

Council President Dalina opened the Council Meeting at 7:03 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 February 8, 2021 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, Dalina, Enriquez, Maher, Novak, Roberts

Absent: None

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

Others Absent: Mayor Kilpatrick

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

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

☞ January 25, 2021 - Regular & Agenda Sessions

Seconded by Councilwoman Novak.

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

- **PROCLAMATION & PRESENTATIONS** - None

- **EXECUTIVE SESSION** -None

- **OLD BUSINESS:**

Municipal Clerk reported on the following:

a) Report received from the Sayreville Planning Board following a meeting held on February 3, 2021, approving the following Ordinances and referring them back to the Borough Council:

- #515-21 Amending Chapter 35 "Affordable Housing"

b) Public Hearing on the following Ordinance:

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

Public Hearing on Ordinance #515-21.

Council President Dalina opened the meeting to the public for questions or comments on Ordinance #515-21.

There were no appearances.

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

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

ORDINANCE # 515-21

AN ORDINANCE AMENDING CHAPTER XXXV, "AFFORDABLE HOUSING", SUBSECTION 35-23, "AFFORDABLE HOUSING MANDATORY SET-ASIDE" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SAYREVILLE

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the county of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows:

35-23 Affordable Housing Mandatory Set-Aside

A. Purpose

This section is intended to ensure that any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough or the Borough Planning/Zoning Board that results in multi-family residential development of five (5) dwelling units or more produces affordable housing at a set-aside rate of twenty (20%) percent. This section shall apply except where inconsistent with applicable law.

B. Affordable Housing Mandatory Set-Aside Requirement

If the Borough Planning Board/Zoning Board permits the construction of multi-family or single-family attached residential development that is "approvable" and "developable". As defined at N.J.A.C. 5:93-1.3, the Borough or the Borough's Planning/Zoning Board shall require that an appropriate percentage of the residential units be set aside for low and moderate income households. This requirement shall apply beginning with the effective date the Ordinance creating this section was adopted to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough's Planning Board or Zoning Board. For such development for which the Borough's land use ordinances already permitted residential development as of the effective the Ordinance creating this section was adopted, this requirement shall only apply if the Borough or the Borough's Planning Board or Zoning Board permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date the Ordinance created this section was adopted. Nothing in this paragraph precludes the Borough or the Borough's Planning Board or Zoning Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law. For all inclusionary projects, the appropriate set-aside percentage will be twenty percent (20%). This requirement does not create any entitlement for a property owner or applicant for a zoning amendment or variance, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in the Borough's Settlement Agreement with FSHC, which was executed by the Borough on July 8, 2016, or in the Borough's Adopted Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein. As such, this section will not apply to the Borough's CDB, HBD, LI, R-TH or OR zones, as said zones already have affordable housing set-aside requirements.

Furthermore, this section shall not apply to developments containing four (4) or less dwelling units. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.

Section 1. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall

not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 2. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Sayreville, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Sayreville are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 3. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Middlesex County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 4. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Sayreville for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 5. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Middlesex County Planning Board pursuant to N.J.S.A. 40:55d-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that Chapter 35, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect such change.

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

INTRODUCED/APPROVED ON FIRST READING

DATED: January 25, 2021

/s/Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

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

ADOPTED ON SECOND READING

DATED: February 8, 2021

/s/Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

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

APPROVAL BY THE MAYOR ON THIS 8th DAY OF FEBRUARY, 2021

/s/Victoria Kilpatrick, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/MICHAEL DUPONT, ESQ., Borough Attorney

- **NEW BUSINESS:**

a) Introduction of the following ordinances:

ORDINANCE #516-21
AN ORDINANCE SUPPLEMENTING AND AMENDING ORDINANCE #437-19
FIXING THE SALARIES OF CERTAIN BOROUGH OFFICIALS, OFFICERS
AND EMPLOYEES FOR THE YEARS 2017 - 2022
(New Title)
(Admin. & Finance Committee - Co. Roberts - Public Hearing 2-22-21)

Councilwoman Roberts moved the Ordinance be approved on first reading, advertise according to law and a Public Hearing be scheduled for February 22, 2021. Motion was seconded by Councilman Dalina.

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

ORDINANCE #517-21
CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)
(Admin. & Finance Committee - Co. Roberts - Public Hearing 2-22-21)

Councilwoman Roberts moved the Ordinance be approved on first reading, advertise according to law and a Public Hearing be scheduled for February 22, 2021. Motion was seconded by Councilwoman Novak.

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

ORDINANCE #518-21
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER XXVI "LAND DEVELOPEMENT" OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 26-99.6 "STORM WATER CONTROL"
(Water & Sewer Committee - Co. Novak - Public Hearing 2-22-21)

Councilwoman Novak moved the Ordinance be approved on first reading, advertise according to law and a Public Hearing be scheduled for February 22, 2021. Motion was seconded by Councilman Dalina.

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

CONSENT AGENDA RESOLUTIONS

Council President Dalina opened the meeting for any questions or comments on Consent Agenda Resolutions.

There were no appearances.

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

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

RESOLUTION #2021-44

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

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

Absent
Victoria Kilpatrick, Mayor

<u>/s/ Vincent Conti, Councilman</u>	<u>/s/ Michele Maher, Councilwoman</u>
<u>/s/ Kevin Dalina, Councilman</u>	<u>/s/ Mary J. Novak, Councilwoman</u>
<u>/s/ Damon Enriquez, Councilman</u>	<u>/s/ Donna Roberts, Councilwoman</u>

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 February 8, 2021 in the amount of \$7,539,629.55 in a separate Bill List File for 2021 (See Appendix Bill List 2021-A for this date).

RESOLUTION #2021-45

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2020 Budget Appropriations be and the same are hereby authorized to be made in the following manner to wit:

	<u>FROM</u>	<u>TO</u>
<u>CURRENT FUND</u>		
Apartment Service Reimbursement (0-01-26-326-273)		5,000.00
Telephone OE (0-01-31-440-141)		5,000.00
Natural Gas (0-01-31-446-267)		5,000.00
Group Insurance (0-01-23-220-195)	15,000.00	
	<u>\$ 15,000.00</u>	<u>\$15,000.00</u>

/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/ Kevin Dalina
Council President

RESOLUTION #2021-46

WHEREAS, Virginia Karandrikas has applied to the Mayor and Council for approval of a beauty shop license located at 501 Washington Road, Parlin, NJ; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Borough Clerk is hereby authorized and directed to issue a license to Virginia Karandrikas to operate a beauty salon t/a Restoration Hair Lounge containing sixteen (16) chairs located at 501 Washington Road, Parlin, NJ 08859, pending the issuance of a Mercantile License through the Construction Office.

/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/ Kevin Dalina
Council President

RESOLUTION #2021-47

WHEREAS, property known as Lot(s) **3**, in Borough Block **29.05**, more commonly known as **7 Midnight Street**, in **Parlin, NJ** is owned by **Garrett & Ellen Pechillo**;

AND, WHEREAS, **Garrett F. Pechillo**, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A 54; 4-3.30, causing his property to be exempt from taxation at the local level beginning with the first quarter of Calendar Year **2018** as verified by the Tax Assessor;

AND, WHEREAS, the Tax Bills for the four quarters of Calendar Year **2018, 2019, and 2020** were generated from the **2017, 2018, and 2019** Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill for the calendar year **2018, 2019, and 2020**, while the property is correctly classified as being Tax Exempt commencing with the first quarter of **2021**;

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be, and he hereby is, authorized and directed to cancel **2018, 2019, and 2020** taxes billed and all subsequently billed taxes, and refund the amount paid for **2018, 2019, and 2020**, in the amount of **\$26,896.53** on the property known and designated as Lot(s) **3** in Borough Block **29.05**.

/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/ Kevin Dalina
Council President

RESOLUTION #2021-48

WHEREAS, property known as Lot(s) **13**, in Borough Block **223**, more commonly known as **20 Fifth Street**, in **Sayreville, NJ** is owned by **Michael & Michelle Zazzarino**;

AND, WHEREAS, Michael A. Zazzarino, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A 54; 4-3.30, causing his property to be exempt from taxation at the local level beginning with the fourth quarter of Calendar Year **2020** as verified by the Tax Assessor;

AND, WHEREAS, the Tax Bills for the four quarters of Calendar Year **2020** were generated from the **2019** Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill for the calendar year **2020**, while the property is correctly classified as being Tax Exempt commencing with the first quarter of **2021**;

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be, and he hereby is, authorized and directed to cancel **2020** taxes billed and all subsequently accruing taxes, and refund the amount paid for the exempt portion of **2020**, in the amount of **\$2,742.03** on the property known and designated as Lot(s) **13** in Borough Block **223**.

/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/ Kevin Dalina
Council President

RESOLUTION #2021-49

WHEREAS, property known as Lot(s) **20**, in Borough Block **215**, more commonly known as **568 Main Street**, in **Sayreville, NJ** is owned by **Diana Pagan-Molina**;

AND, WHEREAS, Diana Pagan-Molina, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A 54; 4-3.30, causing her property to be exempt from taxation at the local level beginning with the fourth quarter of Calendar Year **2020** as verified by the Tax Assessor;

AND, WHEREAS, the Tax Bills for the four quarters of Calendar Year **2020** were generated from the **2019** Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill for the calendar year **2020**, while the property is correctly classified as being Tax Exempt commencing with the first quarter of **2021**;

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be, and he hereby is, authorized and directed to cancel **2020** taxes billed and all subsequently accruing taxes, and refund the amount paid for the exempt portion of **2020**, in the amount of **\$2,735.11** on the property known and designated as Lot(s) **20** in Borough Block **215**.

/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/ Kevin Dalina
Council President

RESOLUTION #2021-50

WHEREAS, property known as Lot(s) **9**, in Borough Block **173**, more commonly known as **32 Canal Street**, in **Sayreville, NJ** is owned by **Frank Terzino**;

AND, WHEREAS, Frank Terzino, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A 54; 4-3.30, causing his property to be exempt from taxation at the local level beginning with the fourth quarter of Calendar Year **2020** as verified by the Tax Assessor;

AND, WHEREAS, the Tax Bills for the four quarters of Calendar Year **2020** were generated from the **2019** Assessor's Tax Lists, as required under regulations promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill for the calendar year **2020**, while the property is correctly classified as being Tax Exempt commencing with the first quarter of **2021**;

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be, and he hereby is, authorized and directed to cancel **2020** taxes billed and all subsequently accruing taxes, and refund the amount paid for the exempt portion of **2020**, in the amount of **\$317.42** on the property known and designated as Lot(s) **9** in Borough Block **173**.

/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/ Kevin Dalina
Council President

RESOLUTION #2021-51

WHEREAS, property known as Lot(s) **22**, in Borough Block **71**, more commonly known as **101 Nickel Avenue**, in **Sayreville, NJ** is owned by **Michael Vanuiter and Kristine Lozano**;

AND, WHEREAS, Michael Vanuiter, who had qualified as a one hundred percent **Disabled Veteran** under the provision of the N.J.S.A 54; 4-3.30, causing his property to be exempt from taxation at the local level beginning with the fourth quarter of Calendar Year **2020** as verified by the Tax Assessor;

AND, WHEREAS, the Tax Bills for the four quarters of Calendar Year **2020** were generated from the **2019** Assessor's Tax Lists, as required under regulations

promulgated by the New Jersey Division of Local Government Services in The Department of Community Affairs pursuant to N.J.S.A. 54:4-64, thus presenting this property owner with a tax bill for the calendar year **2020**, while the property is correctly classified as being Tax Exempt commencing with the first quarter of **2021**;

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be, and he hereby is, authorized and directed to cancel **2020** taxes billed and all subsequently accruing taxes, and refund the amount paid for the exempt portion of **2020**, in the amount of **\$499.94** on the property known and designated as Lot(s) **22** in Borough Block **71**.

/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/ Kevin Dalina
Council President

	Conti	Dalina	Enriquez	Maher	Novak	Roberts
Ayes	X	X	X	X	X	X
Nays						
Abstain						
Absent						

RESOLUTION #2021-52

DEMANDING THAT THE NEW JERSEY STATE LEGISLATURE ACCEPT ITS RESPONSIBILITY TO ADMINISTER THE PROVISIONS OF THE AFFORDABLE HOUSING ACT AND STAY FURTHER ACTION UNTIL SUCH TIMES AS IT HAS PROMULGATED RULES GOVERNING ITS IMPLEMENTATION

WHEREAS, in 1975 the New Jersey Supreme Court in Mount Laurel I decreed that every municipality in New Jersey, “must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low and moderate income housing and in its regulations must affirmatively afford that opportunity, at least to the extent of the municipality's fair share of the present and prospective regional need therefor” (*10 S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp., 67 N.J. 151, 174 (1975)*); and

WHEREAS, in 1983, the Supreme Court in Mount Laurel II expanded the Mount Laurel doctrine, saying:

“Therefore, proof of a municipality's bona fide attempt to provide a realistic opportunity to construct its fair share of lower income housing shall no longer suffice. Satisfaction of the Mount Laurel obligation shall be determined solely on an objective basis: if the municipality has in fact provided a realistic opportunity for the construction of its fair share of low and moderate income housing, it has met the Mount Laurel obligation to satisfy the constitutional requirement; if it has not, then it has failed to satisfy it. Further, whether the opportunity is “realistic” will depend on whether there is in fact a likelihood-to the extent economic conditions allow-that the lower income housing will actually be constructed. Plaintiff's case will ordinarily include proof of the municipality's fair share of the regional need and defendant's proof of its satisfaction. Good or bad faith, at least on this issue, will be irrelevant.” (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp., 92 N.J. 158, 220–22 (1983)*); and

WHEREAS, the Supreme Court in Mount Laurel II suggested that builders’ remedies should be used to force compliance by municipalities, reasoning that:

Experience . . . has demonstrated to us that builder's remedies must be made more readily available to achieve compliance with Mount Laurel. We hold that where a developer succeeds in Mount Laurel litigation and proposes a project providing a substantial amount of lower income housing, a builder's remedy should be granted unless the municipality establishes that because of environmental or other substantial planning concerns, the plaintiff's proposed project is clearly contrary to sound land use planning. We emphasize that the builder's remedy should not be denied solely because the municipality prefers some other location for lower income housing, even if it is in fact a better site. (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 279–80 (1983)); and

WHEREAS, the New Jersey Legislature responded quickly to the Court's Mount Laurel decision by enacting the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which created the Council on Affordable Housing ("COAH") which as the Court noted in Mount Laurel IV " . . . was designed to provide an optional administrative alternative to litigating constitutional compliance through civil exclusionary zoning actions." (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 4 (2015)); and

WHEREAS, COAH, pursuant to the authority granted to it by the Fair Housing Act, then adopted procedural and substantive rules which provided clear guidance to municipalities as to how they could meet their affordable housing obligation; and

WHEREAS, in its rules, COAH assigned a fair share number to each municipality and set forth various mechanisms that a municipality could use in order to satisfy that obligation; and

WHEREAS, Borough of Sayreville, like many other municipalities throughout the State of New Jersey, met its First and Second Round Affordable Housing Obligations through the COAH process; and

WHEREAS, COAH adopted the First Round Rules for the period from 1987 through 1993 and the Second Round Rules for the period 1993 to 1999 and then extended to 2004; and

WHEREAS, COAH was obliged by the Fair Housing Act to adopt Third Round Rules to take effect in 2004, however, but never adopted rules that were acceptable to the Courts; and

WHEREAS, in 2015, the Supreme Court again stepped in, finding that COAH's failure to adopt Third Round Rules forced the Court to intervene; and

WHEREAS, the Supreme Court designated Mount Laurel judges in each of the fifteen court vicinages to hear all Mount Laurel cases; and

WHEREAS, instead of providing clear guidance, like the COAH rules did, the Supreme Court in Mount Laurel IV set forth vague standards that have led to a complex system of non-uniform implementation; and

WHEREAS, as a result of the Supreme Court's decision in Mount Laurel IV, municipalities no longer were assigned fair share numbers, no longer had clear and concise procedural and substantive rules to follow, and no longer had one tribunal to decide these issues, which meant that even the threshold issues of regional need and local fair share obligations had to be litigated before fifteen different Mount Laurel judges, and as a result, municipalities were forced to spend tens of thousands, and in some cases hundreds of thousands of dollars, to negotiate fair share numbers with the Fair Share Housing Center ("FSHC") and to gain court approval of settlement agreements negotiated with FSHC; and

WHEREAS, the Supreme Court in Mount Laurel IV concluded its opinion by encouraging the Legislature to once again assume responsibility in the area of affordable housing, saying:

“In conclusion, we note again that the action taken herein does not prevent either COAH or the Legislature from taking steps to restore a viable administrative remedy that towns can use in satisfaction of their constitutional obligation. In enacting the FHA, the Legislature clearly signaled, and we recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. (Citation omitted.) It is our hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous., 221 N.J. 1, 34 (2015)*); and

WHEREAS, it has been five years since the Mount Laurel IV opinion was issued and, to the detriment of each municipality in New Jersey and to the future viability of the State, neither the Legislature nor the Governor nor COAH have taken any action to remedy the situation; and

WHEREAS, if the Governor, the Legislature and COAH continue to ignore their responsibilities, municipalities will once again face a burdensome, time-consuming and expensive process to obtain Fourth Round Mount Laurel compliance starting in 2025;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council the Borough of Sayreville in the County of Middlesex, State of New Jersey, that it does hereby demand that the Governor and the Legislature cease their unconscionable disregard of this most important provision of the State constitution and take immediate and decisive action to restore a viable administrative remedy that municipalities can use in satisfaction of their constitutional obligations to provide affordable housing.

/s/ Michele Maher, Councilwoman
(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/ Kevin Dalina
Council President

RESOLUTION #2021-53

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AWARDING
THE CONTRACT FOR GRANT WRITING TO BRUNO
ASSOCIATES, INC. OF CLIFTON, NJ**

WHEREAS, the Borough of Sayreville recognizes its need for the services of a Grant Writer for various programs available to the Borough;

WHEREAS, the wishes to award a fair and open contract to Bruno Associates Inc. of Clifton, NJ to engage its services; and

WHEREAS, the appropriate Borough Officials have reviewed and approved said contract; and

BE IT AND IT IS HEREBY RESOLVED that the contract for Grant Writing be awarded to Bruno Associates Inc. of Clifton, NJ in an amount not to exceed \$40,000.00.

/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/ Kevin Dalina
Council President

RESOLUTION #2021-54

WHEREAS, on October 28, 2019 the Borough of Sayreville awarded a contract for the collection and disposal of e-waste recycling services to GreenChip Recycling, Inc.; and

WHEREAS, said agreement, expired on December 31, 2020; and

WHEREAS, the Borough of Sayreville is desirous of exercising its right to renew the contract agreement for an additional two (2) year period and that the 2020 pricing be extended through 2021; and

WHEREAS, GreenChip Recycling, Inc., has indicated their interest in extending their terms of the aforesaid contract for an additional two (2) year period;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Sayreville that the terms and conditions of the current contract with the above-captioned supplier for Collection and Disposal of Electronic Waste Recyclables is hereby renewed for an additional two year period at no additional increase in price.

/s/ Kevin Dalina, Councilman
(Public Works Committee)

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

/s/ Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kevin Dalina
Council President

RESOLUTION #2021-55

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a contract to Skylands Area Fire Equipment of Riverdale, NJ for Turnout Gear through NJ State Contract #17-Fleet-00810/V00026949 in an amount not to exceed \$50,083.46.

/s/ Vincent Conti, Councilman
(Public Safety Committee)

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

/s/ Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kevin Dalina
Council President

RESOLUTION #2021-56

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a contract to Tactical Public Safety of West Berlin, NJ for pagers for the Fire Department through NJ State Contract T0109/A83932 in an amount not to exceed \$20,000.88.

/s/ Vincent Conti, Councilman
(Public Safety Committee)

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

/s/ Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kevin Dalina
Council President

RESOLUTION #2021-57

BE IT RESOLVED that the proper Borough officials are hereby authorized to award a contract to Tactical Public Safety of West Berlin, NJ for Annual Radio System and Pager Maintenance through NJ State Contract T0109/A83932 in an amount not to exceed \$80,515.09.

/s/ Vincent Conti, Councilman
(Public Safety Committee)

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

/s/ Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kevin Dalina
Council President

RESOLUTION #2021-58

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AUTHORIZING THE
EXECUTION OF A RENEWAL CONTRACT WITH
BENECARD FOR PRESCRIPTION BENEFITS AND
ENTRY INTO THE ACRISURE CONSORTIUM**

WHEREAS, the Borough of Sayreville currently contracts with Benecard for prescription benefits of its employees; and

WHEREAS, the Borough of Sayreville wishes to extend its contract with Benecard for prescription benefits; and

WHEREAS, said renewal of the Benecard contract includes the Borough's entry into the Acrisure Consortium; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED the appropriate Borough Officials are authorized to execute a two year renewal of its contract with Benecard.

/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/ Kevin Dalina
Council President

RESOLUTION #2021-59

**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 RISK
MANAGEMENT CONSULTANT'S AGREEMENT WITH NORTH
AMERICAN INSURANCE MANAGEMENT CORPORATION (NAIMC)**

WHEREAS, the Borough of Sayreville (the "Borough") is a member of the Central Jersey Joint Insurance Fund (JIF); and

WHEREAS, the Borough desires the services of a consultant to provide professional risk management services to be compensated by the JIF; and

WHEREAS, the Borough has determined that the Borough's needs may be met by North American Insurance Management Corporation in both a cost effective and comprehensive manner; and

WHEREAS, N.J.S.A. 40A:11-5(1)(m) provides for the purchase of insurance coverage and consultant services without the need for public bidding in accordance with the requirements for extraordinary un-specifiable services; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500.00, bringing the contract within the purview of P.L. 2004, c.19 as amended by P.L. 2004, c.51 (N.J.S.A. 19:44A-20.5 et seq.) and P.L. 2005, c.271 (N.J.S.A. 19:44A-20.26); and

WHEREAS, the term of this Contract shall be from January 1, 2021 through December 31, 2021, unless sooner terminated in accordance with law and the contract; and

WHEREAS, North American Insurance Management Corporation will complete and submit a Business Entity Disclosure Certification, which Certification will provides that no contributions have been made that would bar the award of these contracts pursuant to P.L. 2004, c.19 and, further, that no reportable contributions to municipal political or candidate committees of the elected officials of the Borough will be made through the term of these contracts; and

WHEREAS, North American Insurance Management Corporation will complete and submit the Political Contribution Disclosure Form required pursuant to P.L. 2005, c.271, **which form will be on file with the Municipal Clerk ten (10) days following to the adoption of this Resolution.**

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

1. The recitals set forth above are hereby incorporated into the body of this Resolution as if set forth at length herein.

2. The Mayor or the Business Administrator of the Borough of Sayreville is hereby authorized to execute an agreement with North American Insurance Management commencing January 1, 2021 and terminating on December 31, 2021, which shall provide that all payment for the performance of the services contemplated thereunder shall be the responsibility of the Central Jersey Joint Insurance Fund; and

BE IT FURTHER RESOLVED that the award of the herein contract shall be published in the official newspaper of the Borough setting forth the "nature, duration, service, and amount of the contract" and a copy of the contract and this Resolution shall be on file in the office of the Borough Clerk for public inspection during regular business hours pursuant to N.J.S.A. 40A:11-5(1)(a)(ii); and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification, Political Contribution Disclosure Form, and the Determination of Value be placed on file with this Resolution.

/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/ Kevin Dalina
Council President

RESOLUTION #2021- 60

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY
OF MIDDLESEX, STATE OF NEW JERSEY, APPROVING
PSE&G GAS MODERIZATION PROJECT**

WHEREAS, the Governing Body of the Borough of Sayreville has been advised by PSE&G Public Affairs Department of its recently approved Gas System Modernization Program which will replace aging the cast iron main and the bare steel main of its gas delivery system; and

WHEREAS, in order to accomplish the replacement of its gas delivery mains, PSE&G requested a waiver from Chapter XIII, Subsection 13.1 Excavation and Construction in Public Streets, specifically subsections 13-1.7a, 13-1.10a3 and 13-1.10c; such waiver subject to PSE&G providing a written maintenance agreement to cover a five (5) year period;

THEREFORE, BE IT AND IT IS HEREBY RESOLVED that Governing Body of the Borough of Sayreville approves the PSE&G Gas Modernization Project and also approves the waiver of the requirements contained in Sections 13.1.7a, 13-1.10a3 and 13-1.10c of Chapter 13 of the Borough Ordinances.

/s/ Kevin Dalina, Councilman
(Public Works Committee)

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

/s/ Michael R. DuPont, Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kevin Dalina
Council President

RESOLUTION #2021-61

**A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
CORRECTING RESOLUTION 2020-290**

WHEREAS, in December 2020 Borough Officials issued an emergency contract to A.C. Shultes of Woodbury Heights for the Durhernal Well BF Re-Drill in the amount of \$232,284.00; and

WHEREAS, said Resolution mis-stated the amount of the contract; and

BE IT AND IT IS HEREBY RESOLVED that Resolution 2020-290 be amended to correct the sum of \$232,284.00 to \$479,384.00.

/s/ Mary J. Novak, Councilwoman
(Water & Sewer 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/ Kevin Dalina
Council President

➤ **BOROUGH ATTORNEY - Michael DuPont - NONE**

• **PUBLIC PORTION**

At this time Council President Dalina 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 questioned the status of the Fulton's Landing case.
Borough Attorney DuPont stated there is no change.
Mr. Rittenhouse stated the Environmental Commission asked the Shade Tree
Commission to help with the community garden.

No further comments.

**Council President Dalina made a motion to close the Public Portion. Seconded
by Councilwoman Novak.**

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

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

Roll Call: Voice Vote, all Ayes.

Time 7:17 P.M.

Respectfully submitted,

Jessica Morelos, RMC
Municipal Clerk

Date Approved: _____