

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

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Morelos announced that this May 26, 2026 Regular/Agenda 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 and notifying the Tapinto Raritan Bay, posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Blemur, Colaci, Novak, Rios, Synarski, Zebrowski

Absent: None

Others Present: Mayor Kennedy O'Brien
Glenn Skarzynski, Business Administrator
Jessica Morelos, Municipal Clerk
Joseph Sordillo, Esq., Borough Attorney
Jay Cornell, P.E., Borough Engineer
Nicole Waranowicz, Asst. Municipal Clerk
Danielle Maiorana, C.F.O./Treasurer

Others Absent: None

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

Council President Zebrowski moved the following minutes be approved, subject to correction if necessary:

- ☒ May 11, 2026 - Special Meeting
- ☒ May 11, 2026 - Regular/Agenda Sessions

Seconded by Councilwoman Novak.

Roll Call: Councilpersons Zebrowski, Blemur, Colaci, Novak, Rios, Synarski, All Ayes.

- **PROCLAMATION & PRESENTATIONS**

- ❖ **Flora Jean Nelson's 100th Birthday Proclamation**

Proclamation

WHEREAS, Flora Jean Nelson was born on May 24, 1926 in Tottenville; and

WHEREAS, her family moved from Staten Island to Fords, New Jersey; and

WHEREAS, Flora and sister Esther lived together with her parents until 1951; and

WHEREAS, she married the love of her life, Otis Smithers in 1951 and they moved to Sayreville in 1965; and

WHEREAS, Flora dedicated her time to being employed at Merck in Rahway until her three kids came along; and

WHEREAS, her time then shifted to raising the joys of her life, Christine, Colleen and David; and

WHEREAS, Flora then made the brave and determined decision to become a nurse at the age of 46; and

WHEREAS, she graduated at the top of her class from the Charles E. Gregory School of Nursing; and

WHEREAS, Flora then spent the next thirty-four years working as a nurse at Raritan Bay Medical Center in Perth Amboy, retiring at the age of 80; and

WHEREAS, she spent her life helping others and maintaining stability for her family, living in her family home from 1965 until today; and

WHEREAS, today, Flora's favorite activity is to watch baseball and support her favorite team the New York Mets; and

NOW, THEREFORE, I, Kennedy O'Brien, Mayor of the Borough of Sayreville, hereby extend my heartfelt wishes to Flora as she celebrates her 100th birthday and ask the residents of Sayreville to acknowledge this memorable milestone.



IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 26th day of May, 2026

A handwritten signature in blue ink, appearing to be "Novak", is written over a horizontal line.

Councilwoman Novak moved the following proclamation be approved. Seconded by Councilman Colaci.

Roll Call: Councilpersons Novak, Blemur, Colaci, Rios, Synarski, Zebrowski, all Ayes.

❖ **John Przybylko Retirement Proclamation**

Proclamation

WHEREAS, John Przybylko has been a lifelong Sayreville resident; and

WHEREAS, he decided to follow the American dream and open his own business; and

WHEREAS, he then opened Sayreville Seafood and Deli on May 11, 1983; and

WHEREAS, John came up with his own recipes for some of his food showed great commitment to community by donating food for Memorial Day; and

WHEREAS, his restaurant has been major hub in Sayreville for updates and finding out current town news; and

WHEREAS, Sayreville Seafood and Deli has been recognized by many as an "old fashioned" hangout; and

WHEREAS, over the forty years in business John has whipped up some incredible stats:

10 dozen eggs a week = 249,600 eggs
10lbs of bacon a week = 20,800 bacon
50lbs fish a week = 104,000 fish
300 clams a week = 624,000 clams (10,000 just at PBA picnics); and

WHEREAS, John has been an exemplary friend to Sayreville and will be sorely missed; and

NOW, THEREFORE, I, Kennedy O'Brien, Mayor of the Borough of Sayreville, hereby extend my heartfelt wishes to John Pryzbylko as he celebrates his retirement and ask the residents of Sayreville to acknowledge this memorable milestone.



IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 26th day of May, 2026

A handwritten signature in blue ink, appearing to be 'Novak', is written over a horizontal line.

Councilwoman Novak moved the following proclamation be approved. Seconded by Councilman Blemur.

Roll Call: Councilpersons Novak, Blemur, Colaci, Rios, Synarski, Zebrowski, all Ayes.

Council President Zebrowski stated that data centers all over the news and the issues surrounding the uncertainty of them.

Councilman Blemur stated his reasoning on wanting a permanent ban on all data centers.

Council President Zebrowski made a motion to ban data centers for a moratorium period of 18 months. Seconded by Councilman Colaci.

Roll Call: Ayes: Councilpersons Zebrowski, Colaci, Novak, Rios, Synarski
Nays: Councilperson Blemur

- **EXECUTIVE SESSION**

Borough Clerk Morelos 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:

MAY 26, 2026
REGULAR/AGENDA
MEETING

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 5 minutes to discuss the following matters:

- Resolution #2026-161

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/ Mary J. Novak, Councilwoman

APPROVED:

/s/ Kennedy O'Brien, Mayor

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

Roll Call: Councilpersons Novak, Blemur, Colaci, Rios, Synarski, Zebrowski, all Ayes.

Time: 7:23 PM

Reconvene:

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

Roll Call: Councilpersons Novak, Blemur, Colaci, Rios, Synarski, Zebrowski, all Ayes.

Time: 7:27 PM

- **OLD BUSINESS:**

- a) Resolution received from the Sayreville Planning Board following a meeting held on May 20, 2026, finding the Borough's Affordable Housing and Development Fee Ordinance consistent with the Borough's Master Plan.

Councilman Zebrowski made a motion to receive and file. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Zebrowski, Blemur, Colaci, Novak, Rios, Synarski, All Ayes.

- a) Public Hearing on the following Ordinances:

Borough Clerk Morelos read the heading for the following ordinances listed for Public Hearing:

Public Hearing on Ordinance #08-26.

Mayor O'Brien opened the meeting to the public for comments on Ordinance #08-26.

There were no comments.

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

Roll Call: Councilpersons Zebrowski, Blemur, Colaci, Novak, Rios, Synarski, All Ayes.

ORDINANCE #08-26

AN ORDINANCE OF THE BOROUGH OF SAYREVILLE UPDATING AND AMENDING THE BOROUGH'S AFFORDABLE HOUSING AND DEVELOPMENT FEE ORDINANCES PURSUANT TO THE AMENDED FAIR HOUSING ACT AND THE NEW UHAC REGULATIONS

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) (hereinafter "Amended FHA"); and

WHEREAS, the Borough of Sayreville has complied with the Amended FHA and participated in the Affordable Housing Dispute Resolution Program (the "Program") established therein, filing all required documents through the Court system bearing Docket No. MID-L-569-25, as set forth in Administrative Office of the Courts Directive #14-24; and

WHEREAS, as a result of the Borough's compliance with the Amended FHA and participation in the Program, the New Jersey Court has issued an order on April 4, 2025 setting the Borough's Fourth Round fair share obligations as a Present Need of one hundred ninety-four (194) units and a Prospective Need of two hundred forty (240) units; and an order on February 20 2026, confirming the terms and conditions of the settlement agreement between the Borough and FSHC with regard to the Borough's amended HE&FSP, along with the implementation of same; and

WHEREAS, the New Jersey Housing and Mortgage Finance Agency adopted new rules and regulations governing the housing affordability controls, known as the Uniform Housing Affordability Control ("UHAC"), N.J.A.C. 5:80-26, et seq., effective November 6, 2025 (57 N.J.R. 2743(a)); and

WHEREAS, the New Jersey Department of Community Affairs ("DCA") prepared a model ordinance for municipalities to adopt, integrating the amended FHA and new UHAC regulations; and

WHEREAS, adoption of an updated, amended affordable housing ordinance is required for the Borough's continued compliance with the amended FHA and court orders issued pursuant to the Program; and

WHEREAS, the Mayor and Borough Council finds it to be in the best interests of the Borough and its citizens to adopt the DCA's model ordinance, modified for application to the Borough, as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Code of the Borough of Sayreville, is hereinafter supplemented and amended as follows:

SECTION ONE. Chapter XXXV entitled "Affordable Housing Ordinance" of the Sayreville Borough Code of Ordinances is hereby deleted in its entirety and herein replaced to read as follows:

CHAPTER XXXV. AFFORDABLE HOUSING ORDINANCE.

§35-1. Introduction & Applicability.

A. This Article sets forth regulations regarding the very low-, low- and moderate-income housing units in the Borough of Sayreville consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").

B. This Article is intended to ensure that very-low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100 percent affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to affirmative marketing and random selection procedures set forth in UHAC.

C. The Sayreville Borough Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very-low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.

D. This Article implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.

E. Applicability

1. The provisions of this Article shall apply to all affordable housing developments and affordable housing units that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.

2. This Article shall apply to all developments that contain very-low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very-low-, low- and moderate-income housing units.

3. Projects receiving federal Low Income Housing Tax Credit financing and proposed for credit in the municipality’s most recently adopted HEFSP shall comply with the affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

§35-2. Definitions.

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low-, low-, and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

“Affordability average” means an average of the percentage of regional median income at which restricted units in an affordable development are affordable to low- and moderate-income households.

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the

“Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that: 1. All the residents of the development where the unit is situated are 62 years or older; 2. At least 80 percent of the units are occupied by one person that is 55 years or older; or 3. The

**MAY 26, 2026
REGULAR/AGENDA
MEETING**

development has been designated by the Secretary of HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c. 530 (C.55:14K-1 et seq.).

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

“Construction” means new construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217(N.J.S.A. 52:27D-119 et seq.).

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Department” means the New Jersey Department of Community Affairs.

“Developer” means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Development fee” means money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to,

inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

“HMFA” or “the Agency” means the New Jersey Housing and Mortgage Finance Agency established pursuant to P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

“Low-income household” means a household with a household income equal to 50 percent or less of the regional median income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary; and the transfer of ownership by court order.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

MAY 26, 2026
REGULAR/AGENDA
MEETING

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and
The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units are were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

“Prospective need” means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable

housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans’ preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality’s fair share obligation.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality’s affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

“Rehabilitation” means the repair, renovation, alteration, or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. With respect to units in assisted living residences, rent does not include charges for food and services.

**MAY 26, 2026
REGULAR/AGENDA
MEETING**

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

“Spending plan” means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney-Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

“Supportive housing unit” means a restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project’s Affirmative Marketing Program. A supportive

housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency’s Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

“Very-low-income household” means a household with a household income less than or equal to 30 percent of the regional median income.

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

“Very-low-income unit” means a restricted unit that is affordable to a very-low-income household. Very-low-income units are a subset of low-income units.

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors and is considered a major system for rehabilitation.

§35-3. Monitoring and Reporting Requirements.

A. The Borough shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:

1. The Borough shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by

| | |
|--|--|
| MAY 26, 2026 REGULAR/AGENDA MEETING | |
|--|--|

the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.

2. On or before February 15 of each year, the Borough shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.

3. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

§35-4. Municipality-wide Mandatory Set-Aside.

A. A development, other than single-family detached, providing a minimum of five (5) new housing units created through any site plan application, municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six (6) units per acre, is required to include an affordable housing set-aside of twenty (20%) percent.

B. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this Chapter.

C. All such affordable units shall be governed by this Chapter the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.

D. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.

E. The mandatory set-aside requirements of this Section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.

F. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.

G. In the event that the inclusionary set-aside of 20 percent of the total number of residential units does not result in a full integer (results in a fraction or decimal), the developer shall be required to round the set-aside upward to construct a whole additional affordable unit. Example: If seven total units are developed at an inclusionary site, a 20 percent set-aside would require 1.4 affordable units and the developer would be required to provide 2 on-site affordable units.

§35-5. Affordable Housing Programs.

A. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.

B. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).

1. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.

2. Both ownership and rental units shall be eligible for rehabilitation funds.

3. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.

4. The Borough shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.

5. The Borough shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.

6. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:

(a) If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.

(b) If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.

(c) Rents in rehabilitated units may increase annually based on the standards in UHAC.

(d) At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

§35-6. New Construction.

A. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.

B. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income

units whether developed in a single-phase development, or in a multi-phase development:

| Maximum Percentage of Market-Rate of Occupancy | Units Issued a Temporary or Final Certificate of Occupancy |
|--|--|
| 25+1 | 10 |
| 50 | 50 |
| 75 | 75 |
| 90 | 100 |

C. Design. The following design requirements apply to affordable housing developments, excluding prior round units.

1. Design of 100 percent affordable developments:

(a) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

(b) Each bedroom in each restricted unit must have at least one window.

(c) Restricted units must include adequate air conditioning and heating.

2. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.

(a) Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

(b) Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.

(c) Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.

(d) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

(e) Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.

(f) Each bedroom in each restricted unit must have at least one window.

(g) Restricted units must be of the same unit type as market-rate units within the same building.

- (h) Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
3. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- (a) Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
- (b) Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
- (c) Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
- (d) Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- (e) Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
- (f) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
- (g) Each bedroom in each restricted unit must have at least one window; and
- (h) Restricted units must include adequate air conditioning and heating.
- D. Utilities.
1. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
2. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.A.C. 5:80-26.13(e).
- E. Low/moderate split and bedroom distribution.

MAY 26, 2026
REGULAR/AGENDA
MEETING

1. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
 2. In each affordable housing development, at least 50 percent of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.
 3. Within rental developments, of the total number of affordable rental units, at least 13 percent, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development
 4. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - (a) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
 - (b) Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - (c) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent, rounded down, of the total number of low- and moderate-income units.
 - (d) At least 30 percent of all low- and moderate-income units, rounded up shall be two-bedroom units.
 - (e) At least 20 percent of all low- and moderate-income units, rounded up shall be three-bedroom units.
 - (f) The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
 5. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least five percent of those restricted units.
- F. Accessibility requirements.
1. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
 2. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor

dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:

- (a) An adaptable toilet and bathing facility on the first floor;
- (b) An adaptable kitchen on the first floor;
- (c) An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
- (d) An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
- (e) If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
- (f) An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - (i) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (ii) To this end, the builder of restricted units shall deposit funds within the Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - (iii) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (iv) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - (v) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.
- (g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

G. Accessory Apartment Program.

1. An accessory apartment program shall provide low- and moderate-income units or may be limited to only low- or only moderate-income units.
2. Per N.J.A.C. 5:97-6.8(c)1, at the time of initial occupancy of the unit and for at least ten years thereafter, the accessory apartment shall be rented only to income eligible households consistent with the income category and rent structure of the unit.

MAY 26, 2026
REGULAR/AGENDA
MEETING

3. Rents of accessory apartments shall be established using the same methodology of affordable rental units discussed herein.

4. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental for the duration of the control period.

5. The municipal accessory apartment program shall not restrict the number of bedrooms in any accessory apartment.

6. Per N.J.A.C. 5:97-6.8(b)2, the municipality shall provide a minimum of \$25,000 per unit to subsidize the creation of each low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.

H. Market to Affordable Program.

1. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.

2. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.

3. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.

4. A minimum subsidy of \$25,000 per moderate-income unit and/or \$30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.

5. The units shall comply with UHAC with the following exceptions:

(a) Bedroom distribution (N.J.A.C. 5:80-26.4).

(b) Low/moderate income split (N.J.A.C. 5:80-26.4).

6. Affordability average (N.J.A.C. 5:80-26.4); however:

(a) The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and

(b) The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

I. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).

1. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:

- (a) The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
 - (b) The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
 - (c) The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - (d) If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
 - (e) The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100 percent affordable developments.
 - (f) The deed restriction for the extended control period shall be filed with the County Clerk.
- J. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
- 1. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
 - 2. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
 - 3. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - 4. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
 - 5. Low- and moderate-income residents cannot be charged any upfront fees.
 - 6. The units shall comply with UHAC with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - (b) The deed restriction may be on the facility, rather than individual apartments or rooms;
 - (c) Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
 - 7. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
- K. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
- 1. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:

MAY 26, 2026
REGULAR/AGENDA
MEETING

- (a) The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
 - (b) Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - (c) Occupancy shall not be restricted to youth under 18 years of age.
 - (d) In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
 - (e) The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (i) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan, if applicable, approved by the sponsoring program;
 - (ii) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
 - (f) With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
 - (g) Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
 - (h) The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (i) An Affirmative Marketing Plan in accordance with D1 above; and
 - (ii) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
 - (i) The sponsor/owner shall complete annual monitoring as directed by the MHL.
 - L. Zoning for Inclusionary Development (N.J.A.C. 5:97-6.4)
 - M. Redevelopment (N.J.A.C. 5:97-6.6)
 - N. Municipally Sponsored and 100 Percent Affordable Developments (N.J.A.C. 5:97-6.7)
- §35-7. Regional Income Limits.
- A. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.

B. Regional income limits are based on regional median income, which is established by a regional weighted average of the “median family incomes” published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.

C. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

§35-8. Maximum Initial Rents and Sales Prices.

A. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.

B. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.

C. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60 percent of regional median income.

D. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. Very low-income units, if required, should be distributed between each bedroom count as proportionally as possible to the total number of restricted units within each bedroom count, and shall be part of the low-income requirement.

E. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70 percent of median income, and each affordable housing development must achieve an affordability average that does not exceed 55 percent for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.

F. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

G. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:

1. A studio or efficiency unit shall be affordable to a one-person household;
2. A one-bedroom unit shall be affordable to a one and one-half person household;
3. A two-bedroom unit shall be affordable to a three-person household;
4. A three-bedroom unit shall be affordable to a four and one-half person household; and
5. A four-bedroom unit shall be affordable to a six-person household.

**MAY 26, 2026
REGULAR/AGENDA
MEETING**

H. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:

1. A studio or efficiency unit shall be affordable to a one-person household;
2. A one-bedroom unit shall be affordable to a one and one-half person household; and
3. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.

I. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

J. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.

K. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following a minimum 90-day notice provided to the occupant household, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3 and published by the Agency. This rent increase may not exceed five percent in any one year and notice thereof must be filed with the administrative agent. If the landlord has charged a tenant less than the initial maximum allowable rent for a restricted unit, the landlord may, with the approval of the administrative agent, use the maximum allowable rent instead of the current rent in performing this multiplication to establish the rent for the next tenant under a new lease. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

§35-9. Affirmative Marketing.

A. The Borough shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§ 3601 et seq.), number of children, source of lawful income, or

any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region Three and is required to be followed throughout the period of deed restriction.

C. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.

1. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.

2. There shall be a regional preference for all households that live and/or work in Housing Region Three comprising Hunterdon, Middlesex and Somerset Counties.

3. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.

4. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.

D. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.

E. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent should consider the use of language translations where appropriate.

F. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.

G. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.

H. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of HUD-certified housing counselors or otherwise experienced entities approved by the Division providing counseling services on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

I. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy and may begin before construction commences. For owner-occupied units, affirmative marketing advertising and outreach activities must continue until all of the marketed units have been sold, except that paid advertising may cease when the number of applications received is at least three times the number of units to be sold. For rental units, affirmative marketing advertising and outreach activities must continue, as long as applications are being accepted, except that paid advertising may cease when the number of applications received is at least three times the number of units to be filled.

J. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of owner-occupied units, in which case, applications must be accepted for no less than 30 days.

K. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales, unless otherwise agreed to by the Borough.

§35-10. Selection of Occupants of Affordable Housing Units.

A. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.

B. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

§35-11. Occupancy Standards.

A. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

1. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
2. Provide a bedroom for every two adult occupants;
3. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
4. Avoid placing a one-person household into a unit with more than one bedroom.

§35-12. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.

B. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).

- C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
- D. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
- E. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
1. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
 2. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
- F. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- G. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- H. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- I. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

§35-13. Price Restrictions for Restricted Ownership Units and Resale Prices.

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
1. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 2. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
 - (a) If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - (b) If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3

**MAY 26, 2026
REGULAR/AGENDA
MEETING**

3. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:

(a) Those that render the unit suitable for a larger household or the addition of a bathroom.

(b) The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);

4. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

§35-14. Buyer Income Eligibility.

A. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30 percent of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80 percent of median income.

B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income

households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
3. The household is currently in substandard or overcrowded living conditions;
4. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

§35-15. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

B. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

§35-16. Control Periods for Restricted Rental Units.

A. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.

B. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9 percent Low-Income Housing Tax Credits must comply with a control period

MAY 26, 2026
REGULAR/AGENDA
MEETING

of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.

C. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.

D. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.

E. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

F. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.

G. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

1. Sublease or assignment of the lease of the unit;
2. Sale or other voluntary transfer of the ownership of the unit;
3. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
4. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

§35-17. Rent Restrictions for Rental Units; Leases and Fees.

A. The initial rent for a restricted rental unit shall be set by the Administrative Agent.

B. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.

C. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

1. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.

D. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

E. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces,

bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.

F. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.

G. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.

H. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

§35-18. Tenant Income Eligibility.

A. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:

1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median income by household size.
2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median income by household size.
3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median income by household size.

B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
3. The household is currently in substandard or overcrowded living conditions;
4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

§35-19. Municipal Housing Liaison.

MAY 26, 2026
REGULAR/AGENDA
MEETING

- A. The Municipal Housing Liaison shall be approved by municipal resolution.
- B. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - 1. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - 2. The oversight of the Affirmative Marketing Plan and affordability controls.
 - 3. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - 4. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - 5. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - 6. Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - 7. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
 - 8. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
 - 9. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
 - 10. Listing on the municipal website contact information for the MHL and Administrative Agents.

§35-20. Administrative Agent.

- A. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
- B. The fees for administrative agents shall be paid as follows:
 - 1. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - 2. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - 3. Administrative agent fees related to resales shall be paid by the seller of the affordable home.

4. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
- C. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
- D. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 2. Affirmative marketing:
 - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - (b) Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 3. Household certification.
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households.
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility within five (5) business days of the determination thereof.
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
 4. Affordability controls.
 - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
 - (b) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
 - (c) Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.

MAY 26, 2026
REGULAR/AGENDA
MEETING

- (d) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
5. Records retention.
- (a) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
- (b) Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
6. Resales and re-rentals.
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
- (b) Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
7. Processing requests from unit owners.
- (a) Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
- (c) Notifying the municipality of an owner's intent to sell a restricted unit.
- (d) Making determinations on requests by owners of restricted units for hardship waivers.
8. Enforcement.
- (a) Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (c) Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
- (d) Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
- (e) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

9. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

§35-21. Responsibilities of the Owner of a Development Containing Affordable Units.

A. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:

1. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
2. The total number of units in the project and the number of affordable units.
3. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
4. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
5. A projected construction schedule.
6. The location of any common areas and elevators.
7. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.

B. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:

1. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
2. Provide to the administrative agent a description of any applicable fees.
3. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
4. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
5. Provide to the administrative agent a proposed form of lease for any rental units.
6. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.

MAY 26, 2026
REGULAR/AGENDA
MEETING

7. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.

C. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:

1. Proposed pricing for all units, including any purchaser options and add-on items.
2. Realistic condominium or homeowner association fees and any other applicable fees.
3. Estimated real property taxes.
4. Sewer, water, trash disposal, and any other utility assessments.
5. Flood insurance requirement, if applicable.
6. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

§35-22. Enforcement of Affordable Housing Regulations.

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

(a) A fine not to exceed that set forth in Section 1-5 of the Borough Code, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

(b) In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;

(c) In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.

C. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of

noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.

D. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

1. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

2. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

3. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

4. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.

5. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.

6. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

E. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

F. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

G. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.

H. Appeals

1. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

§35-23. Affordable Housing Development Fees.

A. Purpose

1. This Section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

B. Basic Requirements

1. The Borough of Sayreville previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund, previous codified in Article V of Chapter 296 of the Borough Code.

2. The Borough shall not spend development fees until the court has approved a plan for spending such fees.

C. Residential Development Fees

1. Imposed fees

(a) Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

(b) When an increase in residential density is permitted pursuant to a “d” variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a “bonus” development fee of 6.0 percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5 percent of the equalized assessed value on the first two units; and the specified higher percentage of 6 percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

2. Eligible exactions, ineligible exactions and exemptions for residential development

(a) Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.

(b) Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.

(c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The

development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

(d) No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

D. Non-Residential Development Fees

1. Imposition of fees

(a) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5 percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

(b) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5 percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

(c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5 percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

2. Eligible exactions, ineligible exactions and exemptions for non-residential development

(a) The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5 percent development fee, unless otherwise exempted below.

(b) The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

4. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

5. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

E. Collection Procedures

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
2. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
3. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
4. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
5. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
6. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
7. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
8. Fifty percent (50 percent) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.

F. Appeal of development fees

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
2. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the

challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund

1. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

2. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

(a) Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;

(b) Funds contributed by developers to make 10 percent of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

(c) Rental income from municipally operated units;

(d) Repayments from affordable housing program loans;

(e) Recapture funds;

(f) Proceeds from the sale of affordable units; and

(g) Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.

3. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.

4. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:

(a) Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;

(b) Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;

(c) Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;

(d) Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;

(e) Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;

(f) Revocation of compliance certification or a judgment of compliance and repose;

(g) Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;

(h) Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.

(i) All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

H. Use of Funds

1. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

2. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.

3. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.

(a) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

(b) Affordability assistance for very low-income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.

4. No more than 20 percent of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

I. Monitoring

1. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development

fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

J. Ongoing Collection of Fees

1. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
2. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

K. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

SECTION TWO. Section 26-11 entitled "Development Fee Ordinance" of Article IV entitled "Fees and Deposits" of Chapter 26 entitled "Land Development" of the Sayreville Borough Code of Ordinances is hereby deleted in its entirety and amended to read "Reserved."

| | |
|----------------|-------------------------------------|
| Chapter 26. | Land Development |
| Article IV. | Fees and Deposits. |
| Section 26-111 | Development Fee Ordinance Reserved. |

[Note to codifier: All references throughout the Code made to prior Section 26-111 – Development Fee Ordinance previously contained in Article IV – Fees and Deposits of Chapter 26 – Land Development, which is herein being deleted, shall now reference new Section 35-23.]

SECTION THREE. Severability Clause.
 If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION FOUR. Repealer.
 All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this Ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION FIVE. Planning Board Review.
 After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Sayreville for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

At least ten (10) days prior to the hearing on the adoption of this Ordinance, the Borough Clerk is directed to give notice to the Middlesex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

SECTION SIX. Mayor Approval.

Within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved

SECTION SEVEN. Effective Date.

This Ordinance shall take effect upon final adoption and publication in accordance with law; and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d).

INTRODUCED/APPROVED ON FIRST READING
DATED: March 23, 2026

/s/Jessica Morelos, R.M.C. /s/John Zebrowski, Councilman
Clerk of the Borough of Sayreville (Planning and Zoning Committee)

ADOPTED ON SECOND READING
DATED: April 27, 2026

/s/Jessica Morelos, R.M.C. /s/John Zebrowski, Councilman
Clerk of the Borough of Sayreville (Planning and Zoning Committee)

APPROVAL BY THE MAYOR ON THIS 26th DAY OF May , 2026.

/s/Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/Joseph Sordillo, Borough Attorney

b) Appointments

• **NEW BUSINESS:**

a) Introduction of the following ordinances:

• **CONSENT AGENDA RESOLUTIONS**

Mayor O'Brien opened the meeting for any comments on Consent Agenda Resolutions.

Those commenting were:

- Eloy Fernandez
Ms. Fernandez commented on the resolution regarding the rising cost of healthcare.

No further comments.

Council President Zebrowski made a motion to pull Resolution #2026-136 due to noise issues and have the Police Dept. further investigate those issues. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Zebrowski, Blemur, Colaci, Novak, Rios, Synarski, All Ayes.

Council President Zebrowski made a motion to close the Public Portion and adopt the Consent Agenda Resolutions. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Zebrowski, Blemur, Colaci, Novak, Rios, Synarski all Ayes.

RESOLUTION #2026-124

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 are properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

/s/ Kennedy O'Brien, Mayor

/s/ Herve Blemur, Councilman

/s/ Alberto Rios, Councilman

/s/ Michael Colaci, Councilman

/s/ Stanley Synarski, Councilman

/s/ Mary J. Novak, Councilwoman

/s/ 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.

/s/ Joseph Sordillo, Borough Attorney

Bill list of May 26, 2026 in the amount of \$20,718,011.23 in a separate Bill List File for 2026 (See Appendix Bill List 2026-A for this date).

RESOLUTION #2026-125

WHEREAS, in connection with the Borough of Sayreville Housing Rehabilitation Program, a loan in the amount of \$19,850.00 was issued for improvements and repairs to the property identified as Block 81, Lot 90.02, located at 218 Washington Road in the Borough of Sayreville (the "Property"); and

WHEREAS, the Borough obtained a Mortgage For Direct Subsidy With Ten Year Term, dated June 20, 2008 (the "Mortgage") for said loan that was recorded with the Middlesex County Clerk's Office; and

WHEREAS, the loan and Mortgage have be satisfied, and the Mortgage is to be discharged of record.

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 authorizes the discharge of the Mortgage.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to sign the Discharge of Mortgage on behalf of the Borough, in the substantial form attached hereto.

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all required actions to effectuate the authorizations in this Resolution and comply with the terms of the County Utility Agreement.

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

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

**RESOLUTION #2026-126
DECLARE BLOCK 229.01, LOT 1 QUAL C1023 AS TAX EXEMPT AND TO
CANCEL TAXES DUE FROM MARCH 6, 2026**

WHEREAS, the Tax Assessor, by way of a April 21 ,2026 memorandum, has requested that the Borough Council cancel the taxes due from March 6, 2026 for the property known as Block 229.01, Lot 1 Qual C1023 and declare said property tax exempt as the Borough Assessor has determined that the property owner meets the criteria of N.J.S.A. 54:04-3.30(a) to merit tax exemption as a totally disabled veteran; and

WHEREAS, the Borough Council may revise and adjust past due assessments when in error and desires to act favorably with respect to the aforementioned recommendation.

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

1. That the Borough Council, for the aforementioned reasons, hereby cancels the taxes due from March 6, 2026 and cancel all subsequent taxes for Block 229.01 Lot 1 Qual. C1023.
2. That the Borough Council hereby declares Block 229.01, Lot 1 Qual C1023 tax exempt pursuant to N.J.S.A. 54:4-3.30(a) based on the proof submitted that the property owner is a totally disabled veteran.

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

**RESOLUTION #2026-127
DECLARE BLOCK 447.06, LOT 30 AS TAX EXEMPT AND TO
CANCEL TAXES DUE FROM NOVEMBER 24, 2025**

WHEREAS, the Tax Assessor, by way of a April 7 ,2026 memorandum, has requested that the Borough Council cancel the taxes due from November 24, 2025 for the property known as Block 447.06, Lot 30 and declare said property tax exempt as the Borough Assessor has determined that the property owner meets the criteria of N.J.S.A. 54:04-3.30(a) to merit tax exemption as a totally disabled veteran; and

WHEREAS, the Borough Council may revise and adjust past due assessments when in error and desires to act favorably with respect to the aforementioned recommendation.

| | |
|--|--|
| MAY 26, 2026 REGULAR/AGENDA MEETING | |
|--|--|

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

1. That the Borough Council, for the aforementioned reasons, hereby cancels the taxes due from November 24, 2025 and cancel all subsequent taxes for Block 447.06 Lot 30
2. That the Borough Council hereby declares Block 447.06, Lot 30 tax exempt pursuant to N.J.S.A. 54:4-3.30(a) based on the proof submitted that the property owner is a totally disabled veteran.

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-128
**DECLARE BLOCK 449, LOT 6.03 QUAL C1702 AS TAX EXEMPT AND TO
CANCEL TAXES DUE FROM OCTOBER 3, 2025**

WHEREAS, the Tax Assessor, by way of a April 7 ,2026 memorandum, has requested that the Borough Council cancel the taxes due from October 3, 2025 for the property known as Block 449, Lot 6.03 Qual C1702 and declare said property tax exempt as the Borough Assessor has determined that the property owner meets the criteria of N.J.S.A. 54:04-3.30(a) to merit tax exemption as a totally disabled veteran; and

WHEREAS, the Borough Council may revise and adjust past due assessments when in error and desires to act favorably with respect to the aforementioned recommendation.

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

1. That the Borough Council, for the aforementioned reasons, hereby cancels the taxes due from October 3, 2025 and cancel all subsequent taxes for Block 449 lot 6.03 Qual C1702.
2. That the Borough Council hereby declares Block 449, Lot 6.03 Qual C1702 tax exempt pursuant to N.J.S.A. 54:4-3.30(a) based on the proof submitted that the property owner is a totally disabled veteran.

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

**RESOLUTION #2026-129
DECLARE BLOCK 376, LOT 8 AS TAX EXEMPT AND TO
CANCEL TAXES DUE FROM MARCH 23, 2026**

WHEREAS, the Tax Assessor, by way of a April 29 ,2026 memorandum, has requested that the Borough Council cancel the taxes due from March 23, 2026 for the property known as Block 376, Lot 8 and declare said property tax exempt as the Borough Assessor has determined that the property owner meets the criteria of N.J.S.A. 54:04-3.30(a) to merit tax exemption as a totally disabled veteran; and

WHEREAS, the Borough Council may revise and adjust past due assessments when in error and desires to act favorably with respect to the aforementioned recommendation.

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

1. That the Borough Council, for the aforementioned reasons, hereby cancels the taxes due from March 23, 2026 and cancel all subsequent taxes for Block 376 Lot 8.
2. That the Borough Council hereby declares Block 376, Lot 8 tax exempt pursuant to N.J.S.A. 54:4-3.30(a) based on the proof submitted that the property owner is a totally disabled veteran.

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-130

WHEREAS, there is two (2) OEM Light Towers and two (2) FEMA Trailers no longer needed for public use by the Borough;

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the above equipment is hereby authorized to be disposed of.

/s/ Herve Blemur, 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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-131

BE IT RESOLVED the proper Borough Officials are hereby authorized to purchase an In-Building B-Directional Amplifier from Tactical Public Safety of West Berlin, NJ through NJ State Contract #A83932 in an amount not to exceed \$59,775.23.

BE IT FURTHER RESOLVED that the Chief Financial Officer certifies that funding in the amount of \$59,775.23 is available in Account No. C-04-55-028-210.

/s/ Herve Blemur, 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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

FUNDS CERTIFIED BY:

/s/ Danielle Maiorana, CFO

RESOLUTION #2026-132

WHEREAS, the proposed "Polluters Pay to Make New Jersey More Affordable Act" (S2338/A3735), pending before the New Jersey Legislature would impose liability on large fossil fuel companies for certain climate change related damages they caused instead of imposing all those costs on New Jersey taxpayers; and

WHEREAS, New Jersey has experienced deaths and billions of dollars in losses from storms linked to climate change. Hurricane Sandy costs are estimated to be over \$29 billion, along with 38 deaths, while Hurricane Ida caused about \$2 billion in costs and 30 deaths. From 1980–2024 (as of November 1, 2024), there have been 74 confirmed weather/climate disaster events with losses exceeding \$1 billion each to affect New Jersey. These costs do not include many others associated with climate change listed below; and

WHEREAS, total global GDP today is about \$100 trillion and "climate change is on track to cost the global economy \$38 trillion **every year** in damages within the next 25 years;" and

WHEREAS, a 2023 report found that extreme climate events cost the U.S. \$150 billion each year, excluding costs related to loss of life, healthcare, and ecosystem damage. The 2024 catastrophic flooding and destruction caused by Hurricane Helene in western North Carolina alone likely caused at least a record \$53 billion in damages and recovery needs; and

WHEREAS, the effects of climate change on New Jersey municipalities include but are not limited to increases in the costs of property insurance, flooding (including clean ups, property buyouts and prevention), public health care costs (costs from injuries, heat, dealing with vector borne diseases and insurance), repair to critical infrastructure

such as roads, bridges, sewer systems and wastewater management, installing/maintaining air conditioning in schools, costs of dealing with forest fires and resulting property damages, increased costs of water purification from droughts or floods, seawall and other protections against ocean flooding, raising roads to prevent sunny-day flooding, potential lawsuits from residents, loss of tax revenue from destroyed properties, salt water invasion of aquifers, algal blooms, loss of recreation/tourism revenue, dealing with insect and other infestations; and

WHEREAS, more than 50 years ago, scientists at major fossil fuel companies knew of the direct link between fossil fuels and global warming and reported their findings to corporate executives, who chose to deceive the public about climate science, downplay and distort the evidence of climate change, engage in a decades-long campaign against climate action, fund counterfeit science, and manufacture uncertainty with no scientific basis; and

WHEREAS, the top 25 oil and gas 'carbon majors' have continually earned enormous profits and have the ability to pay for their share in damages and remain extremely profitable. Global climate damages from emissions associated with the top 25 oil and gas 'carbon majors' between 1985 and 2018 are estimated at 20 trillion USD compared to the 30 trillion USD they earned over the same period. In 2022 seven carbon majors including Aramco, Exxon Mobil, and Shell earned profits almost twice the estimated damages caused by their emissions that year – 497 billion USD compared to 260 billion USD; and

WHEREAS, oil and gas lobbyists are urging Congress to give fossil fuel companies total legal immunity from any laws or lawsuits that could hold them accountable for their role in the climate crisis; and

WHEREAS, in January of 2026, the American Petroleum Institute announced that killing state climate lawsuits is a top 2026 priority for the oil lobby, last year 16 Republican attorneys general proposed creating a "liability shield" for fossil fuel companies modeled on a 2005 law protecting gun manufacturers from lawsuits, and in February 2026 a house representative announced plans to introduce legislation seeking to stop climate lawsuits and superfund bills."

WHEREAS, the Polluters Pay to Make New Jersey More Affordable Act seeks to hold "responsible parties," which is defined as fossil fuel extractors that conduct business in New Jersey and were responsible more than one billion metric tons of greenhouse gas emissions since 1995, liable for the costs of funding climate change adaptation and resilience projects instead of placing the burden on New Jersey taxpayers; and

WHEREAS, the State Treasurer will be authorized under this Act to determine the cost impacts of these greenhouse gas emissions on the State, including effects on public health, natural resources, biodiversity, agriculture, economic development, flood preparedness and safety, housing, and any other effect that the State Treasurer determines is relevant; and

WHEREAS, a Climate Adaptation, Resiliency, and Affordability Program will be established under this Act by the NJDEP to obtain compensatory payments from Responsible Parties and accept and collect payment from responsible parties and to disburse those funds for "climate change adaptation projects;" to project sponsors of climate change adaptation and resilience projects; and

**MAY 26, 2026
REGULAR/AGENDA
MEETING**

WHEREAS, "climate change adaptation projects" include, but are not limited to: flood protection projects; home buyouts; upgrades of stormwater drainage systems; defensive upgrades to roads, bridges, railroads, and transit systems; preparation for, and recovery from, extreme weather events; preventive health care programs and providing medical care to treat illness or injury caused by the effects of climate change; relocation, elevation, or retrofits of sewage treatment plants and other infrastructure vulnerable to flooding; installation of energy efficient cooling systems and other weatherization and energy efficiency upgrades and retrofits in public and private buildings, including schools and public housing, designed to reduce the public health effects of more frequent heat waves and forest fire smoke; upgrades to the electrical grid to increase stability and resilience, including the creation of self-sufficient microgrids; and response to toxic algae blooms, loss of agricultural topsoil, crop loss, and other climate-driven ecosystem threats to forests, farms, fisheries, and food systems; and

WHEREAS, any municipality in need of climate change adaptation and resilience projects will be able to apply for the funds raised by the Act; and

WHEREAS, the total funds to be recovered under this Act is expected to be \$50 billion over 20 years

WHEREAS, economists agree that the design of the Act would not cause costs to be passed along to consumers because 1) the payments would be based on past pollution and, therefore, not affect today's marginal cost of production; and 2) the price of fossil fuels is based on international market forces; and

WHEREAS, the Act would not preclude municipalities from filing and paying for their own lawsuits in order to obtain payment for damages caused by climate change emissions; and

WHEREAS, the Act will make New Jersey more affordable by not saddling New Jersey taxpayers with the large and rapidly increasing costs of paying for climate damages

THEREFORE, BE IT RESOLVED that the administration and council of Borough of Sayreville, in the interest of protecting its residents, businesses and institutions, as of May 26, 2026, strongly express their support for passage of the Polluters Pay to Make New Jersey More Affordable Act.

BE IT FURTHER RESOLVED, that Borough of Sayreville categorically opposes any legislation, whether in Congress or state legislatures, that attempts to limit or eliminate access to court by preempting existing laws or giving fossil fuel companies immunity from any laws or lawsuits seeking to hold the fossil fuel industry accountable for deceptive conduct and the costs of climate change; and

BE IT FURTHER RESOLVED, that Borough of Sayreville affirmatively supports the rights of cities, counties, tribes and states to bring litigation and legislation seeking to hold the fossil fuel industry accountable for the climate change-driven harms they and their communities are suffering.

BE IT FURTHER RESOLVED, that the Borough of Sayreville Clerk shall forward this Resolution to New Jersey Governor Mikie Sherrill, Commissioner of the NJ Department of Environmental Protection, NJ Senate President Nicholas Scutari, NJ Assembly Speaker Craig Coughlin Polluters Pay to Make New Jersey More Affordable Act, Senate sponsor John McKeon, Polluters Pay to Make New Jersey More Affordable Act Assembly sponsor Alixon Collazos-Gill, NJ State Senate legislator representing Borough

of Sayreville, NJ State Assembly legislators representing Borough of Sayreville, NJ member of Congress representing Borough of Sayreville, Senators Cory Booker and Andy Kim, Food & Water Watch, msmith@fwwatch.org, New Jersey State League of Municipalities, County Commissioners and Administration of Middlesex County

/s/ Stanley Synarski, Councilman
(Water & Sewer/Environmental 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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-133

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear in Contract Change Order No. 1:

- Project: Jerry Ust Recreational Complex project
- Contractor: Precise Construction Inc.
10 Highway 33
Freehold, NJ 07728
- Amount: No Increase in original contract amount.
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED:

1. That the recommendation and approval of said Borough Engineer referred to above and in said Change Order be and the same is hereby accepted and approved:
2. That the Governing Body determines that said charges are proper and essential and that same be paid upon the submission of properly approved borough voucher.

/s/ Alberto Rios, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-134

WHEREAS, Route 9 Associates, LLC t/a Bourbon Street is the holder of plenary retail consumption license number 1219-33-002-008 (the "License"), issued by the Council of the Borough of Sayreville as the Issuing Authority (the "Issuing Authority"), for premises located at 972 Route #9, South Amboy, NJ; and

WHEREAS, an application has been made for the 2026-2027 renewal term of Plenary Retail Consumption License No. 1219-33-002-008; and

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

BE IT FURTHER RESOLVED THAT Plenary Retail Consumption License #1219-33-002-008, Route 9 Associates, LLC t/a Bourbon Street, is hereby renewed for the 2026-2027 license year, subject to the following conditions remaining on the license:

1. Licensee shall require all security staff, except for undercover security staff employed by Licensee, to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block letters stating "SECURITY". This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot to further assist police in identifying security personnel when patrolling or responding to complaints or calls.

2. "Security surveillance videos shall be made available to the Sayreville Police Department within three (3) business days of the Police Department's request for same."

WHEREAS, the Mayor and Council of the Borough of Sayreville deem the above conditions necessary and proper to accomplish the objectives of Title 33 of New Jersey's Revised Statutes;

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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-135

WHEREAS, Sayreville PRII Liquor License II, LLC, is the holder of Plenary Retail Consumption License #**1219-33-004-004**, a **pocket license** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for the **2026-2027 license term**; and

WHEREAS, application for renewal has been made to the Mayor and Borough Council of the Borough of Sayreville for the **2026-2027 licensing term**; and

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

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT Plenary Retail Consumption License Number 1219-33-004-004, Sayreville PRII Liquor License II, LLC (pocket license) is hereby renewed for **the 2026-2027 license year**;

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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-136

WHEREAS, Sayreville Liquor License, LLC, t/a Culo Grosso, is the holder of Plenary Retail Consumption License No. 1219-33-012-010 issued by the Council of the Borough of Sayreville as the Issuing authority for premises located at 1899 Highway No. 35, South Amboy, NJ 08879; and

WHEREAS, application has been made to the Mayor and Borough Council of the Borough of Sayreville for the renewal of Plenary Retail Consumption License No. **1219-33-012-010 Sayreville Liquor License, LLC**; and

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

BE IT FURTHER RESOLVED THAT plenary retail consumption license number 1219-33-012-010, Sayreville Liquor License, LLC is hereby renewed for the 2026-2027 license year, subject to the following conditions as contained in the Settlement Agreement approved by Resolution #2010-140, adopted on June 28, 2010 and remaining on the license:

- Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee's parking lots and outside premises, as well as all residential areas within a five hundred (500') feet radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall

| | |
|--|--|
| MAY 26, 2026 REGULAR/AGENDA MEETING | |
|--|--|

be accomplished by ten o'clock in the morning (10 AM) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all litter, trash and other discarded items as may be generated by and/or associated with the Licensee's operation. To the extent that residents within such five hundred (500') feet radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee's sole cost. This measure is designed to alleviate any problems associated with the accumulation of empty beverage containers, cans, bottles and other debris that result from the operation of the Licensed Premises.

- Licensee shall install soundproofing equipment and/or take any other necessary steps to limit the escape of sound and vibration from the Licensed Premises, sufficient to ensure that no audible sound is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaints received by members of the council pertaining to the Licensed Premises.
- Licensee shall cease all sales of alcohol at 1:30AM and shall cease the playing of all music at 1:30AM. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed premises at the same time, resulting in loitering in and around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area.

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.

(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

RESOLUTION #2026-137

WHEREAS, Marullo 2, LLC, is the holder of Plenary Retail Consumption License No. 1219-33-018-011 (the “Licensee”), issued by the Council of the Borough of Sayreville as the Issuing authority (the ‘Issuing Authority’) for premises located at 1 Haag Street, Sayreville, NJ; and

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

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT Plenary Retail Consumption License Number 1219-33-018-011, Marullo 2, LLC is hereby renewed for the 2026-2027 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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O’Brien, Mayor
Mayor

RESOLUTION #2026-138

WHEREAS, DeJaVu3, LLC, is the holder of Plenary Retail Consumption License No. 1219-33-021-010 issued by the Council of the Borough of Sayreville as the Issuing authority for premises located at 1979 Highway No. 35, South Amboy, NJ 08879; and

WHEREAS, application for renewal has been made to the Mayor and Borough Council of the Borough of Sayreville for the **2026-2027 licensing term**; and

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

BE IT FURTHER RESOLVED THAT plenary retail consumption license number 1219-33-021-010, DeJaVu3, LLC is hereby renewed for the 2026-2027 license year, *subject to the following conditions as contained in Appendix A, attached hereto and made part thereof*

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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

APPENDIX A

CONDITIONS TO REMAIN ON P.R.C.L. # 1219-33-021-010
Deja Vu3, LLC

BE IT FURTHER RESOLVED THAT Plenary Retail Consumption License Number 1219-33-021-010, is renewed to Deja Vu3, LLC, subject to the following conditions remaining on the license:

1. Licensee solely operates this license at the site as a Restaurant with a Bar.
2. The theme of the facility is an Asian/Mexican food driven facility, with the trade name of "Juan Lee" which is indicative of its food theme.
3. Licensee will be permitted to open seven (7) days a week.
4. Licensees hours of operation will be:
 - Sunday through Wednesday from 12:00 Noon to 12:00 A.M. closing.
 - Thursday, Friday and Saturday from 12:00 Noon to 1:00 A.M. closing.
5. The Licensee will only market and use the facility and license as a restaurant and not as a nightclub. There is to be no outside promoters hired and there will be no promotion or marketing of nightlife events.
6. Licensee will ensure alcoholic beverages are only consumed inside the establishment and will strictly enforce a policy that prohibits open containers of alcoholic beverages outside the premises, including but not limited to the sidewalk and in the parking lot.
7. Licensee is to post signage at the EXIT doors stating: NO ALCOHOLIC BEVERAGES ARE PERMITTED BEYOND THIS POINT".
8. Licensee shall install signage inside the Licensed Premises, at or adjacent to the entrance to the premises, which will provide in bold letters "**Illegal Conduct Will Not Be Tolerated**".
9. There will be no dance floor, so therefore, there is to be no equipment or furniture moved or reconfigured to provide for a dance floor surface and no tables and chairs will be removed from the dining area at any point during the hours of operation.

10. There will be no live entertainment permitted, including but not limited to bands, DJ's, dancers, comedy performers, etc.
11. Licensee shall continue to implement and provide valet parking for its patrons on all nights of operation. The Chief of Police may grant a waiver, on occasion, of the valet parking requirement if the Licensee demonstrates, to the reasonable satisfaction of the Chief of Police, that Licensee's level of occupancy on a specific occasion is anticipated to be significantly less than the legal occupancy so as to satisfy the Chief that valet parking will not be necessary on such specific occasion. The granting of any such waiver on one occasion shall not entitle the Licensee to such a waiver on any other occasion, without the approval of the Chief of Police.
12. The above-described valet parking requirement shall remain in effect unless and until a recommendation for other appropriate traffic control procedures, developed by a licensed traffic or civil engineer or consultant at Licensee's expense, is received and approved by the Mayor and Council as a substitute measure.
13. Licensee shall institute a policy and instruct its parking lot attendants and employees to abide by a policy that requires that, when the parking facilities used by the Licensed Premises are at full capacity, any additional cars seeking to enter the parking lots shall be "waved off" by parking lot attendants in order to ensure that traffic jams do not occur but that such traffic continues to move through and out of the area of the Licensed Premises when there are no legal spaces available in the Licensed Premises lots to accommodate additional cars.
14. Licensee shall coordinate with the Police Department to determine whether and how many security employees are required based on the number of patrons expected. All such security personnel, except those acting in an undercover capacity, shall wear clothing that permits ready identification by members of the Sayreville Police Department. Licensee agrees to submit security shirt design to the Police Department.

Jessica Morelos, RMC
Municipal Clerk

RESOLUTION #2026-139

WHEREAS, Bass Pro Outdoor World, LLC, is the holder of Plenary Retail Consumption License No. 1219-33-030-006 (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, application for renewal has been made to the Mayor and Borough Council of the Borough of Sayreville for the **2026-2027 licensing term**; and

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

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT Plenary Retail Consumption License Number **1219-33-030-006, Bass Pro Outdoor World, LLC (pocket license) is hereby renewed for the 2026-2027 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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-140

WHEREAS, Black Betty's Saloon LLC; is the holder of Plenary Retail Consumption License #1219-33-032-006 issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premise located at 6290 Route 35, North, South Amboy, NJ; and

WHEREAS, application has been made to the Mayor and Borough Council of the Borough of Sayreville for the 2026-2027 renewal of Plenary Retail Consumption License No. **1219-33-032-006 Black Betty's Saloon 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. **1219-33-032-006, Black Betty's Saloon LLC**, located at Route 35, South Amboy, NJ, 08879 in the Borough

of Sayreville be and the same is hereby **renewed for the 2026-2027 license term.**

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST: BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O’Brien, Mayor
Mayor

RESOLUTION #2026-141

WHEREAS, Krupa South Amboy, LLC is the holder of Plenary Retail Distribution License #1219-44-035-006 issued by the Mayor and Council of the Borough of Sayreville as the Issuing Authority for premises located at 467 South Pine Avenue, South Amboy, NJ; and

WHEREAS, application has been made to the Mayor and Borough Council of the Borough of Sayreville for the 2026-2027 renewal of Plenary Retail Distribution License No. **1219-44-035-006 Krupa South Amboy, LLC, t/a The Liquor Shed**; 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 Distribution License No. **1219-44-035-006 Krupa South Amboy, LLC, t/a The Liquor Shed**, located at 467 South Pine Avenue, South Amboy, NJ 08879 in the Borough of Sayreville be and the same is hereby **renewed for the 2026-2027 license term.**

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST: BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O’Brien, Mayor
Mayor

RESOLUTION #2026-142

WHEREAS, **Kushal Corporation** is the holder of Plenary Retail Distribution License # 1219-44-042-006 issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 499 Ernston Road, Parlin, NJ; and

WHEREAS, an application has been made for the 2026-2027 renewal term of Plenary Retail Distribution License No., **1219-44-042-006**, held by **Kushal Corporation, t/a Express Liquors**; 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 Distribution License No. **1219-44-042-006 Kushal Corporation, t/a Express Liquors**, located at 499 Ernston Road, Parlin, NJ in the Borough of Sayreville be and the same is hereby **renewed for the 2026-2027 license term.**

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-143

WHEREAS, Facility Concession Services, Inc. is the holder of Plenary Retail Consumption License Number 1219-33-044-008 issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 570 Jernee Mill Road, Sayreville, New Jersey; and

WHEREAS, the Licensee has made application for the renewal of Plenary Retail Consumption License No. 1219-33-044-008 for the **2026-2027 license 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. 1219-33-044-008, Facility Concession Services, Inc. is hereby renewed for the **2026-2027** license term, subject to the following terms and conditions as contained in the Settlement Agreement approved by Resolution #2010-145, adopted on June 28, 2010 and remaining on the license:

a. The licensee shall continue to implement and provide valet parking and or managed or supervised parking for its patrons on all nights of operation. The Chief of Police may grant a waiver, on occasion, of the requirement that valet parking and/or managed or supervised parking be provided, if the licensee demonstrates to the reasonable satisfaction of the Chief of Police, that the licensee's level of occupancy on such special occasion is anticipated to be significantly less than the legal occupancy so as to satisfy the Chief that valet parking will not be necessary on such specific occasion. The granting of any such waiver on one occasion shall not entitle the licensee to such a waiver on any other occasion.

b. The licensee shall institute a policy and instruct its attendants and employees to abide by a policy that requires that, when the parking facilities used by the licensed premises are at full capacity, any additional cars seeking to enter the parking lots shall be "waved off" by parking lot attendants in order to diminish the likelihood that traffic jams occur, and to insure that such traffic continues to move through and out of the area of the licensed premises when there are no legal spaces available in the licensed premises' parking lots to accommodate additional cars.

**MAY 26, 2026
REGULAR/AGENDA
MEETING**

c. The licensee shall strictly enforce a policy that patrons who have been admitted to enter the licensed premises and who subsequently exit the licensed premises will not be permitted to re-enter the licenses premises on the same day/evening. This measure is intended to alleviate the problem of patrons loitering in and around the parking lot during licensee's operating hours and engaging in illegal, disorderly or nuisance causing behaviors.

d. The licensee's security staff shall be required to obtain photo identification cards, prepared by the Sayreville Police Department that must be kept on their persons at all times while employed at or located on the licensee's property. This measure is intended to alleviate difficulties encountered by police investigating complaints on the premises, in which members of the security staff are identified as either potential witnesses or suspects.

e. The licensee shall cause its parking lots and outside premises, as well as all areas within a 200 ft. radius of the licensed premises to be clean of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o'clock in the morning (10:00 am) each day following the hours of operation of the licensed premises, such that the above-described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with licensee's operations.

f. The licensee shall install "zero tolerance" signs inside its premises and at or adjacent to the entry to the premises, containing language indicating that patrons will be prosecuted to the fullest extent of the law for any possession, sale or distributions of any drugs, controlled substance or drug paraphernalia. This is designed to discourage drug activity occurring at or on the licensed premises.

g. The licensee shall cease all sales of alcohol at 1:30 am and shall cease the playing of all music at 1:45 am.

This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the licenses premises at the same time, resulting in loitering around the licensed premises and in the street blocking traffic and inhibiting the dispersal of other patrons from the licensed premises and from the area.

h. The licensee shall install a policy that on nights when patrons ages eighteen years of age (18) through twenty years of age (20) may be admitted to the premises along with patrons aged twenty-one years (21) and over, such patrons over the age of twenty-one years (21) shall be required to wear secure wrist bands of a color differentiated from wrist bands required to be worn by patrons under the age of twenty-one years (21). All such wristbands shall be incapable of being reattached once removed in order to prevent violations of law prohibiting sales of alcohol to persons under twenty-one years of age (21).

i. The licensee shall securely stow all alcoholic beverages and shall not serve any alcohol whatsoever on those occasions that the licensee provides access to teenagers under the legal drinking age at events commonly referred to as "teen nights." During such events, all alcohol shall be removed from the bar areas and secured.

j. The licensee shall require all security staff, except for undercover security staff employed by licensee, to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall included orange shirts with black block letters stating "SECURITY." This

**MAY 26, 2026
REGULAR/AGENDA
MEETING**

measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the licensed premises and in the parking lot to further assist police in identifying personnel when patrolling or responding to complaints or calls.

k. The licensee shall institute a policy of providing security staff in a ratio of one (1) security employee for each fifty (50) patrons, and that such security personnel be stationed in the parking lot area of the premises at all times during the hours of operation to control and supervise the parking lot area, not only with regard to parking, but with regard to the conduct and behavior of the patrons while on the licensed premises. Parking attendants and valet parking staff shall not counts as “security staff” in calculating the proper ratio of security staff to patrons. The ration of one (1) security employee for every fifty (50) patrons is only for those security personnel who are being identified and/or are in uniform. Any undercover personnel the licensee wishes to employ are in addition to the one per fifty patron security ratio. This measure is designed to ensure that the security staff employed by the licensee is sufficient to handle the number of patrons in attendance on a given night so as to constitute a visible, identifiable, and adequate security presence, to discourage unlawful, disorderly, or hazardous activities within the premises and in the parking lot.

l. On promotional nights, licensee will coordinate with the Sayreville Police.

m. On a weekly basis, licensee will deliver in person, mail, or fax a copy of the E-141-A list, commonly known as the employee list, to the Sayreville Police Department. DJ’s, dancers, and other entertainers are to be included as employees, as per ABC rules.

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 ABC
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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O’Brien, Mayor
Mayor

RESOLUTION #2026-144

WHEREAS, PSP Pride Corporation, t/a Last Call, is the holder of Plenary Retail Consumption License #1219-33-045-006 issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 219 Washington Rd., Sayreville, New Jersey (the “Licensed Premises”); and

WHEREAS, the Licensee has made application for the renewal of Plenary Retail Consumption License No. 1219-33-045-006 for the **2026-2027 license term**; and

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

BE IT AND IT IS HEREBY RESOLVED that Plenary Retail Consumption License Number 1219-33-045-006, PSP Pride Corp is hereby **renewed for the 2026-2027 license term**, subject to the following conditions as contained in the Settlement Agreement approved by Resolution #2010-141, adopted on June 28, 2010 and remaining on the license:

- Licensee shall be required to employ at least one individual who is solely responsible for security of the Licensed Premises on Fridays and Saturdays between the hours of 7PM and 2AM or until closing. The Licensee shall require all security staff (except for undercover security staff employed by the Licensee) to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block lettering stating "SECURITY." This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot, to further assist police in identifying security personnel when patrolling or responding to complaints or calls.
- During the period of June 15 through September 15, the Licensee shall be required to employ at least one individual who is solely responsible for security of the Licensed Premises on Fridays and Saturdays between the hours of 9PM and 2AM or until closing. The Licensee shall require all security staff (except for undercover security staff employed by the Licensee) to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block lettering stating "SECURITY." This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot, to further assist police in identifying security personnel when patrolling or responding to complaints or calls.
- Licensee shall be responsible for ensuring that there will be no parking of motorcycles on the sidewalks adjacent to the Licensed Premises.
- A sign shall be prominently displayed to prohibit parking of any vehicles on the sidewalk near the Licensed Premises.
- Licensee shall maintain in good condition security cameras, lighting and there must be more than one (1) employee present at the licensed premises while in operation.

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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-145

WHEREAS, 567 Sayreville, LLC t/a In Town Bar Beer Wine & Liquor is the holder of Plenary Retail Consumption License #1219-33-046-007 issued by the Mayor and Council of the Borough of Sayreville as the Issuing Authority; and

WHEREAS, an application has been made for the 2026-2027 renewal term of Plenary Retail Consumption License No. 1219-33-046-007; and

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

BE IT FURTHER RESOLVED THAT Plenary Retail Consumption License #1219-33-046-007, 567 Sayreville, LLC t/a In Town Bar Beer Wine & Liquor, is hereby renewed for the 2026-2027 license year, subject to the following conditions remaining on the license:

- a) During hours of operation, the windows and doors of the premises are to be kept closed, provided that music, whether it be from a juke box or radio is in use inside the license premises and that the doors to the establishment may be opened and closed to allow ingress and egress;
- (b) At or about the time at which the licensed premises is opened for business in the morning and at or about the time of closing, the licensee shall cause for the property and both sides of Main Street from Boehmhurst Avenue to Marsh Avenue to be cleaned of all discarded liquor bottles, packages, recyclables and such other litter as may have been generated by patrons of the licensed premises; and
- (c) A sign shall be prominently displayed to prohibit parking of any vehicles on the sidewalk near the premises.

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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-146

WHEREAS, 980 Infinity, Inc., t/a Wine Infinity Discount Beer & Spirits, is the holder of Plenary Retail Distribution License #1219-44-047-010 issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 980 Rt. 9 So., South Amboy, NJ; and

WHEREAS, an application has been made for the **2026-2027 renewal** term of Plenary Retail Distribution License No. **1219-44-047-010 980 Infinity, Inc., t/a Wine Infinity Discount Beer & Spirits**; 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 Distribution License No. **1219-44-047-010 980 Infinity, Inc., t/a Wine Infinity Discount Beer & Spirits**, located at 980 Route 9 So., South Amboy, NJ in the Borough of Sayreville be and the same is hereby renewed for the **2026-2027 license term**.

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-147

WHEREAS, Columbian Club, Inc., is the holder of Plenary Retail Consumption License #**1219-33-048-005** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 775 Washington Road, Parlin, NJ 08859; and

WHEREAS, an application has been made for the **2026-2027 renewal** term of Plenary Retail Consumption License No. **1219-33-048-005, Columbian Club, 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. **1219-33-048-005 Columbian Club, Inc.**, located at 775 Washington Road, Parlin, NJ in the Borough of Sayreville be and the same is hereby **renewed for the 2026-2027 license term**.

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

- a) The License is renewed subject to the following conditions, which are part of the Licensee’s requirement as outlined in the Stipulation of Settlement agreement dated August 15, 2006 (to Flamingo Liquor, LLC) and remains part of said license that licensee agrees to operate the licensed premises as a Mexican Restaurant or other type of restaurant where the service of food is the primary use of the licensed premises.

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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O’Brien, Mayor
Mayor

RESOLUTION #2026-150

WHEREAS, Fidelity Funding Corporation, t/a Brass Monkey Pub, is the holder of Plenary Retail Consumption License #**1219-33-055-003** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 4500 Bordentown Avenue, Sayreville, NJ 08872; and

WHEREAS, an application has been made for the **2026-2027 renewal** term of Plenary Retail Consumption License No. **1219-33-055-003, Fidelity Funding Corporation, t/a Brass Monkey Pub**; 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. **1219-33-055-003 Fidelity Funding Corporation, t/a Brass Monkey Pub**, located at Bordentown Avenue, Sayreville, NJ 08872 in the Borough of Sayreville be and the same is hereby renewed for the 2026-2027 license term.

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-151

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 premises located at 777 Washington Road, Parlin, NJ; and

WHEREAS, application for renewal has been made to the Mayor and Borough Council of the Borough of Sayreville for the **2026-2027 licensing term**; and

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

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT Plenary Retail Consumption License Number 1219-33-056-009, Marullo 3, LLC is hereby renewed for the 2026-2027 license year.

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, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-152

WHEREAS, Arirang Hibachi Steakhouse & Sushi Bar, is the holder of Plenary Retail Consumption License #**1219-33-057-009** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 986 Route 9 South, Parlin, NJ 08859; and

WHEREAS, an application has been made for the **2026-2027 renewal** term of Plenary Retail Consumption License No. **1219-33-057-009, Arirang Hibachi Steakhouse & Sushi Bar**; 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 **1219-33-057-009 Arirang Hibachi Steakhouse & Sushi Bar**, located at 986 Rt. 9 So., Parlin, NJ in the Borough of Sayreville be and the same is hereby **renewed for the 2026-2027 license term.**

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-153

WHEREAS, Sayreville Memorial Post 4699 VFW of the United States, Inc., is the holder of Plenary Retail Consumption License #**1219-33-059-004** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 575 Jernee Mill Road, Sayreville, NJ 08872; and

WHEREAS, an application has been made for the **2026-2027 renewal** term of Plenary Retail Consumption License No. **1219-33-059-004, Sayreville Memorial Post 4699 VFW of the United States, 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 **1219-33-059-004 Sayreville Memorial Post 4699 VFW of the United States, Inc.**, located at 575 Jernee Mill Road, Sayreville, NJ 08872 in the Borough of Sayreville be and the same is hereby **renewed for the 2026-2027 license term.**

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-154

WHEREAS, Winecraft NJ, LLC, t/a House of Liquors, is the holder of Plenary Retail Distribution License #**1219-44-061-006** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 2909 Washington Road, Parlin, NJ 08859; and

WHEREAS, an application has been made for the **2026-2027 renewal** term of Plenary Retail Distribution License No. **1219-44-061-006, Winecraft NJ, LLC, t/a House of Liquors**; and

**MAY 26, 2026
REGULAR/AGENDA
MEETING**

WHEREAS, the applicant has complied with all the necessary requirements including the payment of fees in accordance with the State Statute.

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 Distribution License **1219-44-061-006 Winecraft NJ, LLC, t/a House of Liquors**, located at 2909 Washington Road, Parlin, NJ in the Borough of Sayreville be and the same is hereby **renewed for the 2026-2027 license term.**

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-155

WHEREAS, **American Legion Lenape Post #211**, is the holder of Club License #**1219-31-063-001** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 240 MacArthur Avenue, Sayreville, NJ 08872; and

WHEREAS, an application has been made for the **2026-2027 renewal** term of Club License No. **1219-31-063-001, American Legion Lenape Post #211**; 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 Club License **1219-31-063-001 American Legion Lenape Post #211**, located at 240 MacArthur Avenue, Sayreville, NJ 08872 in the Borough of Sayreville be and the same is hereby **renewed for the 2026-2027 license term.**

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-156

WHEREAS, **Columbus Club, Inc.**, is the holder of Plenary Retail Consumption License #**1219-31-064-001** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at **775 Washington Road, Parlin, NJ 08859**; and

**MAY 26, 2026
REGULAR/AGENDA
MEETING**

WHEREAS, an application has been made for the **2026-2027 renewal** term of Plenary Retail Consumption License No. **1219-31-064-001, Columbus Club, Inc.**; and

WHEREAS, the applicant has complied with all the necessary requirements including the payment of fees in accordance with the State Statute.

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 **1219-31-064-001 Columbus Club, Inc.**, located at 775 Washington Road, Parlin, NJ in the Borough of Sayreville be and the same is hereby **renewed for the 2026-2027 license term**.

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-157

WHEREAS, application has been made to the Mayor and Borough Council of the Borough of Sayreville for the renewal of Club License No. **1219-31-065-001 VFW Old Bridge Memorial Post #7508**; and

WHEREAS, the applicant has complied with all the necessary requirements including the payment of fees in accordance with the State Statute.

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 Club License No. **1219-31-065-001, VFW Old Bridge Memorial Post #7508**, located at 17 Bordentown Avenue, Old Bridge, NJ 08857 in the Borough of Sayreville be and the same is hereby renewed for the **2026-2027 license term**.

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-158

WHEREAS, **Sayreville Memorial Post 4699 VFW, Inc.**, is the holder of Club License #**1219-31-066-001** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at **575 Jernee Mill Road, Sayreville, NJ 08872**; and

WHEREAS, an application has been made for the **2026-2027 renewal** term of Club License No. **1219-31-066-001, Sayreville Memorial Post 4699 VFW, Inc.**; and

WHEREAS, the applicant has complied with all the necessary requirements including the payment of fees in accordance with the State Statute.

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

1. That Club License **1219-31-066-001 Sayreville Memorial Post 4699 VFW, Inc.**, located at 575 Jernee Mill Road, Sayreville, NJ 08872 in the Borough of Sayreville be and the same is hereby **renewed for the 2026-2027 license term.**

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-159

WHEREAS, S & F Real Estate Inv. LLC, is the holder of Plenary Retail Consumption License No. 1219-33-020-005 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 **2026-2027 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. **1219-33-020-005 S & F Real Estate Inv. LLC, t/a Sean's Pub N' Grub**, located at 50 Deerfield Road, Parlin, NJ 08859 in the Borough of Sayreville be and the same is hereby renewed for the **2026-2027 license term.**

/s/ Mary J. Novak, Councilman
(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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

RESOLUTION #2026-160

RESOLUTION CALLING UPON THE STATE OF NEW JERSEY, THE NEW JERSEY DEPARTMENT OF THE TREASURY, THE NEW JERSEY LEGISLATURE, HEALTHCARE REGULATORS, INSURANCE CARRIERS,

PHARMACY BENEFIT MANAGERS, AND OTHER APPROPRIATE ENTITIES TO REVIEW AND ENACT MEANINGFUL REFORMS TO ADDRESS UNSUSTAINABLE PUBLIC EMPLOYEE HEALTHCARE COSTS IMPACTING MUNICIPAL AND SCHOOL DISTRICT BUDGETS

WHEREAS, municipalities and school districts throughout New Jersey are experiencing extraordinary increases in employee and retiree healthcare costs; and

WHEREAS, these increases are placing severe pressure on local budgets, property taxpayers, municipal services, school programs, staffing, capital needs, and long-term fiscal stability; and

WHEREAS, the problem affects local governments and school districts regardless of whether they operate through fully insured, self-insured, public, or private healthcare structures; and

WHEREAS, healthcare cost increases continue to outpace revenue growth, state aid, and the ability of local governments and boards of education to absorb them responsibly under existing levy cap restrictions; and

WHEREAS, rising prescription costs, higher claims, administrative expenses, reserve requirements, hospital and provider costs, and overall healthcare inflation are contributing to an increasingly unsustainable financial burden on municipalities, school districts, employees, retirees, and taxpayers alike; and

WHEREAS, employees and their families are also facing growing affordability challenges through increasing contributions, deductibles, co-pays, and out-of-pocket healthcare expenses; and

WHEREAS, local officials are often left with limited control over the underlying drivers behind these escalating costs while still being required to maintain essential public services and balanced budgets; and

WHEREAS, municipalities and boards of education share a common interest in preserving quality healthcare coverage while restoring affordability, transparency, accountability, and long-term financial sustainability; and

WHEREAS, for the above reasons, the Mayor and Borough Council of the Borough of Sayreville are demanding assistance from the State of New Jersey, through its applicable Departments and Divisions, along with all appropriate public and private stakeholders, by undertaking a comprehensive review of the public employee healthcare system and taking the necessary steps to reform same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Borough calls upon the State of New Jersey and all appropriate public and private stakeholders to immediately undertake a comprehensive review of the factors contributing to rising public employee healthcare costs, and to take the necessary steps to enact meaningful reform to address same.

BE IT FURTHER RESOLVED that such review should include, but not be limited to:

1. Prescription drug pricing and pharmacy benefit management practices;
2. Hospital and healthcare network pricing and reimbursement structures;
3. Claims trends, utilization management, and administrative expenses;
4. Reserve practices and financial transparency;
5. Opportunities for shared services, cooperative purchasing, and cost containment reforms; and
6. Legislative and regulatory changes necessary to provide municipalities and school districts with meaningful tools to control healthcare costs while preserving quality coverage.

BE IT FURTHER RESOLVED that the Borough encourages collaboration among all municipalities, boards of education, employee representatives, healthcare professionals, taxpayers, and state leaders to address these issues openly and constructively; and

BE IT FURTHER RESOLVED that while the Borough is doing what it can within its jurisdiction, it urges the Legislature, the Governor’s Office, the Department of Treasury, insurance carriers, pharmacy benefit managers, hospital systems, healthcare networks, and all relevant decision-makers to engage in meaningful discussions regarding long-term healthcare affordability and sustainability on a State-wide level before these escalating costs further impact local budgets and taxpayers; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Governor of the State of New Jersey, the Senate President, the Speaker of the General Assembly, the State Treasurer, the New Jersey League of Municipalities, the New Jersey School Boards Association, the Middlesex County legislative delegation, the Sayreville Board of Education, and all Middlesex County municipalities and school districts.

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

/s/ John Zebrowski, Councilman
(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.

/s/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O’Brien, Mayor
Mayor

RESOLUTION #2026-161

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE SETTLEMENT AGREEMENT BETWEEN ANGELA MOAT AND THE BOROUGH OF SAYREVILLE

WHEREAS, the Borough of Sayreville, Borough Police Department, and Chief Daniel Plumacker are involved in litigation filed by Lieutenant Angela Moat entitled Moat v. Borough of Sayreville, et al., Docket No. MID-L-6143-23, in the Superior Court of New Jersey (the “Litigation”); and

WHEREAS, based on the recommendation of legal counsel, the parties have reached a settlement in the Litigation, and a Settlement Agreement has been negotiated and prepared.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Borough is hereby authorized to enter into the settlement of the Litigation, pursuant to the terms and conditions set forth in the Settlement Agreement, and Mayor Kennedy O’Brien and the Borough Clerk are hereby authorized and directed to execute the Settlement Agreement .

BE IT FURTHER RESOLVED that the appropriate Borough officials and professionals are authorized to take all required actions to effectuate the authorizations in this Resolution and comply with the terms of the Settlement Agreement.

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

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

| | |
|--|--|
| MAY 26, 2026 REGULAR/AGENDA MEETING | |
|--|--|

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/ Joseph Sordillo, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor
Mayor

CORRESPONDENCE:

- A. Departmental Reports for April, 2026.
- B. Minutes from Boards/Commissions:
 - 1. Cultural Arts Council – March 5, 2026 and April 2, 2026.
 - 2. Recreation Advisory Board – March 5, 2026.
 - 3. Rent Leveling Board – May 12, 2026.
 - 4. Human Releations Commission – April 30, 2026.
 - 5. Planning Board – April 15, 2026
- C. Retirement/Resignations received from the following:
 - 1. Ernest Morgan from Plumbing Sub-code Official effective June 1, 2026.
 - 2. Corey Ransom from Laborer 1 in the Water Dept. effective May 29, 2026.
- D. Notice of Public Hearing:
 - 1. Notice of Public Hearing to be held before the Sayreville Zoning Board of Adjustment on May 27, 2026 at 7:30pm for a proposed one family home at 30 Boehmhurst Avenue.
 - 2. Notice of Public Hearing to be held before the Sayreville Zoning Board of Adjustment on June 24, 2026 at 7:30pm for a proposed 12'x16' shed at 27 Adam Blvd.
 - 3. Notice of Virtual Public Hearing to be held before the Middlesex County Board of County Commissioners on May 27, 2026 at 6:30pm to amend the inclusion in the Middlesex County Solid Waste Management Plan of the Medical Waste Facility to increase the capacity to 290 tons/day.

Councilman Zebrowski made a motion to accept the correspondence. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Zebrowski, Blemur, Colaci, Novak, Rios, Synarski, all Ayes.

- **MAYOR & COUNCIL REPORTS**
 - **ADMINISTRATIVE & FINANCE – Councilwoman Novak**
 - 1) Still working on the budget and working to reduce it some more.
 - 2) Commented on the management specialist salary guide issue.
 - **PUBLIC SAFETY – Councilman Blemur**
 - 1) Commented on events/initiatives that Public Safety participated in.
 - 2) Commented on the regulations regarding ebikes that will take effect July 2026.
 - 3) Camp Willabees will be held June 29-July 1 at the Police Department.
 - 4) Morgan Fire will celebrate 100th anniversary on August 1st.
 - 5) Registration for the Juvenile Police Academy opened on May 1st.

Council President Zebrowski made a motion for a referendum to increase LOSAP. Seconded by Councilman Colaci.

Roll Call: Councilpersons Zebrowski, Blemur, Colaci, Novak, Rios, Synarski, All Ayes.

| | |
|--|--|
| MAY 26, 2026 REGULAR/AGENDA MEETING | |
|--|--|

➤ **PUBLIC WORKS – Councilman Rios**

- 1) Recognized Public Work’s Week and thanked them for all they do.
- 2) Commented on the Memorial Day parade.
- 3) Large number of co calls have increased caused by the bad batteries in the detectors and reminded everyone to check their alarms.
- 4) Michael Jackson show is this Saturday at Kennedy Park.

➤ **RECREATION – Councilman Colaci**

- 1) Reported on events/programs at the Active Adult Center and Recreation Dept.
- 2) Early voting starts May 26th.
- 3) Farmer’s Market continues each Thursday.

➤ **WATER & SEWER/ENVIRONMENTAL – Councilman Synarski**

- 1) Still working on a Duhernal cleanup this summer.
- 2) Community garden is moving along.

➤ **PLANNING & ZONING – Councilman Zebrowski**

- 1) SERA passed a resolution requesting the Middlesex County Dept. of Transportation conduct a review of their current Main Street widening program near the Main Street Extension. He requested the Borough Engineer work with the SERA Engineer to move this along.
- 2) Congratulated Stanley Drwal on graduating from West Point 50 years ago.

Councilman Synarski stated that the light by Crossman Road needs to be looked at. He stated that would alleviate a lot of traffic on Main Street.

Borough Engineer Cornell stated that the county has a project to replace and upgrade that traffic signal in the works.

Councilwoman Novak requested the light at Sayreville Blvd. be looked at too.

➤ **MAYOR – Kennedy O’Brien**

- 1) Requested the Borough Attorney explain the budget voting rules. Borough Attorney Sordillo stated that the council adopts the budget. He stated that the Mayor can’t vote even if it is a tie. Borough Attorney Sordillo stated that the budget needs to be adopted by April 30th by law. He explained the budget process. The Director of Local Government Services at some point can issue an order requiring a municipality adopt a budget by a certain date and if they do not then can be subject to fines up to \$100/day.

● **GENERAL DISCUSSION AGENDA ITEMS**

- Admin. & Finance

- 1) Application for Social Affair Permit received from the following:
 - a) Morgan Hose & Chemical Co. No. 1 to serve beer and wine at their 100th Anniversary Celebration on August 1st from 12:00pm – 6:00pm at Burke’s Park. - Approved.

- Planning & Zoning

- Public Safety

- 1) Coin toss request for the corner of Washington & Ernston Road received from the following:
 - a) SBC Riverdogs 12U Grey on June 13th & 14th.

- Approved.

- 2) Authorization to award a contract to Magic Touch Construction Company, Inc. of Keyport, NJ through MOESC Co-op #289MOESC24-58 Plumbing; 26-13 Renewal 25-27 Holding Cell Maintenance and Improvements in an amount not to exceed \$226,394.52.

- Resolution.

- 3) Memorializing an Emergency Purchase of a replacement UPS for the Raritan Avenue radio tower from SHI International Corp. of Somerset, NJ through Bergen County Co-op BC-Bid 24-38 Computer Equipment and Peripherals in an amount not to exceed \$21,341.21.

- Resolution.

- 4) Application for membership as a Firefighter received from the following:
 - a) Oskar Kozikowski accepted by Engine Co. #1 at their May 8, 2026 meeting.

- Approved.

- Public Works

- 1) Authorization to increase the contract rate for GK Landscaping to \$103,166.44 in accordance with N.J.S.A. 40A:11-15.

- Resolution.

- 2) Authorization to award a contract to LBJ Interior Solutions, LLC of Eatontown, NJ through ESCNJ Contract #65MCESCCPS #23/24-14 to repair and replace flooring in the Department of Public Works and Senior Center in an amount not to exceed \$47,333.05.

- Approved.

- 3) Authorization to purchase a sweeper from MTE Equipment Solutions, Inc. of New Milford, CT through ESCNJ Contract #22/23-12 in an amount not to exceed \$51,923.20.

- Approved.

- 4) Authorization to award a non-fair and open contract to EMR Power Systems, LLC of Trenton, NJ for generator maintenance in an amount not to exceed \$35,379.87.

- Approved.

- Recreation

- 1) Request received from Masjid Sadar to have all fees waived their Prayer Service on May 27, 2026.
Borough Clerk Morelos stated as of right now we don't know where they are holding this prayer service.
Councilman Blemur responded at Kennedy Park.
Borough Clerk Morelos stated that they didn't supply the required payment and documents in order for it to be held at Kennedy Park.
Mayor questioned if there has been any precedent for waiver of fees for religious organizations.
Borough Clerk Morelos stated they have always paid \$1,000 to rent Kennedy Park. She stated that no fees are waived when the Board of Education uses Burke's Park. Borough Clerk Morelos stated only fees that were waived were for St. Stan's for the special event fee and rental of stages. She stated everything is held on those religious organizations' properties.
Further discussion ensued.
No action taken.

- Water & Sewer/Environmental

➤ **Business Administrator – Glenn Skarzynski**

- 1) Needs authorization to have the engineer and architect prepare proposals for the Old Firehouse.
No objections.

➤ **C.F.O. – Danielle Maiorana**

➤ **BOROUGH ENGINEER - Jay Cornell**

1) Golden Age Development Group LLC (Regents Wharf) – Bond Release Request (Report Attached).

- Resolution.

2) 2026 Well Maintenance and Redevelopment Services – Receipt of Bids (Verbal Report).

- Resolution.

➤ **BOROUGH ATTORNEY – Joseph Sordillo**

• **PUBLIC PORTION**

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

Those commenting were:

- Gisele Schiavone, 1 Ridge Avenue

Ms. Schiavone stated that a ban of 18 months on data centers is not enough and should be for about 5 years.

- Judy Lahrman, 146 Pulaski Avenue

Ms. Lahrman commented on data centers. She stated the noise being heard from data centers could be from the backup generators. Ms. Lahrman stated she may be able to arrange for some tours or information could help make a better decision. She stated she would not want them to get a pilot.

Councilman Blemur stated a half solution would be to give the residents solar power. He said another issue is how to keep them cool.

Ms. Lahrman suggested that everyone get educated on them.

- Susan Mikaitis, Food & Water Watch

Ms. Mikaitis thanked the governing body for passing the resolution making polluters pay.

- Ken Olchaskey

Mr. Olchaskey stated 18 months is not enough time to research data centers. He commented on the lack of trust and creditability.

- Bob Egan, Elizabeth St.

Mr. Egan stated that the town does need ratables. He stated that the industries in town a long time ago employed the residents and with data centers that will not happen. Mr. Egan questioned the high voltage utility poles going up on Minnisink Avenue.

Business Administrator Skarzynski responded that JCP&L is putting a new line to their grid that would triple the capacity of the current line.

No further comments.

Councilwoman Novak made a motion to close the Public Portion. Seconded by Councilman Colaci.

Roll Call: Voice Vote, all Ayes.

Mayor spoke on a conversation he had with a representative from DuPont regarding jobs and manufacturing in New Jersey. He recounted the industrial centers in Sayreville that have closed their doors over the years and that Sayreville is in a transition period. The Mayor stated it is the job of the governing body to reinvent the town and whether or not that includes data centers. He commented on the age of the schools in town, the need for their repair and/or replacement in the future and the need for the governing body to find other solutions other than the backs of the taxpayers, specifically PILOTS. The

| | |
|--|--|
| MAY 26, 2026 REGULAR/AGENDA MEETING | |
|--|--|

Mayor said he is looking to have a profitable Sayreville that doesn't choke the homeowner. He spoke on why taxes are going up. He said the eighteen month moratorium on data centers is a good thing to allow for everyone to gather their information and ask questions without working off of emotion and that the eighteen months can always be extended. He spoke on Jupiter Power when they were initially coming town and the concerns that were had and how the town officials handled them at that time. He spoke on change, the future and the legacy he wants to leave.

- **ADJOURNMENT**

No further business Councilwoman Novak made a motion to adjourn. Seconded by Councilman Blemur.

Roll Call: Voice Vote, all Ayes.

Time 8:51 P.M.

Jessica Morelos, RMC
Municipal Clerk

Date Approved: _____