

RESOLUTION #2025-90

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.

Kennedy O'Brien, Mayor

Daniel Balka, Councilman

Donna Roberts, Councilwoman

Michael Colaci, Councilman

Stanley Synarski, Councilman

Mary J. Novak, Councilwoman

John Zebrowski, Councilman

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.

Borough Attorney

	Balka	Colaci	Novak	Roberts	Synarski	Zebrowski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2025-91

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a non-fair and open contract to Top Security Locksmiths, Inc. of Point Pleasant, NJ for the purchase and installation of security doors on the Burkes Park bathrooms in an amount not to exceed \$19,193.30.

BE IT FURTHER RESOLVED that the Chief Financial certifies that funding in the amount of \$19,193.30 is available in Account No. C-04-55-035-200.

(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.

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

FUNDS CERTIFEID BY:

Danielle Maiorana, CFO

	Balka	Colaci	Novak	Roberts	Synarski	Zebrowski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2025-92

**RESOLUTION OPPOSING PENDING LEGISLATION (SENATE BILL S1408 AND
ASSEMBLY BILL A2757) CONCERNING THE CONVERSION OF OFFICE PARKS
AND RETAIL CENTERS TO MIXED-USE DEVELOPMENTS**

WHEREAS, there is pending legislation (Senate Bill S1408, and corresponding Assembly Bill A2757), as amended, by the Senate Community and Urban Affairs Committee, which authorizes the conversion of certain office parks and retail centers to mixed-use developments despite the application of the underlying zoning for the subject property, also being referred to as the stranded assets bill (the “Bill”); and

WHEREAS, during the Committee hearing on the Bill, the New Jersey League of Municipalities provided numerous objections and concerns relating to the application of the Bill, with one of the most notable being the preemption of local master planning and zoning; and

WHEREAS, the Bill, as currently amended, requires municipal land use boards to permit the conversion of eligible properties, which are being referred to as “stranded assets” into mixed-use developments, despite the application of the underlying zoning, inclusive of use and bulk standard regulations, that would be applicable to the subject property; and

WHEREAS, the Bill defines an eligible property (or stranded asset) as an office park that is at least 50,000 square feet or a retail center of at least 15,000 square feet, and has a vacancy rate of at least 25% rate for at least 18 months immediate preceding the application, or has suffered an economic downturn over the immediately preceding 3 years (demonstrated by evidence of quantifiable loss in revenue such that the developer’s expenses for the premises have exceeded revenues by at least 30% or more each year); and

WHEREAS, the mixed-use development allowed for under the Bill, which may include the demolition of the existing structures, would consist of residential, and any other use that is not an industrial use; and

WHEREAS, the residential portion of the development is required to provide at least 20% set aside to be affordable housing restricted in compliance with the Uniform Housing Affordability Controls; and

WHEREAS, the Bill, as currently amended, removed the 2-year sunset provision included in the original bill, which would make this preemption of local planning a permanent law, instead of a temporary provision to address an immediate need; and

WHEREAS, the lack of specificity in the determination of what qualifies as an eligible property or stranded asset makes the Bill ineffective and can lead to abuses of its application, as the qualification parameters are solely within the control of the property owner, and are not based on objective criteria; and

WHEREAS, the lack of specificity in the Bill, and the failure to provide for clear direction as to criteria and bulk standards that would apply to the mixed-use development, which depends on whether the municipality has existing and/or multiple mixed-use zones, will likely result in confusion and costly litigation; and

WHEREAS, more importantly, the Bill will effectively bypass the existing variance procedure and preempt local zoning, thereby ignoring the requirements of the existing requirements of the Municipal Land Use Law, as well as the State's long-standing "home rule" for municipal planning and zoning; and

WHEREAS, the legislative findings of the Bill provided that it is intended to preempt the "outdated, rigid municipal zoning regulations that often separate residential and commercial uses from each other" and that "it is appropriate for the Legislature to set standards to modernize local and use regulations," which is an affront to the long-standing precedence of local planning and zoning throughout New Jersey; and

WHEREAS, for the above reasons, the Mayor and Borough Council of the Borough of Sayreville is adamantly opposed to the pending Bill and requests that the State Legislators do not vote in favor of the Bill.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, State of New Jersey, that the Borough strongly opposes the Bill (S1408/S2757) and requests that the New Jersey Legislature vote against the Bill. The Borough further implores the Legislature to cease from proposing or enacting any legislation that preempts local zoning or the ability of a municipality to effectively plan and zone for appropriate development within its borders.

BE IT FURTHER RESOLVED, that the Borough Clerk is also hereby directed to send a certified copy of this Resolution within five (5) days after its adoption, by mail and email to the Borough's State Legislative representatives, Governor Phil Murphy, and the New Jersey League of Municipalities.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

(Sponsor)

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.

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

	Balka	Colaci	Novak	Roberts	Synarski	Zebrowski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2025-93

WHEREAS, the Borough of Sayreville is involved in a pending litigation entitled Bruce Totten v. Borough of Sayreville, et al., Docket No.: 02:2020-CV-03288, pending in the United States District Court for the District of New Jersey (the "Litigation"); and

WHEREAS, the Litigation involves claims made by a prior Water & Sewer Department employee of the Borough; and

WHEREAS, the Borough's prior Labor Counsel, Robert Merryman, Esq., was served a Subpoena from plaintiff's counsel for testimony relating to the claims raised in the Litigation, including prior communications relating to the plaintiff's employment with the Borough; and

WHEREAS, upon recommendation of legal counsel representing the Borough in the Litigation, the Mayor and Borough Council find it to be in the best interest of the Borough to waive any claim of attorney-client privilege between the Borough and Mr. Merryman in connection with his representation of the Borough relating to the underlying facts and claims raised in the Litigation, through his testimony at his deposition, as well as any subsequent testimony in the Litigation.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sayreville, County of Middlesex, and State of New Jersey, that the Borough hereby waives any claim of attorney-client privilege between the Borough and Robert Merryman, Esq., prior Borough Labor Counsel, in connection with his testimony at his deposition, as well as any subsequent testimony in the Litigation with regard to the prior employment of the plaintiff, Bruce Totten, along with the facts and claims raised in the Litigation.

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all required actions to effectuate the authorizations and waivers in this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

(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.

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

	Balka	Colaci	Novak	Roberts	Synarski	Zebrowski
Ayes						
Nays						
Abstain						
Absent						

RESOLUTION #2025-94

BE IT RESOLVED that the proper Borough officials are hereby authorized to install Pickleball Courts at War Memorial Park from ATT Sports, Inc., 115 B Cross Keys Road, Berlin, NJ 08009 through Education Services Commission Co-op Contract #22/23-47 in an amount not to exceed \$227,700.00.

BE IT FURTHER RESOLVED that the Chief Financial certifies that funding in the amount of \$227,700.00 is available in Account No. C-04-55-036-210 and 2024 Recreation Grant G0203522100.

(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.

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

FUNDS CERTIFEID BY:

Danielle Maiorana, CFO

	Balka	Colaci	Novak	Roberts	Synarski	Zebrowski
Ayes						
Nays						
Abstain						
Absent						

