2018/2019 renewal of Plenary Retail Consumption License No. **1219-33-039-005, Tap & Growler, LLC;** and

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

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville, as follows:

1. That Plenary Retail Consumption License No. **1219-33-039-005 Tap & Growler** located at 361-363 Main Street, Sayreville, NJ 08872 in the Borough of Sayreville be and the same is hereby **renewed for the 2018/2019 license term.**

/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 signature.

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Council President



**RESOLUTION #2018-227**

**WHEREAS**, N.J.S.A. 39:10A-1, et seq., permits a municipality to sell abandoned, unclaimed and junk motor vehicles by public sale to the highest bidder after advertisement in a newspaper, circulating in the municipality with one publication at least five (5) days before the date of sale; and

**WHEREAS**, the Borough of Sayreville proposes to sell the vehicles listed below as abandoned motor vehicles to the bidder(s) submitting the highest bid;

<b>YEAR</b>	<b>MAKE</b>	<b>SERIAL #</b>	<b>MIN. BID</b>
1992	Ford	3FCMF53G4NJA00059	\$5,000.00
2009	Cadillac	1G6DG577190119401	\$7,500.00

**WHEREAS**, these vehicles may be inspected on any business day prior to the sale by contacting the Traffic Safety Bureau of the Sayreville Police Department between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday at the Sayreville Public Safety Complex, 1000 Main Street, Sayreville, New Jersey, tel. No. (732) 525-5431, said vehicles are at various locations within the Borough of Sayreville and that information is to be obtained from the Traffic Safety Bureau; and

**WHEREAS**, the Borough of Sayreville reserves the right to remove any vehicle prior to the sale date, or reject any and all bids, or to award in part or in whole, if deemed in the best interests of the Borough;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Sayreville that the vehicles listed herein are to be sold as follows:

- All items will be sold on an "as is, where is" basis.
- A **separate 25% deposit** is required to be submitted by posting cash or certified check **individually** for each vehicle being bid on.
- Each **individual** bid along with the deposit shall be **enclosed separately** in a sealed envelope, addressed and submitted to the Borough Clerk's Office of the Borough of Sayreville at 167 Main Street, Sayreville, NJ 08872, no later than 11:00 A.M. on **Thursday, July 19, 2018**, bearing the name of the bidder and item being bid on.
- All vehicles must be paid in full and **removed within four (4) working days from date of sale.**
- In those cases where any of the aforementioned motor vehicles have been towed and stored by a private garage, the minimum bid price shall be adjusted to reflect the amount due and owing for towing and storage.

/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 signature.

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Council President



**BE IT AND IT IS HEREBY RESOLVED** that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the necessary documents to award the contract to Schaeffer Systems International, Inc. under NJPA Contract #041217-SFR for the purchase of 95 Gallon Universal Waste Containers in an amount not to exceed \$53,236.44.

/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 #2018-231**

**BE IT AND IT IS HEREBY RESOLVED** that the proper Borough officials are hereby authorized to award a contract for the purchase of one (1) Swenson Salt Spreader for the Borough of Sayreville Public Works Department, through the Educational Services Commission of NJ, from Trius Inc., 5049 Industrial Road, Farmingdale, NJ 07727, at a total cost not to exceed \$21,985.79.00.

/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 #2018-232**

**WHEREAS**, the Borough of Sayreville is in need of a 27 yd. Rear Loader Refuse Truck for the removal of refuse in the Borough of Sayreville; and

**WHEREAS**, the Borough of Sayreville, being a member of the National Joint Powers Alliance (NJPA) has reviewed the NJPA contractors and have found that a national contract has been given to Hunter Jersey Peterbilt of Clarksburg, NJ under 081616-PMC; and

**WHEREAS**, the Governing Body of the Borough of Sayreville, through the due diligence of the Department of Public Works, has ascertained that the contract price of Hunter Jersey Peterbilt for One (1) 2019 Peterbilt 27 yr. Rear Loader Refuse Truck under the NJPA contract is the lowest possible price; and

**BE IT AND IT IS HEREBY RESOLVED** that Mayor Kennedy O'Brien and Danielle Maiorana, QPA of the Borough of Sayreville are hereby authorized and directed to execute the necessary documents to award for One (1) 2019 Peterbilt 27 yd. Rear Loader Refuse Truck be awarded to Hunter Jersey Peterbilt under NJPA Contract #081716-PMC for the price not to exceed \$222,473.00.

/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 #2018-233**

**WHEREAS**, the Borough of Sayreville is in need of a Cab and Chassis for the Department of Public Works in the Borough of Sayreville; and

**WHEREAS**, the Borough of Sayreville, being a member of the National Joint Powers Alliance (NJPA) has reviewed the NJPA contractors and have found that a national contract has been given to Hunter Jersey Peterbilt of Clarksburg, NJ under 081716-PMC; and

**WHEREAS**, the Governing Body of the Borough of Sayreville, through the due diligence of the Department of Public Works, has ascertained that the contract price of Hunter Jersey Peterbilt for One (1) 2019 Peterbilt 348 Cab and Chassis under the NJPA contract is the lowest possible price; and

**BE IT AND IT IS HEREBY RESOLVED** that Mayor Kennedy O'Brien and Danielle Maiorana, QPA of the Borough of Sayreville are hereby authorized and directed to execute the necessary documents to award the contract to Hunter Jersey Peterbilt under NJPA Contract #081716-PMC for the purchase of one (1) 2019 Peterbilt 348 Cab and Chassis at a price not to exceed \$127,248.00.

/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 #2018-234**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized and directed to purchase two (2) 2019 Ford F-250 Pick Up Trucks for the Department of Public Works from Beyer Ford, 170 Ridgedale Ave., Morristown, NJ 07960, through State Contract #T2100/A88727 at a total cost not to exceed \$61,869.50.

/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



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 #2018-238**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized to Award a contract for the purchase of Edmonds Software System through NJ State Contract SHI International Corp. of Somerset, NJ through New Jersey State Contract #M-0003/T89851 at a total cost not to exceed \$56,691.20.

/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 #2018-239**

**WHEREAS**, Dona Dissauayake has applied to the Mayor and Council for approval of a beauty shop license located at 520 Ernston Road, P.O. Parlin, Sayreville, NJ; and

**WHEREAS**, said application has been referred to the proper departments for investigation; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Clerk is hereby authorized and directed to issue a license to Dona Dissauayake to operate a beauty salon t/a Shiny Luk Beauty Salon containing six (6) chairs located at 520 Ernston Road, Sayreville, NJ 08859, pending the issuance of a Mercantile License through the Construction Office.

/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

**RESOLUTION #2018-240**

**BE IT AND IT IS HEREBY RESOLVED** that the Borough Engineer is hereby authorized and directed to continue with the ongoing remedial action activities as required by the NJDEP for underground Storage Tank Removal Program at the Road Department Garage and First Aid Squad sites at a fee not to exceed \$50,850.00.

/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/ Victoria Kilpatrick  
Council President

**RESOLUTION #2018-241**

**WHEREAS, Marullo 2, LLC**, is the holder of Plenary Retail Consumption License No. 1219-33-018-009 (the "Licensee"), issued by the Council of the Borough of Sayreville as the Issuing authority (the 'Issuing Authority') for a "pocket license" in the Borough of Sayreville, New Jersey; and

**WHEREAS**, said applicant has complied with the necessary requirements including payment of fees, etc; and

**WHEREAS**, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2018-2019 and 2018/2019 and 2019/2020; license term; and

**WHEREAS**, on June 11, 2018, David Rible, Director of the State Division of Alcoholic Beverage Control, did make a special Ruling to permit the filing of a renewal application of a pocket license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 06-18-207 for a two-year period, covering the 2018/2019 and 2019/2020 license terms; and

**WHEREAS**, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the 2018/2019 license term and to grant or deny said application in the reasonable exercise of its discretion;

**NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT** Plenary Retail Consumption License Number 1219-33-018-009, Marullo 2, LLC (pocket license) is hereby renewed for the 2018-2019 license year, subject to the following conditions as contained in the Special Ruling of the Alcoholic Beverage Control as well as the following Conditions that remain part of the said license:

- That this license has the restriction limiting the purpose of said license for consumption only, and not for the sale of any packaged alcoholic beverages.

**NOW THEREFORE BE IT FURTHER RESOLVED** that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the Division of Alcohol Beverage Control, Licensing Bureau, 140 East Front Street, P. O. Box 087, Trenton, New Jersey

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

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

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

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Council President

**RESOLUTION #2018-242**

**WHEREAS, Marullo 3, LLC**, is the holder of Plenary Retail Consumption License No. 1219-33-056-009 (the "Licensee"), issued by the Council of the Borough of Sayreville as the Issuing authority (the "Issuing Authority") for a "pocket license" in the Borough of Sayreville, New Jersey; and

**WHEREAS**, said applicant has complied with the necessary requirements including payment of fees, etc; and

**WHEREAS**, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2018-2019 and 2019/2020; license term; and

**WHEREAS**, on June 11, 2018, David Rible, Director of the State Division of Alcoholic Beverage Control, did make a special Ruling to permit the filing of a renewal application of a pocket license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 06-18-207 for a two-year period, covering the 2018/2019 and 2019/2020 license terms; and

**WHEREAS**, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the 2018/2019 license term and to grant or deny said application in the reasonable exercise of its discretion;

**NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT** Plenary Retail Consumption License Number 1219-33-056-009, Marullo 3, LLC (pocket license) is hereby renewed for the 2018-2019 license year, subject to the following conditions as contained in the Special Ruling of the Alcoholic Beverage Control ; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the Division of Alcohol Beverage Control, Licensing Bureau, 140 East Front Street, P. O. Box 087, Trenton, New Jersey

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

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

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

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Council President

**RESOLUTION #2018 -243**  
**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE**  
**COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**  
**MEMORIALIZING THE ACTION TAKEN BY THE GOVERNING BODY**  
**AT THEIR JUNE 11, 2018 REGULAR MEETING**  
**AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT**  
**BETWEEN BOROUGH, NL INDUSTRIES, K-LAND AND**  
**FAIR SHARE HOUSING CORPORATION**

**WHEREAS**, the Borough of Sayreville (“Borough”), NL INDUSTRIES, K-Land and Fair Share Housing Corporation wish to settle their litigation; and

**WHEREAS**, the representatives of the parties have negotiated agreements in the forms attached hereto and the parties wish to enter this Agreement; and

**WHEREAS**, the Agreement is subject to approval after a duly noticed “fairness hearing”; and

**WHEREAS**, the Borough wishes its Affordable Housing counsel to seek approval of the Agreement at a duly noticed fair hearing; and

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

1. The Borough Council of the Borough of Sayreville authorized the Settlement Borough’s Administrator, Daniel Frankel, to execute the Agreements in the forms attached hereto; and
2. The Borough Council rescinds Resolutions 2018-157; 2018-158 and 2018-159; and
3. The Borough Council directs its Affordable Housing counsel to seek approval of the Agreement from the Trial Court after a duly noticed “fairness hearing”.

/s/ Victoria Kilpatrick, Councilwoman  
(Sponsor)

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

/s/ Michael DuPont, Borough Attorney

**ATTEST:**

**BOROUGH OF SAYREVILLE**

/s/ Theresa A. Farbaniec, RMC  
Municipal Clerk

/s/ Victoria Kilpatrick  
Council President

➤ **BOROUGH ENGINEER - Jay Cornell** - None

➤ **BOROUGH ATTORNEY - Michael DuPont** - None

• **PUBLIC PORTION**

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

Those appearing were:

- Scott Tabacco, 98 Woodmere Drive.

Questioned if there was anything the Mayor and Council could do with regards to the application that was before the Zoning Board for a drug rehabilitation facility where the nursing home was on Ernston Road which zoning denied the application and that denial was overturned by a Judge on appeal.

The Borough Attorney responded that at this point the Zoning Board would be recommending the acceptance of the order of the court and that he hasn't seen anything further on this so at this moment he cannot respond. He recommended that he address his question at the next zoning board meeting.

- Ruth Mahoney, 2 Gerard Place

She commented that the other day an Optimum truck hit another car. She said it was witnessed but they denied it ever took place and did nothing about the claim. She did say that a police report had been made.

Councilman Lembo commented that Optimum raised their rates again. He asked the Business Administrator if the governing body has any say with regards to the negotiations and if we have any say regarding what they are charging our residents.

Mr. Frankel said that the rates have been submitted to the Board of Public Utilities and he has also been speaking with our State Senator to see if we could get through to the Board of Public Utilities because our talks during the negotiation process have broken down, there really isn't anything else to discuss. We have been trying to get upgrades to our Senior Center, more high speed or hot spots, but right now he cannot negotiate rates. Council President Kilpatrick suggested the council send a resolution to our Senator and BPU.

The Borough Attorney said they could pass a resolution outlining some of the complaints that the Borough has and that he would meet with Mr. Frankel and put this together and sent it to the Senators and the BPU for action.

Councilman Melendez said that negotiations is based upon competition and the very limited amount that Sayreville has which gives Sayreville a very limited amount of flexibility we have with negotiations. Mr. Frankel said that he had reached out for Direct TV and you can't even speak with a human being. He said that he was hoping to get someone to come and make a presentation.

- Janice Benedetto, 1 Thomas Avenue, Melrose

Questioned the date of the Fairness Hearing and what happens during a Fairness Hearing.

The Borough attorney confirmed the date and explained the procedures during the hearing.

She then questioned if the MCUA contact information for complaints would be on the new water bills.

Mr. Frankel said that we would not be because they are two different agencies.

Council President Kilpatrick asked Mr. Frankel if that number could be placed on those bills in the future.

Discussion followed regarding people signing up for electronic billing so we can cut down on paper billing and that it would be coming up.

- Fred Block, 25 Calliope Road

He stated that he is really discouraged with Optimum and asked if we could go out to bid for cable providers.

Councilman Melendez said that we could not because this is a State regulated utility.

Mr. DuPont said that BPU regulates this particular area. He said that when they prepare the resolution he would recommend that it goes to the BPU.

Councilman Buchanan asked if we could discuss mapping with the BPU. The attorney said that he would not know until that time.

- Mr. Melanaski, 28 Scarlett Drive

He spoke about his issues with the cable company.

No further questions or comments.

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

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

- **ADJOURNMENT**

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

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

Time 8:36 P.M.

Respectfully submitted,

---

Theresa A. Farbaniec, RMC  
Municipal Clerk

---

Date Approved