

Combined Meeting of the Mayor and Borough Council held on Monday, April 8, 2013, in the Borough Hall, 167 Main Street, Sayreville, was called to order by Council Mayor Kennedy O'Brien at 7:00 P.M. followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Farbaniec announced that this combined meeting of the Mayor and Council, has been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune, notifying the Star Ledger and the Sentinel Publishing Co., posting on the bulletin board, and filing with her office.

- **ROLL CALL:**

Present: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez Novak (was excused from the meeting at 7:20, following Closed session).

Absent: None

Others Present: Mayor Kennedy O'Brien,
Business Administrator Daniel Frankel
CFO/Treasurer Wayne Kronowski
Municipal Clerk Theresa Farbaniec
Borough Engineer Jay Cornell
Borough Attorney Michael DuPont, Esq.

Absent: None

- **EXECUTIVE SESSION ITEMS**

Mayor announced that they would be adjourning to closed session.

Borough Attorney read the following Resolution into record:

RESOLUTION FOR CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 5 minutes to discuss the following matters:

Personnel & Litigation

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

NOW, THEREFORE BE IT RESOLVED that the public be excluded and this resolution shall take effect immediately.

/s/ Dan Buchanan, Council President

APPROVED:

/s/ Kennedy O'Brien
Mayor

Councilman Buchanan moved the Executive Session Resolution be adopted on Roll Call Vote. Seconded by Councilman Henry.

Roll Call: Voice vote, all Ayes. Carried.

Time: 7:02 PM

- **RECONVENE**

Councilman Buchanan moved to reconvene the meeting. Motion was seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

Time: 7:20 P.M.

- **PRESENTATIONS**

- Sayreville Board of Education Budget Presentation

Mayor O'Brien stated that the School Board Election has been moved and will now be combined with the General Election in November so the Board of Education is here as a courtesy to give the governing body and residents this presentation.

Mayor introduced Dr. Frank Alfano, School Board Superintendent who presented the School Board Budget Presentation:

Following the presentation the Mayor asked if there were any questions from the governing body.

Councilman Henry asked Superintendent Alfano if the borough would be able to use their facilities for the cable access channel.

Response by Dr. Alfano and Business Admin./Secretary Mr. D'Andrea that this has been in the works for quite some time and an agreement is still being worked on to attain a cohesive program for both sides.

Councilman Henry asked if the School Board would be getting any reimbursement from FEMA due to storm losses.

Mr. D'Andrea responded that they filed for everything they possible could. Insurance, FEMA and State for displaced children and are still waiting to hear back.

Councilman Melendez questioned the I-Pads.

Superintendent Alfano said the infrastructure improvements were made last year and these are instructional I-Pads for the students.

Mayor asked the Superintendent to inform them what percent of students go on to higher education after high school and how many students are involved in activities after school.

Dr. Alfano said that 45% attend a 4 yr college, 44% go on to a 2 yr. college and a percent go to the military with 75% involvement in after school activities.

Mayor said that they are to be commended.

No further questions. Mayor thanked Dr. Alfano and the members of the Board of Education for the presentation.

The presentation concluded and Dr. Alfano thanked the governing body.

Mayor called for the next order of Business.

- **APPROVAL OF PREVIOUS COUNCIL MEETING MINUTES**

Council President Buchanan made a motion to approve the following minutes of the Mayor and Council, subject to correction if necessary:

- ✍ February 25, 2013 - Combined Meeting
- ✍ February 25, 2013 - Executive Session
- ✍ March 5, 2013 - Receipt of Bids (Melrose Firehouse Parking Lot Improvements)
- ✍ March 11, 2013 - Combined Meeting

Motion seconded by Councilman Henry.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, all Ayes. Carried.

- **PROCLAMATION**

- **Proclaiming the month of April, 2013 as Child Abuse Prevention and Awareness Month**

P R O C L A M A T I O N

WHEREAS, the maltreatment, abuse and neglect of children is a significant social problem that damages children physically, mentally and emotionally and inflicts immeasurable harm on society as a whole and all children deserve to be nurtured, protected and free from physical or emotional harm; and

WHEREAS, the State of New Jersey and the Department of Children and Families believe that strong, healthy families are the best place to raise children; and

WHEREAS, the State of New Jersey is committed to building a continuum of community-based child abuse prevention and intervention programs that are culturally competent, strength-based and family-centered and that achieve positive outcomes for parenting and family relationships as well as the empowerment of domestic violence victims and their children; and

WHEREAS, the New Jersey Department of Children and Families embraces the Standards for Prevention Programs developed by the New Jersey Task Force on Child Abuse and Neglect; and

WHEREAS, all sectors of the community, including law enforcement, medical professionals, schools, courts and media outlets, as well as numerous public and private agencies, have joined forces to promote public awareness and community involvement in strengthening families during the month of April and continuing throughout the year.

NOW, THEREFORE, I, Kennedy O'Brien, Mayor of the Borough of Sayreville, do hereby proclaim the month of April 2013 as **CHILD ABUSE PREVENTION AND AWARENESS MONTH** in the Borough of Sayreville and urge our residents to become involved in efforts aimed at strengthening families and communities and preventing our children from being abused and neglected.

IN WITNESS WHEREOF, I have caused this Proclamation to be issued and the official seal of the Borough duly affixed this 8th day of April, 2013 and the same duly attested by the Municipal Clerk.

 /s/ Kennedy O'Brien
Mayor

Attest:

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

- **OLD BUSINESS**

a) Municipal Clerk Farbaniec reported that she received a letter informing the for the governing body that at the March 20, 2013 Planning Board meeting the Planning Board reviewed Ordinance #213-13 and 214-13 which are listed for Public Hearing and adoption tonight and found no inconsistencies with the Master Plan and further recommends that these ordinances be further adopted by the Mayor and Council.

b) Public Hearing on the following Ordinance(s):

Municipal Clerk read the heading and the Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #213-13**.

There were no appearances.

Councilman McGill moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Henry.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes. Carried.

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXVI, LAND DEVELOPMENT, OF THE GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE
OF NEW JERSEY, CONCERNING GENERAL DEVELOPMENT PLANS,
PLANNED DEVELOPMENTS AND RELATED DEFINITIONS**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Legislature has authorized municipalities to make, amend, repeal and enforce ordinances for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as necessary to carry into effect the powers and duties conferred and imposed by law; and

WHEREAS, the Borough of Sayreville desires to supplement and amend its Land Development ordinances with respect to provisions governing general development plans, planned development and related definitions.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. Chapter XXVI, Land Development, Article I: General Provisions, Section 26-6, Definitions, of the Revised General Ordinances of the Borough of Sayreville be and is hereby amended and supplemented to add the following definition (insertions are indicated by double underlining thus):

PLANNED COMMERCIAL DEVELOPMENT (PCD) – An area with a minimum contiguous or noncontiguous acreage of one hundred (100) acres to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses as may be permitted by this ordinance or by an applicable redevelopment plan. Where a project or project component could fall within the definition of a planned commercial development and also either a planned unit development (PUD) or a planned unit residential development (PRD), it shall be deemed to be a planned commercial development in its entirety.

Section 2. Chapter XXVI, Land Development, Article III: Application Requirements and Development Procedures, Section 26-71, General Development Plan, of the Revised General Ordinances of the Borough of Sayreville be and is hereby amended and supplemented to read as follows (insertions are indicated by double underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~):

26-71 GENERAL DEVELOPMENT PLANS; APPROVAL OF PLANNED DEVELOPMENT.

26-71.1 General.

- a. A general development plan (GDP) is defined as a comprehensive plan for the development of a planned development. [~~A GDP may only be submitted for a parcel of land greater than one hundred (100) acres in size.~~]
- b. Any developer of a parcel of land greater than 100 acres in size for which the developer is seeking approval of a planned development may submit a general development plan to the Planning Board prior to the granting of preliminary approval of that development by the Planning Board pursuant to Section 26-68.
- c. Approval of a general development plan [GDP], which specifies land use types, density ranges and other pertinent site data for the entire tract, confers upon the applicant and the Borough such rights as set forth in N.J.S.A. 40:55D-45.1 [49] for a period of up to twenty (20) years with the following provisions:
 1. The approved general development plan [GDP] shall not be changed with regard to the maximum total dwelling units, density ranges and uses, unless approved by the Planning Board in accordance with subsection 26-71.4.

2. The general location and specifications for the approved major collector roads shall not be changed, unless approved by the Planning Board in accordance with subsection 26-71.4.
3. The general development plan [GDP] shall set forth the permitted number of dwelling units, the amount of non-residential floor space, the residential density and the non-residential floor area ratio for the planned development, in its entirety, according to a schedule which sets forth the timing of the various sections of the development, prototypical concept plans of each housing type and site constraints. Except as otherwise provided for by the Municipal Land Use Law or any statute, regulation or ordinance adopted pursuant thereto, following the effective date of the approval, the planned development shall be developed in accordance with the general development plan approved by the Planning Board.
4. The term of the effect of the general development plan [GDP] approval shall be determined by the Planning Board using the guidelines set forth in subsection 5.[e.] of this section [N.J.S.A. 40:55D-49], except that the term of the effect of the approval shall not exceed twenty (20) years from the date upon which the developer receives final approval of the first section of the planned development pursuant to the Municipal Land Use Law.
5. In making its determination regarding the duration of the effect of approval of the general development plan [GDP], the Planning Board shall consider: the number of dwelling units or amount of non-residential floor area to be constructed; prevailing economic conditions; the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developer's capability of completing the proposed development; the contents of the general development plan [GDP] and any conditions which the Planning Board attaches to the approval thereof.
6. The Planning Board shall grant or deny general development plan approval within 95 days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute general development plan approval of the planned development.
7. If a general development plan requires any relief pursuant to N.J.S.A. 40:55D-70.c. or N.J.S.A. 40:55D-51, the applicant may at its election apply for and obtain such relief as part of its application for general development plan approval or as part of any subsequent application for preliminary or final site plan or subdivision approval.
8. Within an "area in need of redevelopment" designated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the designated redeveloper may at its option utilize the general development plan process as set forth in this ordinance for approval of a "planned commercial development." Upon approval of a general development plan, the redeveloper shall be vested with the benefits and burdened with the obligations applicable to general development plans pursuant to N.J.S.A. 40:55D-45 through N.J.S.A. 40:55D-45.8 and this ordinance. Redeveloper may, following approval of a general development plan and in accordance with the review and approval procedures applicable to the initial approval of the general development plan, amend such general development plan to encompass additional adjoining area for which it is or becomes the designated redeveloper but which was not included in the initial general development plan.

26-71.2 Submission Requirements.

All PUD/PRD applications shall be considered as a simultaneous application for major site plan and subdivision approval. An application for a planned commercial

development, including any component elements which if standing alone would otherwise constitute a PUD/PRD, may be approved by way of a general development plan filed prior to the granting of an application for preliminary major site plan or subdivision approval. Such applications may, at the applicant's election, be filed concurrently or consecutively. Eighteen (18) sets of the following information shall be submitted with the general development plan [GDP] application. The information need not be shown on separate sheets, but may be combined at the applicant's discretion. PUD/PRD applications shall in addition comply with the applicable checklists for major site plan and subdivision approval. For applications which constitute or are a component of a planned commercial development, the following shall serve as the application checklist, and the Planning Board may grant submission waivers in the same manner as from any other checklist requirement.

- a. *Title Sheet.* A title sheet containing the following information:
 1. Name of project;
 2. Existing lot and block numbers of the project site;
 3. Name and address of the owner;
 4. Name and address of applicant;
 5. Key map showing the entire tract and its relationship to the surrounding area, at a scale of one (1") inch equals two thousand (2,000') feet;
 6. Date of the original submission and each subsequent revision thereof;
 7. Total tract area;
 8. Approval signatures for:
 - a. Chairperson,
 - b. Secretary, and
 - c. Board Engineer;
 9. Name, address and telephone number of the professional(s) preparing the submission.

- b. *Project Information Required.* A general land use plan at a scale of one (1") inch equals two hundred (200') feet ~~[indicating]~~ which shall show:
 1. The [the] tract area and general locations of the land uses to be included in the planned development.
 2. The total number of dwelling units and amount of non-residential floor area to be provided and proposed land area to be devoted to residential and non-residential use[~~shall be set forth~~].
 3. [~~In addition, the~~] The proposed types of non-residential uses to be included in the planned development[~~shall be set forth~~], and the estimated land area to be occupied by each proposed use[~~shall be estimated~~].
 4. The density and intensity of use of the entire planned development shall be set forth, and a residential density and a non-residential floor area ratio shall be provided.
 5. Existing structures, existing uses and existing streets.
 6. The number of existing and proposed parking spaces.

- c. *Circulation Plan.* A circulation plan prepared at a scale of not smaller than one (1") inch equals two (200') feet, which circulation plan shall show:

1. The general location of all existing and proposed collector streets;
 2. The general location of non-vehicular pathways;
 3. Proposed improvements to the existing transportation system outside of the planned development, including but not necessarily limited to bus stops (if any).
 4. The circulation plan shall be accompanied by a traffic impact report which describes the anticipated traffic impacts of the proposed project along with a computerized model and report that demonstrates that the improvements proposed are safe and efficient for handling traffic volumes to, through and from the site. The report should also contain a traffic improvements phasing plan that ties each element of the project to necessary improvements and timing of same.
- d. *Utility Plan.* A utility plan prepared at a scale of not smaller than one (1") inch equals two hundred (200') feet. The utility plan shall show:
1. The general location, need for and extent of existing and proposed major sanitary sewerage and water distribution lines and other related facilities.
 - ~~2. The general location of pump stations, if required.]~~
 2. An engineer's report for wastewater estimating all projected flows from the development and contributory areas and a plan demonstrating how the flows can be safely and efficiently conveyed to the treatment facilities in accordance with municipal requirements including location, sizing of all major sewers, pump stations, meter chambers and other required facilities.
 3. An engineer's report for potable water facilities estimating all water demands and fire flows and preliminary models of water distribution system to demonstrate that the development can be safely and efficiently provided with potable water and can deliver necessary fire flows and identifying pipe sizes and, if needed to service the site, pumping stations and storage facilities.
 4. Any drainage facilities necessitated by the physical characteristics of the site.
 - 5.~~3.]~~ A plan identifying the entity responsible for the operation and maintenance of the proposed utilities.
- e. *Drainage Plan.* A drainage ~~[utility]~~ plan prepared at a scale of not smaller than one (1") inch equals two hundred (200') feet.~~[.]~~ The ~~[the]~~ drainage plan shall contain:
1. A storm water management plan setting forth the proposed method of controlling and managing storm water on the site, including the general location and extent of existing and proposed storm water distribution lines.~~[.]~~
 2. The size in acres of the drainage area.~~[.]~~
 3. Preliminary estimates of the volume of runoff from each development area.~~[.]~~
 4. The general location and size of detention and/or retention basins.
 5. Preliminary sizing of all storm sewers that are required to service more than one section of the development or any tributary area greater than 20 acres in accordance with Borough standards and associated

calculations and a basis of design report demonstrating compliance with Borough requirements.

6.[5.] The drainage plan shall be accompanied by a report demonstrating that the stormwater basins are adequately sized to accommodate the proposed development.

- f. *Open Space Plan.* An open space plan prepared at a scale of not smaller than one (1") inch equals two hundred (200') feet. The open space plan shall indicate:
1. The general location and size of open space areas, parks and any other land areas to be set aside for conservation and recreational purposes together with a general description of proposed improvements;
 2. A plan identifying the entity responsible for the operation and maintenance of the proposed parks and recreational lands.
- g. In the case of a planned development whose construction is contemplated over a period of years, the general development plan [GDP] shall contain a proposed phasing plan which shall entail the proposed implementation, construction and completion of each phase or element of the proposed development, including timing of amenities and infrastructure, and any terms or conditions which are intended to protect the interests of the public and the residents who occupy any section of the planned development prior to the completion of the development in its entirety.
- h. An environmental inventory and assessment, including a general description of the vegetation, soils, topography, geology, surface hydrology, wetlands delineation, climate and cultural resources of the site, existing man-made structures or features and the probable [probably] impact of the development on the environmental attributes of the site and surroundings.
- i. A community facility plan indicating the scope and type of supporting community facilities, which may include but need not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations.
- j. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to the Fair Housing [and Equal Opportunity] Act (N.J.S.A. 52:27D-301 *et seq.*) [~~(42 U.S.C. §3601)~~], will be fulfilled by the development.
- k. A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable television and the location of and proposed methods of handling solid waste disposal.
- l. A fiscal impact report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by the municipality and/or school district as a result of the completion of the planned development. The fiscal impact report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the schedule provided under subsection g. of this section, and following the completion of the planned development in its entirety.

26-71.3 Required Findings for Approval of a Planned Development.

Prior to approval of a planned development the Planning Board shall find the following facts and conclusions:

- a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the ordinance standards applicable to planned developments as set forth in this ordinance, or

to an applicable redevelopment plan, or can be approved by way of the grant of variance relief;

- b. That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;
- c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
- e. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

26-71.4 Modification of the General Development Plan.

- a. Except as provided hereunder, following approval of the general development plan [GDP], should the developer wish to make any variation in the location of land uses within the planned development, or increase the density of residential development, or increase the floor area ratio of non-residential development in any section of the planned development, the developer shall be required to gain Planning Board approval.
- b. Any variation in the location of land uses or increase in density or floor area ratio which is proposed in reaction to a decision of, or condition of development approval imposed by, the New Jersey Department of Environmental Protection (the NJDEP) shall be approved by the Planning Board if the developer can demonstrate to the satisfaction of the Planning Board, that the variation being proposed is a direct result of such determination by the NJDEP.
- c. Except as provided hereunder, following approval of a general development plan [GDP], should the developer seek to amend or revise the plan, the developer must make application to the Planning Board for review of any said amendment or revision. No amendment or revision of the general development plan [GDP] will be permitted unless approved by the Planning Board.
- d. A developer, in undertaking any section or stage of the planned development, may, without violating the terms of the approval pursuant to this chapter, reduce the number of residential units or the amount of non-residential floor space by no more than fifteen (15%) percent, or may reduce the residential density or non-residential floor area ratio by no more than fifteen (15%) percent; provided, however, that a developer may not reduce the number of residential units to be provided pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) without prior municipal approval.
- e. Modification of schedule. In the event that the developer seeks to modify the proposed schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the municipality and the region, and the availability and capacity of public facilities to accommodate the proposed development. Where such modifications to the project schedule pertain to an approved general development plan involving property within an "area in need of redevelopment" designated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the developer shall (i) first obtain the approval of the Sayreville Economic and Redevelopment Agency, if and to the extent required by an applicable redevelopment agreement, for such modifications, and (ii) provide notice to the Sayreville Economic and Redevelopment Agency of the Planning Board's approval of such modifications.

f. Within a planned development, the Planning Board may permit minimal deviations from an approved general development plan and any applicable conditions, where necessitated by change of circumstances beyond the control of the developer occurring since the date of general development plan approval, without the developer being required to submit an application for formal amendment of such approved general development plan. Where such minimal deviations are permitted with respect to an approved general development plan involving property within an “area in need of redevelopment” designated in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the developer shall (i) first obtain the approval of the Sayreville Economic and Redevelopment Agency, if and to the extent required by an applicable redevelopment agreement, for such minimal deviations, or (ii) where such approval is not required, provide notice to the Sayreville Economic and Redevelopment Agency of such minimal deviations.

26-71.5[4] Enforcement and Modification of Planned Unit Developments [General Development Plans].

To further the mutual interest of the public, the residents and the owners of the planned unit development, in preserving the integrity of the approved plans, and to secure that modification in the plans, if any, shall not impair the reasonable reliance of the public, the residents or the owners upon the provisions of the plan, and to further assure that modification in the plans will not result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether said provisions are recorded by plat, covenant, easement or otherwise, shall be subject to the following provisions which shall not apply to a PUD which is or could be a component of a PCD:

- a. *Enforcement by the Borough.* The provisions of the plans relating to (1) the use of the land and the use, bulk and location of the buildings and structures, (2) the quality of use or the density of residential units, shall run in favor of the Borough and shall be enforceable in law or in equity by the Borough without limitation on any powers or regulations otherwise granted to the Borough by law.
- b. *Enforcement by the Residents and Owners.* All provisions of the plans shall run in favor of the residents and owners of the planned unit development, but only to the extent expressly provided in the plans and in accordance with the terms of the plans, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents and owners, acting individually, jointly or through an organization designated in the plans to act on their behalf. However, no provisions of the plans shall be implied to exist in favor of residents and owners of the planned unit development except those portions of the plans which have been finally approved and recorded.
- c. *Modification of the Plan by the Borough.* All those provisions of the plans authorized to be enforced by the Borough under paragraph a. above, may be modified, removed or released by the Borough (except grants or easements relating to the service or equipment of a public utility) subject to the following conditions:
 1. No such modification, removal or release of the provisions of the plans by the Borough shall affect the rights of the residents and owners of the planned unit developments to maintain and enforce those provisions, at law or equity, as provided in above.
 2. No modification, removal or release of the provisions of a plan by the Borough shall be permitted except upon a finding by the Planning Board following a public hearing called and held in accordance with law, wherein the Planning Board determines that the same is not granted solely to confer a special benefit upon any person, is consistent with the efficient development and preservation, does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development nor does the same adversely affect the public interest.

- d. *Modification by the Residents.* Residents and owners of a planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Borough to enforce the provisions of the plan.

26-71.6 [e-] General Development Plan Completion.

- a.~~[1.]~~ Upon completion of each section of the development as set forth in the approved schedule of development of the general development plan, the developer shall notify the Borough Clerk and the Secretary of the Planning Board, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every non-residential structure, as set forth in the approved general development plan and pursuant to N.J.S.A. 52:27D-133. If the Borough Clerk and/or the Secretary of the Planning Board, do not receive such notification at the completion of any section of the development, the Borough Clerk and/or the Secretary of the Planning Board shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with. Failure of the Borough Clerk and/or the Secretary of the Planning Board to notify the developer shall impose no liability upon the Borough of Sayreville, the Planning Board or any of their agents, servants or employees.
- b. If a developer does not complete ~~[complete with]~~ any section of the development within eight (8) months of the date which is provided for in the approved plan, or if at any time the municipality has cause to believe that the developer is not fulfilling its ~~[his]~~ obligations pursuant to the approved [G]general [D]development [P]plan, the municipality shall notify the developer, by certified mail, to give evidence ~~[and show cause]~~ within ten (10) days ~~[of the date of the notice]~~ that the developer is fulfilling the obligations pursuant to the approved plan. The municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the municipality finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated thirty (30) days thereafter.
- c.~~[2.]~~ In the event that a developer who has general development plan approval does not make application for preliminary approval for the planned development which is the subject of that general development plan within five (5) years of the date upon which the general development plan has been approved by the Planning Board, the municipality shall have cause to terminate the approval in accordance with the provisions set forth in subsection b. of this section.
- d.~~[3.]~~ In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purpose of this section, a development shall be considered complete on the date upon which the developer has fulfilled all of his obligations pursuant to the approval and a certificate of occupancy has been issued for the final residential or non-residential structure in the last section of the development, and all amenities and required improvements have been completed and accepted by the Borough, in accordance with the schedule of development set forth in the approved general development plan [GDP].

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. All ordinances or parts of ordinances of the Borough of Sayreville heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect immediately or as required by law.

/s/ Dave McGill, Councilman
(Planning & Zoning Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, Municipal Clerk

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Borough Attorney

Municipal Clerk read the heading and the Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #214-13**.

There were no appearances.

Councilman McGill moved the Public Hearing be closed, the Ordinance adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes. Carried.

ORDINANCE 214-13

AN ORDINANCE AMENDING THE WATERFRONT REDEVELOPMENT PLAN OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

WHEREAS, the Sayreville Economic Redevelopment Agency ("SERA") designated O'Neill Properties Group, L.P. ("OPG") as the Conditional Redeveloper of a portion of the Sayreville Waterfront Redevelopment Area ("S.W.R.A.") by way of a Resolution dated October 29, 2007; and

WHEREAS, OPG created an entity known as Sayreville Seaport Associates, L.P. ("SSA") for the purpose of carrying out redevelopment activities in accordance with said designation; and

WHEREAS, the development proposed by SSA required an amendment (the "First SSA Amendment") to the Waterfront Redevelopment Plan (the "Redevelopment Plan") dated January 1999, as subsequently amended, including an amendment on August 21, 2006 by Ordinance No. 951-06; and

WHEREAS, the Borough Council of the Borough of Sayreville (the "Borough Council"), by Ordinance No. 76-09, on February 9, 2009, adopted on second reading the First SSA Amendment, which the Mayor then signed into law; and

WHEREAS, due to a variety of circumstances, including the evolution of the redevelopment project and the anticipated acquisition of additional property, the development proposed by SSA requires a further amendment (the "Second SSA Amendment") to the Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT THE MAPS CONTAINED WITHIN THE REDEVELOPMENT PLAN SHALL BE AMENDED AS FOLLOWS (insertions are indicated with double underlining thus):

- A. The map titled “Sayreville Waterfront Redevelopment Area Redevelopment Parcels Map” dated 12/98, which follows page 5 of the Redevelopment Plan, be and hereby is deleted, and be and hereby is replaced by a map titled “Sayreville Waterfront Redevelopment Area Redevelopment Parcels Map” dated 2/13 which is annexed hereto as Schedule A. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.

- B. The map titled “Sayreville Waterfront Redevelopment Area Proposed Roadway Schematic” dated 12/98, which precedes page 10 of the Redevelopment Plan, be and hereby is deleted, and be and hereby is replaced by a map titled “Sayreville Waterfront Redevelopment Area Proposed Roadway Schematic” dated 2/13 which is annexed hereto as Schedule B. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.

- C. The map titled “Sayreville Waterfront Redevelopment Area Proposed Water System” dated 12/98, which follows page 11 of the Redevelopment Plan, be and hereby is deleted, and be and hereby is replaced by a map titled “Sayreville Waterfront Redevelopment Area Proposed Water System” dated 2/13 which is annexed hereto as Schedule C. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.

- D. The map titled “Sayreville Waterfront Redevelopment Area Proposed Sanitary Sewer System” dated 12/98, which follows page 11 of the Redevelopment Plan and the map referenced in Paragraph C. of this ordinance, be and hereby is deleted, and be and hereby is replaced by a map titled “Sayreville Waterfront Redevelopment Area Proposed Sanitary Sewer System” dated 2/13 which is annexed hereto as Schedule D. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.

E. The map titled “Sayreville Waterfront Redevelopment Area Land Use Plan” dated 12/98, which follows page 13 of the Redevelopment Plan, be and hereby is deleted, and be and hereby is replaced by a map titled “Sayreville Waterfront Redevelopment Area Land Use Plan” dated 2/13 which is annexed hereto as Schedule E. The purpose of this map revision is to (i) designate a portion of Block 257, Lot 3.05 (owned or formerly owned by the Middlesex County Utilities Authority), and the adjacent portion of Block 62.02, Lot 20 (owned or formerly owned by Conrail), as a new redevelopment parcel to be known as Parcel C4, and (ii) designate Block 275.02, Lot 2 as within Parcel C1.

F. NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT THE TEXT CONTAINED WITHIN THE REDEVELOPMENT PLAN SHALL BE AMENDED AS FOLLOWS:

SECTION 1:

The provisions set forth in “Redevelopment Parcels”, set forth on page 5 of the Redevelopment Plan, shall be amended to read as follows (insertions are indicated with double underlining thus):

The Redevelopment Area has been divided into Redevelopment Parcels (Parcels A through K) for purposes of this Plan (see Redevelopment Parcels Map). This division occurred due to the large size of the Redevelopment Area and the likelihood that different portions of the Area would be planned for different uses. With the use of Redevelopment Parcels, each subarea within the Redevelopment area is able to be comprehensively planned in terms of uses and development standards. It is anticipated that the site planning of Parcels A through C will be performed as a whole by the property’s redeveloper(s), although, depending upon the development, subdivisions and phasing within each parcel may be necessary.

The Redevelopment Parcels are consistent with the parcels depicted in the Request for Qualifications/Solicitation of Interest (RFQ/SOI) previously issued to potential developer(s). The same delineation will also be used in the issuance of the Request for Proposals (RFP) by the Borough.

Following selection of a redeveloper for Parcels A through C, it became necessary, in order to facilitate development of those parcels, for a portion of the adjacent Middlesex County Utilities Authority (MCUA) parcel, designated as Block 257, Lot 3.05, which previously was designated as “in need of redevelopment” and therefore already is a part of the Redevelopment Area, to be included within Parcel C. The MCUA, SERA and the Redeveloper have entered into or will enter into an agreement concerning its inclusion. Accordingly, a portion of Block 257, Lot 3.05, and the adjacent portion of Block 62.02, Lot 20, as depicted in the annexed Schedule F, shall be designated as Parcel C4. Schedule F is intended to depict the limits of Parcel C4 in a more detailed manner than it is depicted on the larger scale exhibits designated as Schedules A through E. The Sayreville Economic and Redevelopment Agency will not use the power of eminent domain with respect to lands within Parcel C4 which are to be acquired from MCUA as depicted on Schedule F.

As a condition of the agreement with MCUA, the land area abutting the MCUA property comprised of the former NL Parcels C2 and C3, and newly created Parcel C4, within 1,000 feet of the new MCUA property line cannot be utilized for residential uses. This Redevelopment Plan amendment implements that requirement and further requires that the residential prohibition in this area cannot be modified without approval of both the Mayor and Council and the

Board of Commissioners of the MCUA. The prohibited residential use area is depicted on Schedule G.

SECTION 2:

The section of the Redevelopment Plan titled “Relationship Of Plan To The Borough Land Development Regulations” set forth on page 13 of the Redevelopment Plan shall be amended to read as follows (insertions are indicated by double underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~]):

The Area shall be redeveloped in accordance with the standards detailed in this Redevelopment Plan. In order to implement the Redevelopment Plan consistent with the goals and objectives herein, the Plan supersedes the use, bulk and design standards provisions of the Borough Land Development Regulations. Other Borough regulations affecting development that are in conflict are superseded by this Plan, however, existing engineering standards shall be complied with.

Any deviation from standards of this Plan that results in a “d” variance pursuant to NJSA 40:55D-70d shall be addressed as an amendment to the Plan rather than via variance relief through the Borough Zoning Board of Adjustment. Any other deviations from standards of this Plan, other than those cognizable under 40:55D-70d, shall be considered “c” [~~“C”~~] variance relief pursuant to section NJSA 40:55D-70c and may be addressed by the Planning Board through the development application process. All development must be approved by the Borough Planning Board and shall be submitted through (i) the general development plan procedures, if the redeveloper elects to seek approval of a general development plan, and (ii) normal site plan and subdivision procedures, in each instance as identified by NJSA 40:55D-1, et seq.

SECTION 3:

The standards for the redevelopment parcels with respect to Parcel A, Parcel B, Parcel C1, Parcel C2 and Parcel C3, set forth on pages 13-17, shall be amended to include Parcel C4 and to read as follows (insertions are indicated by double underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~]):

Parcel A: 59± acres; Parcel B: 51± acres; Parcel C1: 168± acres; Parcel C2: 35± acres; Parcel C3: 92± acres; Parcel C4: 6.8± acres

Redevelopment Objective: To provide an opportunity for a variety of development opportunities, including but not limited to large-scale retail development which may encompass big-box standalone retail stores, a regional mall and/or other retail uses; recreation; open space; water dependent and water related uses; corporate offices and centers; financial institutions; hotels and conference centers; entertainment and cultural uses; educational uses; restaurants; light industrial uses; manufacturing; accessory warehousing and distribution; age-targeted residential uses with required amenities; and other commercial uses as provided herein.

Principal Permitted Uses:

1. Retail sales, consisting of establishments engaged in the sale, lease or rental of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including but not limited to a regional mall, power centers, shopping centers, big-box and supermarkets, with or without drive-thru facilities, and which may include associated warehousing and distribution.

2. Hotels (full-service, limited service, suites hotels and extended stay hotels), which may include restaurants and banquet or catering facilities.
3. Conference centers, including restaurants and banquet or catering facilities.
4. Convention centers.
5. Banks, financial services and insurance offices, with or without drive-thru facilities.
6. Automobile dealerships selling new automobiles, either operated directly by a vehicle manufacturer or which have a franchise agreement with one or more vehicle manufacturers. No more than three such dealerships shall be permitted within the Redevelopment Area.
7. Restaurants, fast-food restaurants with or without drive-thru facilities, drive-in restaurants, cafes, and taverns which may provide entertainment consistent with the upscale mixed use development approved for the Redevelopment Area, including but not limited to such restaurants as “House of Blues” and “Hard Rock Café.”
8. Entertainment centers, whether associated with retail or developed independently.
9. Commercial recreation (indoor and outdoor).
10. Indoor amusement and entertainment, including but not limited to movie theaters, indoor rock climbing, paint ball and laser tag arcades, golf and miniature golf.
11. Exercise and health club facilities, spas, wellness centers, studios for dance, music, exercise or photography, and other similar facilities.
12. Age-targeted residential uses, which may include various housing unit types, including low, middle and high-rise facilities, and which shall encourage the residential over retail concept, not to exceed a maximum of 2,000 total residential dwelling units. All residential development shall be designed so as to minimize the generation of school age children. Age-targeted residential development shall comply with and provide the amenities and support facilities identified in the resolution of SERA dated October 29, 2007, designating OPG as redeveloper with respect to Parcels A, B, C1, C2 and C3, as such amenities and support facilities shall be approved by SERA.
13. Assisted living facilities, skilled care residential facilities and continuing care retirement communities, which shall count toward the limit on residential units.
14. Nursing homes, hospitals, surgical centers or other similar medical facilities, including urgent care centers and the offices of physicians and other medical practitioners.
15. Greenhouse, garden center or plant nursery.
16. Gasoline stations, which may include food stores but which shall not engage in the sale of used automobiles. No more than 1 shall be permitted within the Redevelopment Area and it shall be located in a location approved by SERA. SERA and the Planning Board shall review and approve of the exterior design and regulations relating to the exterior display of merchandise.

17. Water-related and water dependent uses such as but not limited to marinas, docks, watercraft[boat] repair and storage (including watercraft repair and storage conducted by a retailer which sells watercraft at a location elsewhere in the Redevelopment Area, provided that there shall be no more than one such watercraft storage area associated with a principal retail use in the Redevelopment Area), bait and tackle shops, [~~boat storage,~~]dry docking, watercraft[boat] maintenance facilities and waterfront restaurants and banquet or catering facilities.
18. Offices and professional offices, which may include accessory retail, service, restaurant and fast-food restaurant uses.
19. Public and governmental uses.
20. Educational uses, private or public.
21. Park and Ride Facilities.
22. Radio, television and cellular communication transmission facilities. The location of such facilities shall be as recommended by SERA and as shall be approved in a comprehensive transmission facilities plan approved by the Planning Board.
23. Billboards, including electronic, video and digital signage, video and electronic walls, which may advertise goods or services provided on or off the premises on which they are located. The location of billboards shall be as recommended by SERA and as shall be approved in a comprehensive sign plan to be approved by the Planning Board. Such signs shall be subject to any dimensional, setback or other requirements set forth in any applicable State or Federal regulations based on proximity to State or Federal highways, respectively.
24. Open space.
25. Child care centers.
26. Museums.
27. Renewable energy facilities and structures, which shall mean facilities and structures that engage in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy.
28. Service uses, constituting establishments providing services to the general public for personal, retail or business use, including but not limited to laundry and dry cleaning establishments; salons, beauty shops and barber shops; tailoring and dressmaking; appliance service; shoe and watch repair; pet care facilities; printing and photographic services; video and media stores; advertising and mailing services; business, copy and shipping centers, including post offices; employment services; security services; management and consulting services; realty offices; and health, educational and social services. Such services shall either be arranged for or take place on the premises. Service uses shall not include "sexually oriented businesses" as that term is defined in N.J.S.A. 2C:34-6.

Accessory Uses:

1. Parking and loading, both surface and in structures or underground.
2. Signs, including electronic facades consisting of electronic, video and digital signage.

3. Medical facilities and child care centers when located within a permitted retail or office use, exercise or health club facility, spa or wellness center, or any other non-residential use.
4. Restaurant, fast-food restaurant or other food consumption when located within a permitted retail use.
5. Bank, financial institution or insurance office when located within a permitted retail use.
6. Automated teller machines (ATM).
7. Auto repair, fuel sales and car washes, when associated with a permitted retail use. Used car lots shall be prohibited.
8. Outdoor dining which, notwithstanding any other provision in this Redevelopment Plan, may be provided by a facility which also offers drive-in or drive-through service.
9. Outdoor display and sale of merchandise associated with a permitted retail use, subject to site plan approval.
10. Uses which are customary, incidental and subordinate to the principal use, unless otherwise prohibited herein.
11. Light industrial and manufacturing uses, subject to compliance with the performance standards set forth in § 26-100 of the Borough Land Development Regulations.
12. On-premises facilities for the testing or sampling of goods offered for sale.
13. Aquariums, herpetariums and aviaries associated with a permitted principal use.
14. Renewable energy facilities and structures.
15. Electric vehicle charging stations.
16. Deviations with respect to the location or dimensional requirements of any accessory use shall be addressed by way of variance application submitted to the Planning Board pursuant to N.J.S.A. 40:55D-70.c.

Standards:

Minimum setbacks:

- 50 foot perimeter building setback, except:
 - Water-related and water dependent uses which shall be subject to no minimum building setback requirement;
 - Perimeter buildings that abut land owned by a public utility authority shall be subject to a 35 foot setback; and
 - A canopy associated with the sale of fuel shall be subject to a 35 foot perimeter setback.
- For purposes of determining the required perimeter building setback, Parcels A and B shall be considered a single lot, and Parcels C1, C2, ~~and~~ C3, and C4 shall be considered a single lot

- Parking areas and structures shall be subject to no minimum setback requirement

Minimum gross tract floor-area-ratio: Zero (0% percent)

Maximum lot coverage by site elements¹ (impervious coverage):
75%

- Maximum lot coverage shall be computed based on the total area located on Parcels A, B, C1, C2, ~~and~~ C3, and C4, on an overall basis, not based on individual Parcels or tax lots.
- Solar panels, which shall be defined as an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array, shall be excluded when computing lot coverage.

Open space. Parcel A, which comprises ±59 acres, shall remain open space consistent with its prior conveyance for open space purposes. Additionally, a public promenade along the waterfront adjacent to Parcels B, C1 and C3 shall also be dedicated for open space.

Number of buildings and uses. A single tax lot or parcel may contain multiple buildings and uses, and a single building may contain multiple uses.

Configuration of property. Redeveloper may consolidate, subdivide and condominiumize the property.

Approval Provisions and Process:

The Redeveloper may at its option utilize the general development plan (GDP) provisions and process set forth in N.J.S.A. 40:55D-45 through N.J.S.A. 40:55D-45.8 and Borough Code § 26-71 for approval of a "planned commercial development" as described below. Upon approval of a general development plan, the Redeveloper shall be vested with the benefits and burdened with the obligations applicable to general development plans pursuant to N.J.S.A. 40:55D-45 through N.J.S.A. 40:55D-45.8 and Borough Code § 26-71. Redeveloper may, following approval of a general development plan and in accordance with the review and approval procedures applicable to the initial approval of the general development plan, amend such general development plan to encompass additional area for which it is or becomes the designated redeveloper but which was not included in the initial general development plan.

SECTION 4:

Paragraph 1 of the standards for "Off-Street Parking and Circulation", set forth on page 21, shall be amended to read as follows (insertions are indicated by double underlining thus; deletions are indicated by brackets and strikethrough [~~thus~~]):

¹ Site elements include buildings, parking lots and pavement associated with site improvements. Maximum coverage limitations are not meant to include any site capping or cover that is necessary to remediate contaminated areas.

1. **Minimum Off-Street Parking Standards** - Each parcel and use is required to provide minimum off-street parking in accordance with the following schedule:

- Residential: as set forth in the Residential Site Improvement Standards (RSIS). Urban Land Institute (ULI), Institute of Traffic Engineers (ITE) or other alternative parking standards shall be accepted if the Redeveloper demonstrates that the ULI, ITE or other alternative standards better reflect the conditions within the redevelopment area. Factors affecting minimum number of parking spaces shall include, but shall not be limited to household characteristics, demographics, age-targeted housing, availability of mass transit, availability of local employment opportunities, urban versus suburban location and available off-site parking resources.
- Distribution/warehousing: 1 space per 5,000 square feet of building area.
- Hotel, conference center and convention center: 1 space per each room plus 1 space per 1,000 square feet of conference or similar space.
- Light industrial and manufacturing: 1 space per 1,000 square feet of building area.
- Marina: 1/2 space per boat slip plus one space per 1,000 square foot of retail or similar space.
- Office: 3 spaces per 1,000 square feet of building area.
- Retail; service uses; bank, financial institution, insurance offices; restaurants, fast-food restaurants, drive-in restaurant, bars, cafes, taverns; commercial recreation; entertainment center; indoor amusement and entertainment; exercise and health club facilities, spas, wellness centers, studios for dance, music, exercise or photography; gasoline stations; greenhouse, garden center or plant nursery: 4 spaces per 1,000 square feet of building area.
- Automobile dealership: 1 space for each 300 square feet of showroom area and sales office, plus spaces required for storage of vehicles and 5 spaces per service bay
- Assisted living facilities, nursing homes, skilled care residential facilities, continuing care retirement communities: 1 space[s] for each 4 beds, plus 1 space per each three staff on the largest shift.
- Hospitals, surgical centers or other similar medical facilities: 1.5 spaces for each bed.
- Offices of physicians and other medical practitioners: 1 space for each 150 square feet of building area; minimum of 10 spaces.
- Radio, television and cellular communication transmission facilities: 1 space for each tower or tower, or 1 space per other utility facility.
- Child care center: 4 spaces per 1,000 square feet of building area, except that the floor area occupied by a child care center in a building in which it is an accessory use shall be excluded from computing required parking.

The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning Board based upon that use enumerated herein which is most similar to the proposed use. If there is no use enumerated herein having sufficient similarity to the use proposed to enable the Planning Board to establish rational parking requirements, the Planning Board may, in its discretion, direct the applicant to furnish such data as may be necessary to enable the Planning Board to establish rational parking requirements.

For Parcels B, C1, C2, ~~and~~ C3 and C4, parking shall be computed on an overall basis, and individual buildings on individual lots shall not be required to satisfy any parking requirement on the lot on which located.

SECTION 5:

If any chapter, section, subsection or paragraph of this Ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section, subchapter or paragraph shall to the extent that it is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this Ordinance.

SECTION 6:

All other parts of the Redevelopment Plan be and hereby are ratified and confirmed, except where same are inconsistent with the terms of this Ordinance. As to such inconsistencies, the provisions of this Ordinance shall govern, and be given full force and effect.

SECTION 7:

This Ordinance shall take effect immediately upon final passage and publication, according to law.

SCHEDULE A

Map:
Sayreville Waterfront Redevelopment Area
Redevelopment Parcels Map

SCHEDULE B

Map:
Sayreville Waterfront Redevelopment Area
Proposed Roadway Schematic

SCHEDULE C

Map:
Sayreville Waterfront Redevelopment Area
Proposed Water System

SCHEDULE D

Map:
Sayreville Waterfront Redevelopment Area
Proposed Sanitary Sewer System

SCHEDULE E

Map:
Sayreville Waterfront Redevelopment Area
Land Use Plan

SCHEDULE F

Parcel C4

SCHEDULE G

Prohibited Residential Use Area

(all in original file)

/s/ Dave McGill, Councilman
(Planning & Zoning Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, Municipal Clerk

/s/ Kennedy O'Brien, Mayor

APPROVED AS TO FORM:

/s/ Michael R. DuPont, Borough Attorney

Mayor recognized Brian O'Neill from O'Neill Properties and thanked him and his family for investing in Sayreville. He asked him to come forward and tell the governing body and residents when he expects to put the shovel in the ground and what we will see first.

Mr. O'Neill said that he expects to have a shovel in the ground for the first phase this summer and that their first tenant will be Bass Pro Shops for 200,000 sq ft. and we need to have their building to them by the of fall 2014. He explained that they should be before the Planning Board within the next 30 days with an application then shortly afterward they will be going before the board with a GDP, a General Development Plan for the overall site, followed by smaller applications broken down as each tenant goes comes on line. Mr. O'Neill described what the Bass Pro Shop would be like. Mayor O'Brien asked that he put the Bass Pro people in touch with the Police Chief for the use of the indoor shooting range by his men in incimate weather.

The Mayor thanked Mr. O'Neill for coming to the meeting.

-Municipal Clerk read the heading and the Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #215-13**.

There were no appearances.

Councilman Henry moved the Public Hearing be closed, the Ordinance #215-13 be adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes. Carried.

ORDINANCE No. 215-13
AN ORDINANCE TO SUPPLEMENT AND AMEND CHAPTER VI,
SECTION 6-4.1 "ALCOHOLIC BEVERAGE CONTROL-FEES"
AND CHAPTER II, SECTION 2-64 ADMINISTRATION -FEES
OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter 6, Section 4.1 Fees** of the Revised General Ordinances of the Borough of Sayreville, is hereby amended and supplemented as follows:

(1) **6.4.1 License Fees.** The following fees are hereby determined as the appropriate license fees to be charged for the various licenses listed below. Each of the licenses listed below shall be deemed permissible under N.J.S.A. 33:1-12 et seq.

- a. Plenary Retail Consumption License – One Thousand Six Hundred Seventy (\$1,670.00) Dollars.
- b. Plenary Retail Distribution License – One Thousand Six Hundred Seventy (\$1,670.00) Dollars.
- c. Seasonal Retail Consumption License – One Thousand Two Hundred Fifty (\$1,250.00) Dollars.
- d. Club License – One Hundred Twenty (\$120.00) Dollars.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter 2 Administration, Section 2-64.8 FEES LIQUOR LICENSES** of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said change.

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

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

ATTEST:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

APPROVED:

/s/ Kennedy O'Brien
Mayor

APPROVED AS TO FORM:

/s/ Michael DuPont, Borough Attorney

-Municipal Clerk read the heading and the Mayor O'Brien opened the meeting to the Public for questions or comments on **Ordinance #216-13**.

Those appearing were:

- Ed Strek, 58 Nickel Avenue
- Questioned if this bond ordinance was for vehicles/equipment lost during the storm and who was responsible to not moving the vehicles from the plant on MacArthur Avenue.

Mayor responded that he as Mayor is ultimately responsible and apologized to him and the taxpayers of Sayreville.

- Barbara Kilcomons, 22 Schmitt St.
-Asked if the equipment was insured and if we were going to get money from FEMA.
Mr. Kronowski said that it was covered by insurance but of course it was depreciated, we did not get today's full value of the vehicles and FEMA does not qualify because it was insured.

No other questions or comments on Ordinance #216-13.

Councilman Henry moved the Public Hearing be closed, the Ordinance #216-13 be adopted on second and final reading and advertised according to law. Motion was seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes.
Carried.

ORDINANCE No. 216-13
**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF
REPLACEMENT VEHICLES FOR THE SEWER DEPARTMENT IN, BY
AND FOR THE BOROUGH OF SAYREVILLE, NEW JERSEY,
APPROPRIATING \$240,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$228,000 BONDS OR NOTES OF THE BOROUGH FOR
FINANCING PART OF SUCH APPROPRIATION**

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

Section 1. The Borough Council of the Borough of Sayreville, New Jersey (the "Borough") has ascertained and hereby determines that it is necessary and desirable to raise money to finance the cost of the improvements described in Section 3 of this bond ordinance, which improvements are hereby authorized to be made or acquired by the Borough. For said improvements or purposes stated in said Section 3, there is hereby appropriated the sum of \$240,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$12,000 as the down payment for said improvements or purposes required by law and now available therefor by virtue of provisions for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$240,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$228,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the New Jersey Revised Statutes (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in the principal amount not exceeding \$228,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued are the acquisition of the replacement vehicles for the Sewer Department.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said purposes is \$228,000.

(c) The estimated cost of said purposes is \$240,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$12,000 down payment for said purposes.

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

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

(b) The period of usefulness of said purposes within the limitations of the Local Bond Law, according to the reasonable lives thereof computed from the date of said bonds or notes authorized by this bond ordinance, is 5 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs in the State of New Jersey (the "Division"), and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$228,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law is included in the estimated cost of said improvements.

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

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

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

Section 8. The Borough intends to issue bonds or notes to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance. The Borough expects that the maximum principal amount of bonds or notes which will be issued to finance the cost of the improvements or purposes described in Section 3 of this bond ordinance is \$228,000. If the Borough incurs any such costs prior to the issuance of the bonds or notes, the Borough intends to reimburse itself for such expenditures with the proceeds of the bonds or notes.

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

/s/ William J. Henry, Councilman
(Admin. & Finance Committee)

ATTEST:

APPROVED:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

• **NEW BUSINESS:**

a. Introduction of the following Ordinance(s):

ORDINANCE #217-13
AN ORDINANCE AMENDING ORDINANCE #206-13
ESTABLISHING A GREEN TEAM ADVISORY COMMITTEE
AS PART OF THE BOROUGH OF SAYREVILLE'S PARTICIPATION IN THE
SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM

-Staggering appointment Terms & who can be mbrs.-
(Co. Henry, Public Works Committee- Public Hearing April 22, 2013)

Councilman Henry moved this Ordinance be approved on first reading, advertised according to law and a Public hearing be held on April 22, 2013. Motion seconded by Councilman Buchanan.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes.

ORDINANCE #218-13
**ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
TO RELEASE, VACATE AND EXTINGUISH ANY
AND ALL RIGHTS IN AND TO EULNER STREET**
(Co. McGill, Planning & Zoning Committee- Public Hearing April 22, 2013)

Councilman McGill moved this Ordinance be approved on first reading, advertised according to law and a Public hearing be held on April 22, 2013. Motion seconded by Councilman Henry.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes.

CONSENT AGENDA/RESOLUTIONS

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

Those appearing were:

- Arthur Rittenhouse, 22 Delikat Lane
 - Commented on his support of Resolution #2013-101, opposing JCP&L's petition to the State BPU for increases.
 - Further commented on the Board of Education and Borough trying to get organized through the use of the Board's TV facilities.
- Barbara Kilcomons, 22 Schmitt Street
 - Questioned if the Bobcat being purchased in Resolution #2013-102 was also a piece of flood equipment.

Business Administrator stated that it was not and that we do not own one we rent one every year and that this is a multi use vehicle as it is explained in the brochure that he brought for her perusal.

Mrs. Kilcomons then asked if all the equipment at Fort Grumpy auctioned and if so how much did we profit and if this money could be used to off-set bonds.

Mr. Frankel and Mr. Kronowski stated that we are in the process of auctioning off the equipment and that all proceeds will be placed in the general fund and used in future years.

No further questions or comments.

Councilman Buchanan made a motion to close the public portion and adopt the Consent Agenda Resolutions. Seconded by Councilwoman Eicher.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, Novak, all Ayes. Carried.

RESOLUTION #2013- 100

WHEREAS, all bills submitted to the Borough of Sayreville covering services, work, labor and material furnished the Borough of Sayreville have been duly audited by the appropriate committee;

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

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

<u>/s/ Kennedy O'Brien</u> Mayor	
<u>/s/ Daniel Buchanan</u> Councilman	<u>/s/ David McGill</u> Councilman
<u>/s/ Lisa Eicher</u> Councilwoman	<u>/s/ Ricci Melendez</u> Councilman
<u>/s/ William J. Henry</u> Councilman	<u>/s/ (Absent)</u> Mary J. Novak, Councilwoman

Bill list of April 8, 2013, in the amount of \$6,734,673.53(Bill List – See Appendix 2013-A for this date, in a separate Bill List File for 2013).

RESOLUTION #2013 - 101

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY OPPOSING JERSEY CENTRAL POWER & LIGHT'S (JCP&L) PETITION TO THE STATE OF NEW JERSEY'S BOARD OF PUBLIC UTILITIES

WHEREAS, Jersey Central Power & Light Company filed a Petition to the State of New Jersey Board of Public Utilities for review and approval of increases and other adjustments to its' rates and charges for electric services as a result of Hurricane Sandy, and

WHEREAS, the Governing Body of the Borough of Sayreville was extremely frustrated and dismayed by JCP&L's poor communication and its overall lack of leadership and supervision of repair efforts that led to unnecessary delays and long response time for service to be restored in the Borough of Sayreville; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the Governing Body of the Borough of Sayreville, County of Middlesex and State of New Jersey wishes to oppose JCPL's petition before the Board of Public Utilities to increase rates and other adjustments to its' rate and charges for electrical services as a result of Hurricane Sandy and the Borough Clerk shall forward a certified copy of this Resolution to Gregory Eisenstark, Esquire, attorneys for Petitioner, DeCotiis, FitzPatrick & Cole; the New Jersey Board of Public Utilities and the Honorable Richard McGill, A.L.J.

/s/ William H. Henry, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013- 102

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A CONTRACT WITH BOBCAT OF CENTRAL JERSEY, GREEN BROOK, NJ TO PURCHASE ONE (1) BOBCAT TOOLCAT 5600 F-SERIES

WHEREAS, the Borough of Sayreville is in need of certain equipment; namely a Bobcat Toolcat 5600 F-Series Utility Machine; and

WHEREAS, the Borough of Sayreville, being a member of the National Joint Powers Alliance (NJPA) has reviewed the NJPA contractors and have found that a national contract has been given to Clark Equipment Company dba Bobcat Company, Government Sales, PO Box 6000, West Fargo, ND 58078, under NJPA Contract #060311-CEC; and

WHEREAS, the Governing Body of the Borough of Sayreville, through the due diligence of the Department of Public Works, has ascertained that the contract price of 53,625.45 through Clark Equipment Co., dba Bobcat Company, under the NJPA contract is the lowest possible price; and

BE IT AND IT IS HEREBY RESOLVED that Mayor Kennedy O'Brien and Theresa A. Farbaniec, Borough Clerk are hereby authorized and directed to execute the necessary documents to award the contract to Bobcat of Central Jersey through Clark Equipment company dba Bobcat Co., Government Sales, Fargo ND, Contract # 060311CEC at the contract price of \$53,625.45.

/s/ William H. Henry, Councilman
(Public Works Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2013 - 103

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY, OPPOSING GOVERNOR
CHRISTIE'S PLAN TO CUT THE STATE RECYCLING FUND**

WHEREAS, the Governing Body of the Borough of Sayreville had the opportunity to review proposed cuts to the State budget which will cut \$21.6 million dollars from the State Recycling Fund; and

WHEREAS, the Governing Body of the Borough of Sayreville finds that cuts to the State Recycling fund will be detrimental to the residents of the Borough of Sayreville as well as all of the municipalities in the State of New Jersey; and

BE IT AND IT IS HEREBY RESOLVED Mayor Kennedy O'Brien and the Governing Body of the Borough of Sayreville urgently request the Governor and State Legislature to retain funding in the State Recycling Fund in the FY2014 State budget.

/s/ William H. Henry, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION # 2013 -104

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
APPROVING AND AUTHORIZING THE ISSUANCE OF A
SPECIAL EVENT PERMIT TO ST. STANISLAUS KOSTKA R.C. CHURCH
TO CONDUCT A PARISH CARNIVAL**

WHEREAS, St. Stanislaus Kostka R.C. Church has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a Parish Carnival on the property of St. Stanislaus Kostka's Church and School from June 19-22, 2013.

WHEREAS, it is the belief of St. Stanislaus Kostka R.C. Church that the Parish Carnival provides activities which are family and community oriented;

WHEREAS, the Mayor and Borough Council agree that the event proposed will enhance community spirit; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that St. Stanislaus Kostka R.C. Church is granted permission to conduct a Parish Carnival on the property of St. Stanislaus Kostka's Church and School from June 19, 2013 through June 22, 2013 without posting any fees.

/s/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION # 2013-105

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE
IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
APPROVING AND AUTHORIZING THE ISSUANCE OF A
SPECIAL EVENT PERMIT TO ISABELLA FITNESS
TO CONDUCT A 5K WALK/RUN EVENT**

WHEREAS, Isabella fitness has requested permission from the Mayor and Council of the Borough of Sayreville to conduct a 5K Walk/Run event at Kennedy Park on June 8, 2013 from 8:00 AM-11:00 AM to raise money for St. Jude Children's Research Hospital; and

WHEREAS, it is the belief of the Isabella Fitness that the event will be a way to reach out to the community through a walk/run event to help raise support for St. Jude's Children's Research Hospital through a fitness event in the community; and

WHEREAS, the Mayor and Borough Council agree that the event proposed will enhance community spirit and help raise funds for this worthy fund; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Isabella Fitness is authorized to conduct a 5K Walk/Run event in Kennedy Park to benefit the St. Jude Children's Research Hospital on June 8, 2013 from 8:00 A.M. to 11:00 A.M. subject to Isabella Fitness completing the appropriate facility's use form, providing a Certificate of Insurance naming the Borough of Sayreville as Additionally Insured and that must notify the Sayreville Emergency Squad at least one week prior to the event.

/s/ Lisa Eicher, Councilwoman
(Recreation Committee)

ATTEST:

BOROUGH OF SAYREVILLE:

/s/ Theresa A. Farbaniec, RMC
Municipal Clerk

/s/ Kennedy O'Brien, Mayor

RESOLUTION #2013 – 106

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
RESCINDING THE GOVERNING BODIES MOTION OF JANUARY 28, 2013 AND
FURTHER AUTHORIZING THE SAYREVILLE STORM RELIEF ORGANIZATION TO
DISBURSE MONIES TO AFFECTED RESIDENTS**

WHEREAS, the Governing Body of the Borough of Sayreville recognized the need to provide relief for residents of the Borough that suffered property damage and/or personal loss from Hurricane Sandy; and

WHEREAS, the Governing Body of the Borough of Sayreville at its' Regular Council Meeting on January 28, 2013 passed a motion which would have transferred the funds collected and designated for Sayreville Storm Relief to the Middlesex County Long Term Recovery Fund for distribution to residents affected by Hurricane Sandy; and

WHEREAS, the Governing Body of the Borough of Sayreville, after numerous discussions, has determined that the Sayreville Storm Relief Organization is the best entity to distribute the money to the affected residents in these areas and therefore wishes to rescind the motion made and passed on January 28, 2013; and

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the motion made and passed on January 28, 2013 transferring the Sayreville Storm Relief Fund to the Middlesex County Long Term Recovery Group is hereby rescinded.

BE IT FURTHER RESOLVED that all funds collected and designated for Sayreville Storm Relief will be distributed by the Sayreville Storm Relief Organization and that they be solely responsible in overseeing the fair and equitable distribution of said funds and that they shall provide the Governing Body of the Borough of Sayreville a detailed accounting of all monies distributed by the organization.

BE IT FURTHER RESOLVED that the accounting shall pertain only to the funds that have been transferred to the Sayreville Storm Relief Organization as of the date of this Resolution.

/s/ William H. Henry, Councilman
(Admin. & Finance Committee)

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Theresa A. Farbaniec
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

**BUSINESS SESSION AGENDA
COMMUNICATIONS & COMMITTEE REPORTS**

- **ADMINISTRATIVE & FINANCE –
-Reported on by Councilman Henry**

a) Minutes & Departmental Reports: (NONE)

b) Received the following 2013 Tax Appeals from:

Plaintiff/Petitioner	Block	Lot	Address
The Younan Family, LP	412.02	23	1145 Bordentown Avenue
Enchante Realty Associates, LLC	326.01	2	500 Kennedy Drive
M&N & T&R Jariwala	131	363	110 North Edward Street

Reinaldo & Lilliana Paez	108	25.02	23 Henry Street
Reinaldo Paez & Dora Ramirez	108	25.01	25 Henry Street
Jez Leszek	168.10	6.03	100 Mccutcheon Avenue
North Plank Realty, LLC	538	24	1803 State Route 35
Joseph Cassidy	457	43,44,45	22 Dolan Avenue
Charlotte A. Sadowski	524	22	78 Morris Court
Dennis, Todd & Scott Kessler	168.09	1.03	51-53 Washington Road
Joseph & Michele Louissaint	83.18	8	13 Creamer Drive
Mark Hurley	442.02	165	22 Haven Terrace
Levy, I&S&L Wein by USPS, Tenant-Taxpayer	42	1.02	Washington Road
Anthony R. & Ricciardi, Rudo by USPS, Tenant-Taxpayer	154.01	45	90 Main Street
Joseph Adackapara	524	21	77 Morris Ct.
William & Linda Clark	136.15	12	5 Buczek Ct.
Frank & Anthony Gamblonghi	154.01	39	20 Dane St.
Mariya Derevensko	169.02	9	11 Weber Ave.
John & Iris Vella	110	33	7 Price St.
Luz & Javier Rivera	366	47	41 Fabiszewski Way
Rosemarie Kwitkoski	132	55	120 Pulaski Ave.
Columbia Bank	136.16	30.01	270 Main St.
Param Trust	34.12	50	28 Cori St.
Edward Casey	531	65.01	10 Watson Rd.
Fred Campo	398	15	22 Hilltop Ave.
DCH Investments, Inc.	413	5	955 Route 9
Jennifer & John C. Butt	105	36.01	36 Coyle St.
Lawrence Reilly	524	20	75 Morris Ct.
Anthony Greci	456	20	14 Gordon Ave.
Jeffrey Sadusk	442.01	131	33 Haven Terr.
B&C Enterprises, LLC	277	12	7061 Highway 35 & 9
C&K International, LLC	326.01	5	2600 Main St.
WJS	423	2.01	2028 Highway 35
Renee Davis	451	1.08	2507 Lighthouse Lane
Darrel Hartsfield	136	105	104 Sayreville Blvd. South
Alana Inc.	279	2	541 Oak St.
Joseph & Diane Ambrosio	411.05	9.01	900 Bordentown Ave.
Joseph Ambrosio, et al	444.04	23	216 Ernston Rd.
Joseph Ambrosio, et al	444.04	25	212 Ernston Rd.
Joseph Ambrosio, et al	444.04	28	Off Ernston Rd.
Alana Inc.	279	1	6330 Main St.
Alana Inc.	276	9	7090 Highway 35 & 9
Thomas Frey	413.04	7	26 Adam Blvd.
Elaine Ciecko	142	76	43 Hart St.
Furman, LLC	67	1.01	20 Furman Ave.
Christine A. Nandor	142	113.02	14 East Kupsch St.
Joseph Esposito	524	23	76 Morris Ct.
The Moorehouse-Speedwell Ltd. Prtshp.	31	1	3101 Bordentown Ave.

(Copies available upon request)

- Refer to Tax Counsel

c) Received the following application(s) for Bingo/Raffle Licenses:

- i) Stanislaus Kostka Church to Amend a Bingo License #BL:472A adding members in charge.

- **Approved.**

d) Application made by Kelly Brown to locate Beauty Shop t/a Kelly's Hair Shop at 1089 Bordentown Avenue.

- **Approved/Resolution.**

e) Copy of a Resolution from the Borough of Spotswood opposing Senate Bill 2511 Amendments to Open Public Meetings Act.

- **Receive & File.**

f) Committee Reports:

- 1) _____

• **PUBLIC WORKS – Councilman Henry**

a) Minutes & Departmental Reports:

Councilman Henry made a motion to receive and file the following reports and/or minutes:

- 1) Shade Tree Commission – Re-Organization Meeting January, 2013
2) Shade Tree Commission – Regular Meeting February 21, 2013

Motion seconded by Councilman Buchanan.

b) Request for refund of Road Opening Permit refundable portion of fees in the amount of \$7.92 for Road Opening Permit #5208 covering 28 Tyska Avenue.

- **Approved/Resolution.**

c) Request to extend contract for one *1) year with no increase in price for Gasoline and Diesel Fuel for one year with no increase in price to John Duffy Fuels.

- **Approved/Resolution.**

d) Committee Reports:

1. Reported on the vehicles to be auctioned off at Ft. Grumpy.
2. Reported on the hiring of temporary employees through the Work First NJ program through the County at no cost to the borough.
3. Requested an apology from the Mayor for the e-mail he sent to the Temple naming him and Ron Green in an accusation of signing a complaint against the Temple, which he said that he did not do. He asked the Mayor why he ordered a borough official from performing their job. He said that the Temples' expert said that they had eleven people living there and it had to be investigated. He again asked for an apology.

Mayor asked that he take up his issue with Code Enforcement because he was told that he and Ron Green called them and wanted action taken on testimony about occupancy.

Further comments followed between the Mayor and Councilman Henry.

• **PLANNING & ZONING – Councilman McGill**

a) **Minutes & Departmental Reports:**

Councilman McGill made a motion to receive and file the following minutes and or reports:

- 1) Board of Adjustment Minutes - February 27, 2013
2) Planning Board Minutes - March 6 & March 20, 2013

Motion seconded by Councilman Buchanan.

b) Resolution received from the Twp. of No. Brunswick, opposing the establishment and promulgation of NJ Senate Bill #S-2114 and its companion legislation #A-3317 which would preempt municipal ordinances requiring registration for Multi-Family Dwellings.

- **Receive & File.**

c) **Public Notices & Notices to the Borough of Sayreville as an Adjacent property Owner:**

1) Notice to Adjacent Property Owner – on an application submitted by 800 Hartle St, LLC for preliminary and final site plan for block 60.07, lot 6 located in an SED Zone, vacant property requesting to develop a one story warehouse/office building of approx. 11,200 sq ft.

- **Motion to Receive & File.**

d) Received notice from the Sayreville Planning Board that they adopted the 2013 Master Plan of the Borough of Sayreville. Asked if the governing body would like a presentation on the Master Plan and its concepts.

- Councilman McGill requested that we schedule the presentation. Mayor asked that the Planning Board and Clerk schedule a date.

e) Committee Reports:

1. Progress.

• **RECREATION – Councilwoman Eicher**

a) Minutes & Departmental Reports: (none)

b) Committee Reports:

1. Thanked the Parks Dept. and the Recreation Advisory Board as well as Jerry Ust for the Easter Egg Hunt on Saturday.

2. Commented on a meeting that took place on Friday between town officials and governor Christie's staff regarding the buy-out and how he committed to Sayreville residents for a buy-out. Concerned that she did not know about the meeting and asked who was notified. Mayor said that he would be covering that under his report.

• **WATER & SEWER – Councilman Melendez**

a) Move the following Minutes and or Reports be Received & Filed: (None)

b) Request for authorization to purchase One (1) VAC-CON High Pressure Hot Shot Jet Truck through the National Joint Powers Alliance Corp. (NJPA) vendor Atlantic Machinery, Inc., contract #031710-AMI at an amount not to exceed \$170,780.00, equipment destroyed as a result of Hurricane Sandy. Councilman Melendez stated that he would look into who was responsible for moving the equipment.

- **Approve, clerk to prepare Resolution.**

c) Committee Reports

1) Asked the Business Admin. to look into having an ATM Machine placed in the Public Safety Complex. There would be no cost to the borough and the borough would get some sort of a percent.

2) Commented about the security issue that Mr. LaPatriello brought up at the last meeting. He said that he would like to look into it and see what the borough could do to make that building more secure.

3) Progress.

- **PUBLIC SAFETY – Council President Buchanan**

a) **Minutes & Departmental Reports:**

Councilman Buchanan made a motion to receive and file the following Minutes and/or Reports:

1) Board of Health - March 7, 2013

Motion seconded by Councilman Henry.

b) Received Resolution adopted by the Twp. of Woodbridge urging Congress to delay the implementation of the Bigger Waters Act 2013.

- Receive & File.

c) Requests for coin toss to be held at Washington & Ernston Roads received from:

1) Sayreville Athletic Association on June 22 & 23, 2013 from 10AM-2PM -

Approved.

d) Authorization to award contract for the purchase of one (1) Emergency Rescue Boat and Trailer be awarded to Mid-Atlantic Rescue Systems, Inc. through a negotiated contract.

- **Approved. Clerk authorized to prepare Resolution.**

e) Fire Department Equipment Travel Request received from Engine Co. No. 1 to attend Avenel 100th Anniversary Parade on June 8, 2013 from 11AM-5PM.

- **Approved.**

f) Committee Reports:

Councilman Buchanan made a motion to appoint Michael F. Horvath, Jr. to the Board of Health. Motion seconded by Councilwoman Eicher.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes.

Progress.

- **MAYOR – Kennedy O’Brien**

- Appointments

a) EMERGENCY MANAGEMENT COORDINATOR – 3 YEAR TERM

Mayor called for the appointment of Barry Eck as the Emergency Management Coordinator. Councilman Buchanan moved this motion. Seconded by Councilman Henry.

Roll Call: Councilpersons Buchanan, Eicher, Henry, McGill, Melendez, all Ayes.

- Announced that the Governor’s Mobile Cabinet Meeting would take place on April 17, 2013 from 9 to 5 the Senior Citizens Center. He said that they would be here all day long to work with people who issues or problems that were impacted by Hurricane Sandy.

He also said that the same person, Rich Rybez asked him to set up another meeting with the borough professionals to meet with his boss, Mark Ferzan, the Storm Szar who was appointed by the Governor about two months ago. He said that he asked to meet with him and did so that when he called his office he would know who was calling. So this meeting was scheduled between himself, the Business Admin. Construction Official, Danielle, and residents Fran O’Conner, Ellen Bednarz, Frank Mazzaroni and Larry Gates. When he arrived here also in attendance was the DEP Commissioner, the DCA Commissioner, the Mayor’s Liaison to the Governor. He said that the meeting was conducted here in room 310. At this time he asked Ellen Bednarz to come up and give a residents point of view of the meeting.

Ellen Bednarz stated that these government people came to find out what the residents needed to move forward. She said that the gist of the entire meeting was basically to confirm that Sayreville would be getting a buy-out and they would be coming back in the next few weeks with more information. Mayor said that the Governor's Cabinet would be coming out on April 17th to help the residents. Councilwoman Eicher said that she would like to keep in the loop so that they would be property informed. Councilman McGill said that this is all good news no matter where it comes from.

Mr. Frankel, Business Admin. gave further dates of meetings. Stating that the mobile cabinet is coming on April 17th at the Sr. Center; Tuesday, April 16th is the Jeff Ward Consultant up-date meeting. Information from the meeting that took place this past Friday of what the residents are going to need to fill out is all in the works through the Governor's Office and will be disseminated to our professionals to the residents. As well as time frame for the buy-outs, etc.

Mayor commented on Fran O'Conner's e-mail from this morning. Informing the effected residents of who is included, what the State is looking for, there would not be checker boarding, homes would be appraised at the value they had the day before the storm, time line of hopefully before the end of this year, 75% of the funding would be from the Federal Government and 25% from the State of NJ, a licensed appraiser and the buy-out would be 100% of the appraised value. It requires everyone to fill out a Blue Acres application, the borough is working on elevation certificates.

Councilman Buchanan questioned how they would handle the residents who were not interested in buy-outs. Mayor said that they would have to come up with a percentage that would have to agree to the buy-out. Mr. Kronowski said that nothing is concrete and this is all new territory for everyone. They want to help the residents of New Jersey but it is going to take time to go through it with the residents of the borough.

Councilman Henry asked if this would give people of the affected areas more of a direction.

Ms. Bednarz stated that the buy-out is going to happen and that more people would sign up for it now with the information presented.

Mayor said that case workers would be assigned from the DEP.

Councilman Henry said that he felt that it was wonderful for the residents as this gives some direction and hope, but wished some of the council members could have been at that meeting to better understand what was going on.

Mayor stated that he was given a very specific list of people and they needed names back quickly and that he did not know that the DEP and EDP Commissioners would be here. And that when they came here they came with a plan and what they want to do is good for Sayreville. He said that he received a very positive response and felt that the meeting was very productive.

Mr. Bednarz, Weber Ave.

Stated the Consultant Jeff Ward has done a great job and his is going by the statistics and there are three ways that you could be included in the buy-out and it is all statistically significant. It is whether you were substantially damaged; severe repetitive flooding; elevation statistics. That they are looking to buy-out everyone in those areas. He also said that Mark Frazan has been doing a lot of work and this is all positive.

Art Rittenhouse

Questioned if the consultant Jeff Ward has been brought up to speed with the latest information.

The business Administrator stated that he was.

Theresa Kuczynski, 127 Weber Avenue

She said that she is one of the people in the cul-de-sac and had been concerned because she did not have any time frame and therefore did not know how to proceed. And now she knows that within a few weeks she will know who will and who will not be part of the buyout so now she knows what to do.

Mr. Frankel congratulated Barry Eck for his re-appointment as Emergency management Coordinator and thanked him for everything he did during Hurricane Sandy.

- **BUSINESS ADMINISTRATOR – Daniel E. Frankel**

- 1) Work First NJ Project – Verbal Report (talked about earlier by Co. Henry)

- 2) E-Ticketing – Verbal Report

- 3) Authorization to amend Ordinance to adopt the revised Rules and Regulations Manual for the Sayreville Police Department.
- Ordinance.

- 4) Authorization to advertise for a Request for Proposals for a Licensed Surveyor to provide residents with FEMA elevation certificates to homes that have been damaged by Hurricane Sandy.
- Hold.

- 5) Authorization for Borough Attorney to review Notice of Award and Award Letter from the Robinhood Foundation and after approval authorizing a resolution to accept said terms of grant and application for elevation certificate where needed.
- Refer to Borough Attorney.

- 6) Closed Session Items

- 7) Jeffrey Ward Consultant Meeting – April 15, 2013 5:30 PM – Council Chambers

- **C.F.O.- Wayne Kronowski**

1. Bill List Resolution

2. Schedule Budget Workshop- 4:45 on April 16, 2013

3. Public Hearing on 2013 Local Municipal Budget – April 22, 2013

- **ENGINEER -Jay Cornell (none)**

1. Improvements to Hart Street – Receipt of Bids April 9, 2013
If all bids are in order need authorization for a Resolution awarding contract at the next meeting.

2. Melrose Firehouse Parking Lot Improvements – Receipt of Bids April 16, 2013
If all bids are in order need authorization for a Resolution awarding contract at the next meeting.

- **BOROUGH ATTORNEY - Michael DuPont**

PUBLIC PORTION

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

Those appearing were:

- Ed Strek, 58 Nickel Avenue, Sayreville
- Questioned if the Bobcat was an off-road vehicle or if it was for use only on borough owned complex and the need for this piece of equipment.
Mr. Frankel said just on borough property and Councilman Henry addressed the need for the Bobcat.
- Theresa Strek, 140 McCutcheon Avenue, Sayreville
Commented on whose responsibility it was in leaving the equipment at the MacArthur Avenue plant and requested a report at the next meeting.
- Lillian Lukacs,
Asked if the buy-out was strictly for the residents of Weber Avenue and Old Bridge Areas.
Mayor said that it was not and Quaid was discussed.
- Arthur Rittenhouse, 33 Delikat lane
-Stated that the residents in the affected areas were still having problems with the postal mail.
Mr. Frankel said that he just met with the postmaster and was promised that the issue would be taken care of.
-Mr. Rittenhouse said that the Historical Society will be conducting their meeting this Thursday.
-They will be holding their May dinner at Camillo's; June meeting will be honoring their football and bowling teams.
- Theresa Strek
Every year the School Board has their presentation and every year there is an increase.
- Barbara Kilcomons, 22 Schmitt Street
-Complained about the litter in Sayreville and that the town should have an anti litter campaign.
Mayor O'Brien said that with the Work First Project we hope to get Sayreville cleaned up.
-Complained about the clothing bins.
Business Admin. said that there is an ordinance being put together for introduction and the permit would have to be obtained by the property owner.
- Commented about alcohol being served at a function at the Sr. Center without approval.
Clerk Farbaniec advised that she reviewed past policies as she did recall that there was something to that effect and could not find that policy. She also said that the application for Social Affair was listed on the January 28th meeting and approved by the governing body.

No further questions or comments. Councilman Buchanan made a motion to close the public portion. Seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes. Carried.

- **EXECUTIVE SESSION ITEMS -II**

Council President announced that the Council will be going into Closed Session and do not expect any action to be taken when we reconvene.

Attorney DuPont read the following Resolution into record:

RESOLUTION FOR CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

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

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 5 minutes to discuss the following matters:

Personnel – Vacation

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/ Lisa Eicher, Councilwoman

APPROVED:

/s/ Kennedy O'Brien
Mayor

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

Roll Call: Voice vote, all Ayes. Carried.

Time: 9:02 PM

- **RECONVENE**

Councilman Buchanan moved to reconvene the meeting. Motion was seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

Time: 9:20 P.M.

- **ADJOURNMENT**

No further business.

Councilman Buchanan made a motion to adjourn. Motion seconded by Councilman Henry.

Roll Call: Voice Vote, all Ayes.

Time: 9:20 P.M.

SIGNED:

Theresa A. Farbaniec, Municipal Clerk

Date Approved