

Mayor Kilpatrick opened the Council Meeting at 7:00 PM followed by a short prayer and salute to the flag. This meeting was being held via electronic communications.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Morelos announced that this September 29, 2020 Council Meeting had been advertised and posted in accordance with Open Public Meetings Act Chapter 231, P.L. 1975 by advertising in the Home News Tribune and the Star Ledger, notifying the Sentinel Publishing Co., posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Conti(telephone), Dalina(telephone), Enriquez(telephone), Maher, Novak, Roberts(telephone)

Absent: None

Others Present: Mayor Victoria Kilpatrick
Daniel E. Frankel, Business Administrator (telephone)
Denise Biancamano, C.F.O./Treasurer (telephone)
Jessica Morelos, Municipal Clerk
Michael DuPont, Esq., Borough Attorney
Jay Cornell, P.E., Borough Engineer (telephone)
Nicole Waranowicz, Asst. Municipal Clerk

Others Absent: None

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

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

☞ September 14, 2020 - Regular & Agenda Sessions

Seconded by Councilwoman Maher.

Roll Call: Councilpersons Novak, Conti, Dalina, Enriquez, Maher, Roberts, all Ayes.

- **PROCLAMATION & PRESENTATIONS**

☞ COVID-19 Update

Mayor Kilpatrick stated that we are starting to see 2 or 3 cases a day. The total number of positive cases is 866. She stated that one of the trends is positive cases are of the younger population. She stated that Middlesex County is the top five of positive cases.

- **EXECUTIVE SESSION** -None

- **OLD BUSINESS: NONE**

- **NEW BUSINESS:**

a) Introduction of the following ordinances:

ORDINANCE #509-20

**AN ORDINANCE OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, ADOPTING
AMENDMENTS TO THE HERCULES REDEVELOPMENT PLAN**

(Planning & Zoning Committee - Co. Dalina - Public Hearing 10-13-20)

Councilman Dalina moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be scheduled for October 13, 2020. Motion was seconded by Councilwoman Novak.

Roll Call: Ayes: Councilpersons Dalina, Conti, Enriquez, Maher, Novak.
Nays: Councilwoman Roberts

CONSENT AGENDA RESOLUTIONS

Mayor opened the meeting for any questions or comments on Consent Agenda Resolutions.

There were no appearances.

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

Roll Call: Councilpersons Novak, Conti, Dalina, Enriquez, Maher, Roberts, all Ayes.

RESOLUTION #2020-224

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

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that all bills properly verified according to law and properly audited by the appropriate committees be and the same are hereby ordered to be paid by the appropriate Borough officials.

/s/ Victoria Kilpatrick, Mayor

/s/ Vincent Conti, Councilman

/s/ Michele Maher, Councilwoman

/s/ Kevin Dalina, Councilman

/s/ Mary J. Novak, Councilwoman

/s/ Damon Enriquez, Councilman

/s/ Donna Roberts, Councilwoman

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

/s/ Michael R. DuPont, Borough Attorney

Bill list of September 29, 2020 in the amount of \$2,122,088.11 in a separate Bill List File for 2020 (See Appendix Bill List 2020-A for this date).

RESOLUTION 2020-225

WHEREAS, Pure Event Center, Inc., is the holder of Plenary Retail Consumption License #**1219-33-058-008** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for premises located at 1970 Route 35 No., South Amboy, NJ 08879; and

WHEREAS, an application has been made for the **2020-2021 renewal** term of Plenary Retail Consumption License No. **1219-33-058-008** held by Pure Event Center, Inc.; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that this governing body hereby gives approval for the renewal of the Plenary Retail Consumption License with **conditions as contained in Appendix A**, License No. 1219-33-058-008, for the year **July 1, 2020 through June 30, 2021**.

/s/Donna Roberts, Councilwoman
(Admin. & Finance Committee)

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

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

EXHIBIT A

CONDITIONS ON P.R.C.L. #1219-33-058-008
PURE EVENT CENTER, INC.

1. Licensee shall strictly enforce a policy that patrons who have been admitted to enter the Licensed Premises who subsequently exit the Licensed Premises will not be permitted to re-enter the Licensed Premises on the same day/evening. This measure is intended to address the Mayor and Council's previous finding that drug activity was noted on the Licensed Premises and in recognition of the fact that a practice of allowing patrons to exit and then re-enter the Licensed Premises facilitates drug activities by providing an opportunity for such persons to retrieve contraband from their vehicles for use and/or distribution inside and adjacent to the Licensed Premises. Additionally, this measure is intended to alleviate the problem of patrons loitering in and around the parking lot during Licensee's operating hours and engaging in illegal, disorderly or nuisance causing behaviors.
2. Licensee's security staff shall be required to obtain photo identification cards, prepared by the Sayreville Police Department, that must be kept on their persons at all times while employed at or located on Licensee's property. This measure is intended to alleviate difficulties encountered by police investigation complaints on the premises, in which members of the security staff are identified as either potential witnesses or suspects and is also designed in response to the findings of a previous ABC investigation in which it was discovered that some of the employees found on-site during the investigation were not properly entered in Licensee's employee records.
3. Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee's parking lots and other outside premises, as well as all residential areas within a five hundred (500) foot radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o'clock in the morning (10:00 a.m.) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with Licensee's operation. To the extent that residents within such five hundred (500) foot radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee's sole cost. This measure is designed to alleviate any problem associated with the accumulation of empty beverage containers, cans, bottles and other debris that results from the operation of the Licensed Premises. .
4. Licensee shall construct and maintain an 8' high solid fence at the rear property line mandated by the Planning Board Resolution dated March 2, 2016, before conducting any public event.
5. Licensee shall install "zero tolerance" signs inside the Licensed Premises, at or adjacent to the entry to the premises, containing language indicating that patrons will be prosecuted to the fullest extent of the law for any possession, sale or

distribution of any drug, controlled substance or drug paraphernalia. This measure is designed to discourage drug activity occurring at or on the Licensed Premises.

6. Licensee shall install soundproofing equipment and/or take any other necessary steps to limit the escape of sound and vibration from the Licensed Premises, sufficient to ensure that no audible sounds is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaint received by members of the Council pertaining to the Licensed Premises.
7. Licensee shall keep all doors at the rear of the building closed.
8. Licensee shall cease all sales of alcohol at 1:30 a.m. and shall cease the playing of all music at 1:45 a.m. This measure is designated to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed Premises at the same time, resulting in loitering around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area.
9. Licensee shall require security staff, except for undercover security staff employed by Licensee, to wear clothing or uniforms which are highly visible and well-marked on the front and rear. This shall include orange shirts with black block letters stating "SECURITY". This measure is designed to ensure that security staffers constitute a visible, identifiable and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the Licensed Premises and in the parking lot to further assist police in identifying security personnel when patrolling or responding to complaints or calls.
10. Licensee shall institute a policy of providing security staff in a ratio of one (1) security employee for each fifty (50) patrons, and that such security personnel be stationed in the parking lot area of the premises at all times during the hours of operation to control and supervise the parking lot area, not only with regard to parking, but with regard to the conduct and behavior of the patrons while on the Licensed Premises. Licensee shall post a security guard in the rear parking lot during its hours of operation. Parking attendants and valet parking staff shall not count as "security staff" in calculating the proper ratio of security staff to patrons. The ratio of one (1) security employee for every fifty (50) patrons is only for those security personnel who are being identified and/or are in uniform. Any undercover personnel that Licensee wishes to employ are in addition to the one per fifty patron security ratio. This measure is designed to ensure that the security staff employed by Licensee is sufficient to handle the numbers of patrons in attendance on a given night so as to constitute a visible, identifiable and adequate security presence, to discourage unlawful, disorderly or hazardous activities within the Licensed Premises and in the parking lot.
11. Licensee shall strictly enforce a policy to bar admittance to any patron who is not wearing a non-removable wristband, that has been provided to such patron by Licensee's valet parking attendant or parking supervisor, as evidence that the vehicle in which such patron arrived at the Licensed Premises has been parked in Licensee's parking lot. The only exception to this policy shall be for those patrons who demonstrate to Licensee before admittance that they hold a valid New Jersey motor vehicle license indicating that they reside within five hundred (500) feet of the Licensed Premises and have not arrived at the Licensed Premises in a motor vehicle. This condition is intended to restrict admittance to the Licensed Premises to only those patrons whose vehicles, as a driver or occupant thereof, are lawfully parked in Licensee's parking lot, in order to address issues raised by at the Planning Board regarding illegal parking, property trespass, loitering, and related nuisances.
12. Licensee shall institute a policy requiring its security staff to immediately report to the Sayreville Police Department any violations of Title 39 observed by such

staff in and around the Licensed Premises, and to provide the Borough Clerk, on a monthly basis, with a list of all such reports made by the Licensee's security staff to police within the prior month.

13. On a weekly basis, Licensee shall deliver in person, mail, or fax a copy of the E-141-A list, commonly known as the employee list, to the Police Department. DJs, dancers and other entertainers are to be included as employees as per ABC rules.
14. Licensee shall provide a list of entertainers who are booked prior to the scheduled date. The information shall be delivered to the Sayreville Police Department at the time a contract is executed and signed and the information shall be delivered to the Sayreville Police Department as to the name of the outside entertainer employees.
15. Teen nights are prohibited.
16. All patrons will have their vehicles valet parked, and upon presenting proper ID, will receive a wristband. Once a person exits the premises, they cannot re-enter.
17. Occupancy shall be limited to six hundred (600) persons.
18. During the six months following June 30, 2016, no more than five (5) public events shall be permitted on the premises. Thereafter, no public events may be conducted without Planning Board Approval and subsequent amendment of this Condition.
19. Notice of all public events shall be provided to the Sayreville Police Department at least seventy two (72) hours in advance of any public event scheduled on the premises. Licensee shall participate in community meetings if requested by the Police Department.
20. During public events, the licensee shall submit to random noise level readings by the Sayreville Police Department.
21. Licensee shall provide independent noise level readings for every public event for review by the Police Department within 72 hours after the event. Noise levels must meet the State standards contained in N.J.A.C. 7:29-1, *et seq.*
22. All public events must be managed by the Licensee and not by a third party.
23. The applicant shall provide a security guard at the rear parking lot in order to prevent trespassing on the adjacent residential lots.

Dated: June 13, 2018
By Order of the Mayor and Council

RESOLUTION #2020-226

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

WHEREAS, application for renewal has been made to the Mayor and Borough Council of the Borough of Sayreville for the **2020-2021 licensing term**; and

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

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

1. That Plenary Retail Consumption License No. **1219-33-020-004 Yanoo 2, Inc., t/a Cooney's at the Deerfield Inn**, located at 50 Deerfield Road, Parlin, NJ 08859 in the Borough of Sayreville be and the same is hereby renewed for the **2020-2021 license term**.

/s/Donna Roberts, Councilwoman
(Admin. & Finance Committee)

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

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

RESOLUTION #2020-227

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a contract to Rachel's Michele Oil Co. of Clifton, NJ for Gasoline/Diesel Fuel through State Contract #19-Fleet-00973 in an amount not to exceed \$378,000.00.

/s/ Mary J. Novak, Councilwoman
(Public Works Committee)

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

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

RESOLUTION #2020 - 228

WHEREAS, Borough Engineer David J. Samuel has recommended that certain increases and decreases be included in the following described project as will more fully appear by Closeout Contract Change Order No. 3:

- Project: Improvements to MacArthur Avenue
- Contractor: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Road
Sayreville, NJ 08872
- Net Decrease: \$36,424.49
- Reason: Adjustment of original contract to reflect actual quantities installed and work performed.

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

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

/s/ Mary J. Novak, Councilwoman
(Public Works Committee)

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

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

RESOLUTION #2020-229

**ACCEPTING FINAL WORK
AND AUTHORIZING FINAL PAYMENT
UPON EXPIRATION OF STATUTORY PERIOD**

WHEREAS, the following named contractor has completed the following work as indicated on the project hereafter referred to, which work is apparently in accordance with the plans, specifications and contract documents:

- Project: Improvements to MacArthur Avenue
- Contractor: Z Brothers Concrete Contractors, Inc.
304 Jernee Mill Road
Sayreville, NJ 08872
- Balance Due \$29,118.06

WHEREAS, the Borough Engineer has fully issued a certificate certifying to the completion of the work and recommending payment in accordance with the terms thereof; and

WHEREAS, the Standing Committee of the Governing Body under whose jurisdiction this work falls has likewise inspected said work and has determined that it has been completed in apparent conformity with the plans and specifications; and

WHEREAS, the Statutes of New Jersey pertaining to the enforcement of mechanic's and materialmen's liens on municipal projects provide that notice thereof may be filed at any time within 45 days of the final acceptance of said work;

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

1. That the project described in the preamble hereof is hereby accepted and approved with the proviso that such action is not to be construed as a waiver of any violation of the terms of said plans, specifications and contract documents if such violation should later appear.
2. That the Borough Clerk is authorized to insert a brief notice in a daily newspaper circulating in Middlesex County once a week for two consecutive weeks giving public notice of the final acceptance of said work so that any potential lien claimants may have notice thereof.
3. That upon expiration of the 45 days from the date hereof, the proper municipal officials be and they are hereby authorized and directed to execute and deliver a check

to the said contractor covering the amount due him, less any retained percentage authorized by the contract documents.

4. That should the contract under which this work has been done provide for the release of any retained percentage upon the filing of a maintenance bond, that said percentage shall be paid said contractor upon the filing of a one-year 15% Maintenance Bond in the amount of \$218,385.45 and the approval of same as to form and sufficiency by the Borough Attorney.

/s/ Mary J. Novak, Councilwoman
(Public Works Committee)

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

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

RESOLUTION #2020 - 230

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING THE
GOVERNING BODY TO CANCEL THE MUNICIPAL ALLIANCE
GRANT AND THE MUNICIPAL ALLIANCE GRANT MATCH**

WHEREAS, the Borough of Sayreville was to receive a Municipal Alliance Grant in the amount of \$42,655.00 along with the Municipal Alliance Grant Match in the amount of \$10,122.75; and

WHEREAS, the Borough of Sayreville wishes to cancel the Municipal Alliance Grant along with the Municipal Alliance Grant Match;

BE IT AND IT IS HEREBY RESOLVED that the Municipal Alliance Grant in the amount of \$42,655.00 and the Municipal Alliance Grant Match in the amount of \$10,122.75 to the Borough of Sayreville is hereby canceled.

/s/Donna Roberts, Councilwoman
(Admin. & Finance Committee)

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

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

RESOLUTION #2020-231

**BOROUGH OF SAYREVILLE RESOLUTION TO RENEW
P.R.C.L. #1219-33-010-005, 219 WASHINGTON ROAD, LLC,
WITH CONDITIONS FOR THE 2020-2021 LICENSE YEAR**

WHEREAS, 219 Washington Road, LLC, t/a Big Shots, is the holder of plenary retail consumption license number 1219-33-010-005, issued by the Mayor and Council of the Borough of Sayreville as the Issuing Authority for premises located at 2047 Route 35 in the Borough of Sayreville, New Jersey; and

WHEREAS, application for renewal has been made to the Mayor and Borough Council of the Borough of Sayreville for the 2020-2021 licensing term; and

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

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

1) **THAT** plenary retail consumption license number 1219-33-010-005, 219 Washington Road, LLC is hereby renewed for the 2019-2020 license year, subject to the following conditions as contained in the Settlement Agreement approved by Resolution #2010-138, adopted on June 28, 2010 (conditions c & d) and Resolution #2009-162 adopted on July 6, 2009 (conditions a & b) and remaining on the license:

(a) The licensee shall be required to employ at least one individual who is solely responsible for security of the licensed premises on Fridays and Saturdays between the hours of 7:00 p.m. and 2:00 a.m. or until closing. The licensee shall require all security staff (except for undercover security staff employed by the licensee) to wear clothing or uniforms which are highly visible and well marked on the front and rear. This shall include orange shirts with black block lettering stating "SECURITY." This measure is designed to ensure that security staffers constitute a visible, identifiable, and adequate security presence to discourage unlawful, disorderly, or hazardous activities within the licensed premises and in the parking lot, to further assist police in identifying security personnel when patrolling or responding to complaints or calls.

(b) The licensee shall be responsible for ensuring that there will be no parking of motorcycles on the sidewalks adjacent to the licensed premises."

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

(d) Licensee shall cease all sales of alcohol at 1:30AM and shall cease the playing of all music at 1:45AM. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed premises at the same time, resulting in loitering in and around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area;

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

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

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

/s/Donna Roberts, Councilwoman
(Admin. & Finance Committee)

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

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

RESOLUTION #2020-232

WHEREAS, Ikon at Route 35 Corporation is the holder of Plenary Retail Consumption License #1219-33-001-013 in the Borough of Sayreville; and

WHEREAS, the licensee did file a verified petition requesting authorization for the Borough of Sayreville to consider its renewal application for the 2020-2021 license term; and

WHEREAS, on May 14, 2019, James B. Graziano, Director of the State Division of Alcoholic Beverage Control, did make a Special Ruling to permit the filing of a renewal application of an inactive license, pursuant to N.J.S.A. 33:1-12.39, Agency Docket No. 05-19-105 for a *two-year period*, covering the *2019-2020 and 2020-2021 license terms*; and

WHEREAS, the said Special Ruling of the Director does authorize the Mayor and Borough Council to consider the application for renewal of the subject license for the 2020-2021 license term and to grant or deny said application in the reasonable exercise of its discretion;

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

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Mayor and Borough Council do hereby grant the renewal of Plenary Retail Consumption License No. 1219-33-001-013 to the licensee for the 2020-2021 license term, pursuant to special conditions as contained in the Special Ruling issued by the Director of the State Division of Alcoholic Beverage Control issued on May 13, 2019 and is also subject to the following conditions that remain as part of the license:

1. Licensee shall continue to implement and provide valet parking for its patrons on all nights of operation. The Chief of Police may grant a waiver, on occasion, of the requirement that valet parking be provided if the Licensee demonstrates, to the reasonable satisfaction of the Chief of Police, that Licensee's level of occupancy on such specific occasion is anticipated to be significantly less than the legal occupancy so as to satisfy the Chief that valet parking will not be necessary on such specific occasion. The granting of any such waiver on one occasion shall not entitle Licensee to such a waiver on any other occasion.
2. The above-described valet parking requirement shall remain in effect unless and until a recommendation for other appropriate traffic control procedures, developed by a licensed traffic or civil engineer or consultant at Licensee's expense, is received and approved by the Mayor and Council as a substitute measure.
3. Licensee shall institute a policy and instruct its parking lot attendants and employees to abide by a policy that requires that, when the parking facilities used by the Licensed Premises are at full capacity, any additional cars seeking to enter the parking lots shall be "waved off" by parking lot attendants in order to insure that traffic jams do not occur but that such traffic continues to move through and out of the area of the Licensed

Premises when there are no legal spaces available in the Licensed Premises parking lots to accommodate additional cars.

4. Licensee shall strictly enforce a policy that patrons who have been admitted to enter the Licensed Premises who subsequently exit the Licensed Premises will not be permitted to re-enter the Licensed Premises on the same day/evening. This measure is intended to address the Mayor and Council's previous finding that drug activity was noted on the Licensed Premises and in recognition of the fact that a practice of allowing patrons to exit and then re-enter the Licensed Premises facilitates drug activities by providing an opportunity for such persons to retrieve contraband from their vehicles for use and/or distribution inside and adjacent to the Licensed Premises. Additionally, this measure is intended to alleviate the problem of patrons loitering in and around the parking lot during Licensee's operating hours and engaging in illegal, disorderly or nuisance causing behaviors.

5. Licensee's security staff shall be required to obtain photo identification cards, prepared by the Sayreville Police Department, that must be kept on their persons at all times while employed at or located on Licensee's property. This measure is intended to alleviate difficulties encountered by police investigating complaints on the premises, in which members of the security staff are identified as either potential witnesses or suspects and is also designed in response to the findings of a previous ABC investigation in which it was discovered that some of the employees found on-site during the investigation were not properly entered in Licensee's employee records.

6. Licensee shall provide proper trash receptacles in the parking lot and shall cause Licensee's parking lots and outside premises, as well as all residential areas within a five hundred (500) foot radius of the Licensed Premises, to be cleaned of all litter, trash and other discarded items. Such cleaning shall be accomplished by ten o'clock in the morning (10:00 a.m.) each day following the hours of operation of the Licensed Premises such that the above-described areas shall be free from all such litter, trash and other discarded items as may be generated by and/or associated with Licensee's operation. To the extent that residents within such five hundred (500) foot radius consent to permit access to private property for the purposes of such cleaning on private property, Licensee shall cause such private property to be cleaned of all litter, trash and other discarded items, at Licensee's sole cost. This measure is designed to alleviate any problem associated with the accumulation of empty beverage containers, cans, bottles and other debris that results from the operation of the Licensed Premises.

7. Licensee shall install "zero tolerance" signs inside the Licensed Premises, at or adjacent to the entry to the premises, containing language indicating that patrons will be prosecuted to the fullest extent of the law for any possession, sale or distribution of any drug, controlled substance or drug paraphernalia. This measure is designed to discourage drug activity occurring at or on the Licensed Premises.

8. Licensee shall install soundproofing equipment and/or take any other necessary steps to limit the escape of sound and vibration from the Licensed Premises, sufficient to ensure that no audible sound is transmitted beyond the property line of the Licensed Premises. This measure is designed to alleviate concerns regarding noise levels as recounted from complaints received by members of the Council pertaining to the Licensed Premises.

9. Licensee shall cease all sales of alcohol at 1:30 a.m. and shall cease the playing of all music at 1:45 a.m. This measure is designed to facilitate the prompt and orderly exiting of patrons at or before the time of closing and to prevent large groups of patrons from exiting the Licensed Premises at the same time, resulting in loitering around the Licensed Premises and in the street, blocking traffic and inhibiting the dispersal of other patrons from the Licensed Premises and from the area.

10. Licensee shall institute a policy that on nights where patrons aged eighteen (18) through twenty (20) may be admitted to the premises along with patrons aged twenty-one (21) and over, such patrons over the age of twenty-one (21) shall be required to wear secure wristbands of a color differentiated from any wristbands required to be worn by patrons under the

age of twenty-one (21). All such wristbands shall be incapable of being re-attached once removed, in order to prevent violations of laws prohibiting sales of alcohol to persons under twenty-one (21). This measure is designed to prevent violations of drinking age laws, as noted by the Council in previous findings of fact related to a prior disciplinary action.

11. Licensee shall securely stow all alcoholic beverages and shall not serve any alcohol whatsoever on those occasions that Licensee provides access to teenagers under the legal drinking age at events commonly referred to as "Teen Nights". During such events, all alcoholic beverages shall be removed from the bar areas and secured. This measure is designed to prevent violations of drinking age laws as noted by the Council in previous findings related to a prior disciplinary action.

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

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

14. On promotional evenings, when a large crowd is expected, Licensee will coordinate with the police.

15. Licensee shall strictly enforce a policy to bar admittance to any patron who is not wearing a non-removable wristband, that has been provided to such patron by Licensee's valet parking attendant or parking supervisor, as evidence that the vehicle in which such patron arrived at the Licensed Premises has been parked in Licensee's parking lot. The only exception to this policy shall be for those patrons who demonstrate to Licensee before admittance that they hold a valid New Jersey motor vehicle license indicating that they reside within five hundred (500) feet of the Licensed Premises and have not arrived at the Licensed Premises in a motor vehicle. This condition is intended to restrict admittance to the Licensed Premises to only those patrons whose vehicles, as a driver or occupant thereof, are lawfully parked in Licensee's parking lot, in order to address issues raised by an Objector and her witnesses regarding illegal parking, property trespass, loitering and related nuisances.

16. Licensee shall institute a policy requiring its security staff to immediately report to the Sayreville Police Department any violations of Title 39 observed by such staff in and around the Licensed Premises, and to provide the Borough clerk, on a monthly basis, with a list of all such reports made by Licensee's security staff to police within the prior month.

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

18. Licensee shall provide a list of entertainers who are booked prior to the scheduled date. The information shall be delivered to the Sayreville Police Department at the time a contract is executed and signed and the information shall be delivered to the Sayreville Police Department as to the name of the outside entertainer employees.

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

/s/Donna Roberts, Councilwoman
(Admin. & Finance Committee)

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

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

READ IN FULL

RESOLUTION #2020-233

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE COUNCIL REFERRING
REQUESTED AMENDMENTS TO THE HERCULES REDEVELOPMENT PLAN TO THE
BOROUGH PLANNING BOARD FOR REVIEW**

WHEREAS, the Borough of Sayreville (the “Borough”) wishes to amend the Hercules Redevelopment Plan by adopting proposed amendments requested by the Sayreville Economic and Redevelopment Agency (“SERA”); and

WHEREAS, pursuant to N.J.S.A. § 40A:12A-7(e), prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan; and

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sayreville, that the requested amendments to the Hercules Redevelopment Plan, as set forth on the September 22, 2020 Resolution of SERA attached hereto as Exhibit A, are hereby referred to the Borough Planning Board for their review, in accordance with the provisions of § 40A:12A-7(e).

/s/ Kevin Dalina, Councilman
(Planning & Zoning Committee)

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

/s/Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/Jessica Morelos, RMC
Municipal Clerk

/s/Victoria Kilpatrick
Mayor

At this time Mayor Kilpatrick opened the meeting up to the public for questions or comments on this resolution.

There were no appearances.

Council President Novak moved the Public Portion be closed and the Resolution be adopted on Roll Call Vote. Seconded by Councilman Dalina.

Roll Call: Councilpersons Novak, Conti, Dalina, Enriquez, Maher, Roberts, all ayes. Carried.

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

• **PUBLIC PORTION**

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

Those appearing were:

- Arthur Rittenhouse, 33 Delikat Lane

Mr. Rittenhouse asked the status on Fulton's Landing.

Borough Attorney DuPont stated that counsel for Fulton's Landing asked for an extension to speak with the prosecutor.

He questioned when Borough Hall would reopen.

Mayor stated that no change has been made in reference to the opening. She stated that the Borough has been able to provide the services needed to the public.

Mr. Rittenhouse stated that Chairs of the Commissions should have more access to Borough Hall.

Mr. Rittenhouse questioned who is monitoring the camera on the drop box and how long the tape is kept for.

Business Administrator Frankel stated the camera that is on the drop box right now has a time of 30 days but are looking to put a second camera on the drop box.

Mr. Rittenhouse stated that his concern is if there are any challenges that those tapes should be kept and may be needed.

- Jim Robinson, 11 Borelle Sq.

Mr. Robinson stated that his concern is when the Fulton's Landing warehouses are built on Main Street that it will increase truck traffic thru town. He requested a strategy be implemented to use the Main Street Extension instead of local roads.

Councilman Conti stated that the Traffic Safety Bureau is looking into it. He also stated that they were looking at an option to exit the warehouse at the light and then make a left.

Mayor stated that one of the main problems in discussion in regards to Fulton's Landing was the traffic and made it clear to push the traffic to Main St. Extension.

- Jean Quinn, 59 Hartshore Way

Ms. Quinn stated thanked the Mayor and Council for their service to our town. She stated her concern is about the warehouse and traffic on Ernston Road/Main Street/Washington Road. She stated she considers that intersection to be the education hub. She also questioned how this would impact the Police Department.

- Ruth Mahoney, 2 Gerard Place

Ms. Mahoney she thanked everyone for their support on the truck issue which is very important. She stated there is increase truck traffic now and can't imagine what it would be like with the warehouses.

- Robert Syslo, 22 Driftwood Drive

Mr. Syslo stated that any new development or commercial development be looked into as how the truck traffic will affect the Borough.

- Ruth Mahoney, 2 Gerard Place

Ms. Mahoney asked for an update on the Washington Road/North Ernston Pedestrian walkway for the painting and new signs.

Mayor asked Business Administrator Frankel to look into it.

- Mike Gannelli, 25 Embroidery St.

Mr. Gannelli stated that he's in favor of the truck route on Main Street. He stated that he hasn't received any communication back about the traffic concerns around town.

Councilman Conti stated that he spoke with Sgt. Braile and the Chief about the safety concerns. He stated that he gave Mr. Gannelli's contact information to Sgt. Braile but he hasn't had a chance to contact him yet.

Mayor stated that it's up to the Traffic Safety Bureau to make the recommendations to the Council in any area that they feel is a danger or problem. Mr. Gannelli stated he would have appreciated a follow-up instead of coming to a council meeting to address it.

Councilwoman Maher stated that she spoke with neighbors on Embroidery Street and they attested to the same concerns. She stated this was the same process that happened on Pulaski Avenue.

Mr. Gannelli stated that he brought his opinions/concerns to other platforms such as FaceBook and thanked Councilwoman Maher for recognizing the concerns. He also recognized the Parks Department that were starting to clean-up the water at Kennedy Park.

No further comments.

Mayor Kilpatrick called for a Motion. **Council President Novak made a motion to close the Public Portion. Seconded by Councilwoman Maher.**

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

No further business Council President Novak made a motion to adjourn. Seconded by Councilman Dalina.

Roll Call: Voice Vote, all Ayes.

Time 7:57 P.M.

Respectfully submitted,

Jessica Morelos, RMC
Municipal Clerk

Date Approved: _____