

Mayor Kilpatrick opened the Council Meeting at 7:02 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 April 12, 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 (joined at 7:08 PM), Roberts

Absent: None

Others Present: Mayor Victoria Kilpatrick  
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: None

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

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

- ☞ March 22, 2021 - Regular, Agenda & Executive Sessions
- ☞ March 30, 2021 - Budget Workshop

Seconded by Councilman Enriquez.

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

- **PROCLAMATION & PRESENTATIONS**

- **COVID 19 Update**

Mayor Kilpatrick stated that there are well over 4,000 cases in town. She stated that one of the recent fatalities was 14 years old. A moment of silence was held for all the residents that were lost due to COVID. Mayor stated that NJ is number two in positive cases.

- **EXECUTIVE SESSION**

Borough Clerk Morelos read the following Executive Session Resolution into record.

**RESOLUTION FOR CLOSED SESSION**

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

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

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

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 10-15 minutes to discuss the following matters:

- 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/ Mary J. Novak, Councilwoman

APPROVED:

/s/ Victoria Kilpatrick, Mayor

**Council President Dalina moved the Executive Session Resolution be adopted on Roll Call Vote. Motion seconded by Councilman Enriquez.**

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

Time: 7:08 PM

Councilwoman Novak joined the meeting.

**Reconvene:**

Councilman Dalina made a **motion to reconvene**. Motion was seconded by Councilman Enriquez.

Roll Call: Voice Vote, all Ayes.

Time: 7:26 PM

• **OLD BUSINESS:**

a) Public Hearing on the following Ordinances:

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

Public Hearing on Ordinance #521-21.

Mayor Kilpatrick opened the meeting to the public for questions or comments on Ordinance #521-21.

Borough Attorney DuPont stated that Ms. Credidio, Mr. Baker, Mr. Samuel and Mr. Enright will be making a short presentation about the Riverton project.

Presentation was made.

Councilwoman Roberts read a letter of clarification from Mr. Baker regarding concerns from the Tax Assessor.

Those commenting were:

- Jim Robinson, 11 Borelle Square

Mr. Robinson questioned if the pilot was based on annual revenue or project cost.

Mr. Baker responded that it's based on a per square foot charge.

Mr. Robinson questioned if this was a near pilot.

Ms. Credidio stated its 30 years in regards to each piece and will be a long phase.

He questioned what the total value is.

Mr. Enright stated the total payments are 450 million over time.

Mr. Robinson questioned the phases of the project.

Mr. Samuel responded the first phase will include the center core of the development along with Bass Pro. He stated the second phase will be an extension of the center core towards the water.

Mr. Robinson questioned when the residential will be done.

Mr. Samuel responded that residential will be done throughout the project. He stated each phase has residential but most of it will be done in the third phase.

Mr. Robinson questioned will money go directly to the school board.

Mr. Baker responded that it goes to the Borough directly and then they would have to get together with the school board to see how that money will be spent.

- Joseph Kupsch, Tax Assessor

Mr. Kupsch stated his concerns were addressed by the letter from Mr. Baker. He thanked everyone for helping him understand the process better.

- Arthur Rittenhouse, 33 Delikat Lane

Mr. Rittenhouse stated that pilot programs do not allow the money to go to the Board of Education. He stated that the Borough can keep that money if they want to. Mr. Rittenhouse encouraged the council to work with the Board of Education to get input from the school. He questioned if the Main Street bypass is still connected to this.

Mr. Samuel stated that it wouldn't be one of the first phases and would be much later. He stated that once Main Street bypass is constructed that the developer would have to construct their part to connect to it.

- Jim Robinson, 11 Borelle Square

Mr. Robinson questioned if they would have to contribute to the tree bank.

Mr. Samuel stated they would have to plant additional trees to make up that difference or comply with the requirements of that ordinance.

**Councilwoman Roberts 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 Roberts, Conti, Dalina, Enriquez, Maher, Novak, all Ayes.**

**ORDINANCE #521-21**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A MASTER FINANCIAL AGREEMENT FOR PAYMENTS IN LIEU OF TAXES WITH SAYREVILLE SEAPORT ASSOCIATES URBAN RENEWAL, L.P. PURSUANT TO THE LONG TERM TAX EXEMPTION LAW AND THE REDEVELOPMENT AREA BOND FINANCING LAW WITH RESPECT TO BLOCK 257, LOT 3.04; BLOCK 257, LOT 3.052; BLOCK 257.01, LOTS 1 AND 1.01; BLOCK 257.01, LOT 1.10; BLOCK 257.01, LOT 4; BLOCK 257.01, LOT 5; BLOCK 257.01, LOT 6; BLOCK 257.01, LOT 20; BLOCK 257.01, LOT 30.12; BLOCK 257.02, LOT 1; BLOCK 257.02, LOT 1.01; AND BLOCK 257.02, LOT 22, COLLECTIVELY COMMONLY KNOWN AS PARCEL C WITHIN THE SAYREVILLE WATERFRONT REDEVELOPMENT AREA, ALL IN THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, on October 7, 1998, the Borough designated approximately nine hundred (900) acres of real property located along the Raritan Bay referred to as the "Sayreville Waterfront Redevelopment Area" (the "**Redevelopment Area**") as an "area in need of redevelopment" in accordance with the Redevelopment Law; and

**WHEREAS**, on January 20, 1999, the Borough Council adopted Ordinance No. 581-99 approving that certain redevelopment plan (as amended and supplemented, the "**Redevelopment Plan**") governing the Redevelopment Area; and

**WHEREAS**, the Redevelopment Law confers certain powers upon a "redevelopment entity", as defined in the Redevelopment Law, in order to implement redevelopment plans adopted pursuant thereto; and

**WHEREAS**, the Borough has selected the Sayreville Economic and Redevelopment Agency (the "**Agency**") as the redevelopment entity to implement the Redevelopment Plan, in accordance with the Redevelopment Law; and

**WHEREAS**, the Agency acquired fee simple to, and thereafter leased to Sayreville Seaport Associates Urban Renewal, L.P. (the "**Entity**"), certain real property located within the Redevelopment Area, including Block 257, Lot 3.04; Block 257, Lot 3.052; Block 257.01, Lots 1 And 1.01; Block 257.01, Lot 1.10; Block 257.01, Lot 4; Block 257.01, Lot 5; Block 257.01, Lot 6; Block 257.01, Lot 20; Block 257.01, Lot 30.12; Block 257.02, Lot 1; Block 257.02, Lot 1.01; and Block 257.02, Lot 22 (collectively commonly known as "**Parcel C**" within the Redevelopment Area, and as more particularly described in the metes and bounds descriptions submitted with the Application (defined below), the "**Property**"); and

**WHEREAS**, the Agency and the Entity, as redeveloper, entered into that certain Master Redevelopment Agreement dated as of May 14, 2008, as amended September 25, 2008, December 31, 2013, and April 28, 2016, all as amended and restated pursuant to that certain Amended and Restated Redevelopment Agreement authorized by the Agency on January 28, 2021 (the "**Redevelopment Agreement**"); and

**WHEREAS**, the Entity proposes to construct a project in multiple phases on the Property in accordance with the terms and conditions contained in the Redevelopment Agreement, consisting of: (i) commercial development and related parking facilities including, without limitation, approximately (a) One Million Two Hundred Sixty Four Thousand (1,264,000) square feet of retail and entertainment space, (b) One Million Two Hundred Sixty One Thousand (1,261,000) square feet of office and other commercial space, and (c) Three Hundred Seventy Two Thousand (372,000) square feet of hotel and conference center space (collectively, the "**Commercial Component**"); (ii) Two Thousand (2,000) residential units (the "**Residential Unit Component**"); (iii) certain public infrastructure and amenities as set forth in the Redevelopment Agreement (the "**Public Amenities**") and such other improvements as set forth therein or required by the Redevelopment Plan or the planning approvals (collectively, the "**Project**"); and

**WHEREAS**, the Borough is authorized to provide for tax exemptions and payments in lieu of taxes within a redevelopment area pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, *N.J.S.A. 40A: 20-1 et seq.* (the "**Exemption Law**"); and

**WHEREAS**, pursuant to and in accordance with the provisions of the Redevelopment Area Bond Financing Law, *N.J.S.A. 40A:12A-64 et seq.* (the "**RAB Law**"), it is anticipated that the Agency will issue bonds for the purpose of financing a portion of the costs of the Project (the "**Bonds**"), and the Project is therefore considered "a redevelopment project financed with bonds" within the meaning of *N.J.S.A. 40A:12A-66(a)* of the RAB Law; and

**WHEREAS**, the Entity has been qualified by the State of New Jersey to do business as an urban renewal entity under the provisions of the Exemption Law, and has submitted an application to the Borough requesting the implementation of a tax exemption and entry into a financial agreement with respect to the Project, as required by *N.J.S.A. 40A:20-8* (the "**Application**", a copy of which is on file with the Borough Clerk); and

**WHEREAS**, the Entity has represented to the Borough that the Project would not be feasible in its intended scope but for the provision of financial assistance by the Borough; and

**WHEREAS**, on February 18, 2021, the Mayor recommended to the Borough Council that the Application be approved, provided that all legal prerequisites are met; and

**WHEREAS**, the Borough hereby finds that the relevant benefits of the Project to the redevelopment of the Property outweigh the costs, if any, associated with the tax exemption, and in fact increase Borough revenues over the PILOT term by granting the long term tax exemption for the Project, which relevant benefits are further described below as well as in the Application and the Financial Agreement; and

**WHEREAS**, the Borough hereby determines that based on information set forth in the Application, the Project would not be feasible without the granting of the exemption contemplated herein, and that the granting of such assistance facilitates the implementation of environmental remediation, new infrastructure, additional open space, affordable housing, and other benefits and amenities that will not only influence the locational decisions of the probable occupants of the Project, but will also benefit the Borough as a whole; and

**WHEREAS**, the Borough hereby further finds and determines that:

**A.** The Property is one of the largest brownfield redevelopment projects undertaken in New Jersey's history. The Entity has undertaken remediation at a significant cost to repair and prepare the Property for redevelopment. It is now preparing to transition from remediation into the vertical development of the Property in a manner consistent with the Waterfront Redevelopment Plan.

**B.** This Project involves a collaborative and innovative public-private partnership involving the Borough, the Agency, Middlesex County, the State of New Jersey and the Entity.

**C.** The Project has already contributed to open space in the Borough through acquisition and remediation by the Entity of the 37-acre parcel (known as Parcel A) fronting on the Raritan Bay and through the dedication of a 13.7-acre conservation and public access easement. As part of the Project, the Entity has proposed a 1-mile walkway on Parcel C within the easement to allow waterfront access to Sayreville residents and the general public. The walkway will feature Heroes Walk, honoring Sayreville's veterans, along with lighting, seating areas, an open-air amphitheater, and landscaping.

**D.** The Entity has already contributed \$15 million to the \$80 million Turnpike Authority construction project that was completed in 2020. The development of the Project will incorporate additional investments of hundreds of million dollars in infrastructure for utilities, stormwater facilities, roadways, parking, and landscaping.

**E.** The Entity has agreed to set aside 15% of the approved 2,000 residential units as affordable housing, generating up to 300 affordable units, which are necessary for the Borough to satisfy its court-mandated constitutional affordable housing obligations. The Project is also expected to generate significant affordable housing development fees, up to \$2 million of which may support the construction of off-site 100% affordable housing.

**F.** The Entity has agreed to provide on-site spaces for performing arts and a municipal office and to provide financial support for fire and emergency services and a community center.

**G.** The Entity has entered into a Project Labor Agreement. It is anticipated that Sections 1 and 2 of the Project will generate 8,248 construction jobs. Once Sections 1 and 2 are constructed, the Entity anticipates that the Project will generate 7,491 direct permanent jobs and 6,023 indirect permanent jobs. The Entity also has agreed to implement a program to work with local businesses to supply necessary goods and services for the Project.

**H.** The fiscal impact assessment forecasts revenue surpluses consistently within each section of the Project, and across all real estate product types individually and

in the aggregate. The revenue collected by the Borough is expected to exceed the Borough's project-related costs by over \$3 million annually in year 6, more than \$7 million in year 15, and more than \$9 million in year 30; and

**WHEREAS**, the Borough wishes to approve the Application and authorize the execution of a financial agreement with respect to the Project in substantially the form attached hereto as **Exhibit A**, together with any additions, deletions, modifications, or revisions deemed necessary or desirable in consultation with counsel (the "**Financial Agreement**"),

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

**I. GENERAL**

The aforementioned recitals are incorporated herein as if fully set forth at length.

**II. APPLICATION APPROVED**

The Application submitted by the Entity as required by *N.J.S.A. 40A:20-8* is hereby approved.

**III. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED**

(a) The Mayor is hereby authorized and directed to execute the Financial Agreement, substantially in the form presented to the Borough Council and attached hereto as **Exhibit A**, together with such additions, deletions, modifications, or revisions deemed necessary or desirable in consultation with counsel.

(b) The Clerk of the Borough is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III(a) hereof, to attest to the signature of the Mayor upon the document and is hereby further authorized and directed to affix the corporate seal of the Borough upon the document.

(c) The Borough Clerk shall file certified copies of this ordinance and the Financial Agreements with the Tax Assessor of the Borough. In accordance with P.L. 2015, c. 247, within ten calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Borough Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Middlesex County and to the Middlesex County Counsel for informational purposes.

**IV. SEVERABILITY**

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**V. ACTION REGARDING FINANCIAL AGREEMENT**

The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Financial Agreement, all in consultation with the counsel to the Borough, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the Business Administrator, the Chief Financial Officer, the Borough Clerk and any other Borough official, officer or professional, including but not limited to, Borough Counsel, bond counsel, the financial advisor and the auditor to the Borough, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, Borough Counsel, bond counsel, the financial advisor and the auditor to the Borough, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

**VI. AVAILABILITY OF THE ORDINANCE**

A copy of this Ordinance shall be available for public inspection at the offices of the Borough.

**VII. EFFECTIVE DATE**

This Ordinance shall take effect according to law.

**INTRODUCED/APPROVED ON FIRST READING**

DATED: March 22, 2021

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

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

**ADOPTED ON SECOND READING**

DATED: April 12, 2021

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

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

**APPROVAL BY THE MAYOR ON THIS 12<sup>th</sup> DAY OF April, 2020.**

/s/Victoria Kilpatrick, Mayor  
Borough of Sayreville

APPROVED AS TO FORM:

/s/MICHAEL DUPONT, ESQ., Borough Attorney

**EXHIBIT A**

Form of Financial Agreement

(On file in the Office of the Municipal Clerk)

Public Hearing on Ordinance #522-21.

Mayor Kilpatrick opened the meeting to the public for questions or comments on Ordinance #522-21.

There were no comments.

**Councilwoman Roberts 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 Roberts, Conti, Dalina, Enriquez, Maher, Novak, all Ayes.**

**ORDINANCE #522-21**

**THIS ORDINANCE SECURES BONDS OR OTHER OBLIGATIONS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE REDEVELOPMENT AREA BOND FINANCING LAW, N.J.S.A. 40A:12A-64 ET SEQ., AND THE LIEN HEREOF WITH RESPECT TO THE LEASEHOLD ESTATE IN EACH AND EVERY PARCEL OF LAND (AND, TO THE EXTENT NOT OWNED BY A GOVERNMENTAL ENTITY, THE FEE INTEREST IN EACH AND EVERY PARCEL OF LAND), AND ANY IMPROVEMENT RELATED THERETO, IN FAVOR OF THE OWNERS OF SUCH BONDS OR OTHER OBLIGATIONS IS A MUNICIPAL LIEN SUPERIOR TO ALL OTHER NON-MUNICIPAL LIENS HEREAFTER RECORDED**

**AN ORDINANCE PROVIDING FOR THE SPECIAL ASSESSMENT OF THE COST OF CERTAIN STORMWATER, SANITARY SEWER,**

**WATER, WALKWAY, STREETScape, ROAD, TRAFFIC, INTERSECTION, AND PARKING IMPROVEMENTS, TOGETHER WITH OTHER PROJECT IMPROVEMENTS, ALL WITH RESPECT TO BLOCK 257, LOT 3.04; BLOCK 257, LOT 3.052; BLOCK 257.01, LOTS 1 AND 1.01; BLOCK 257.01, LOT 1.10; BLOCK 257.01, LOT 4; BLOCK 257.01, LOT 5; BLOCK 257.01, LOT 6; BLOCK 257.01, LOT 20; BLOCK 257.01, LOT 30.12; BLOCK 257.02, LOT 1; BLOCK 257.02, LOT 1.01; AND BLOCK 257.02, LOT 22, COLLECTIVELY COMMONLY KNOWN AS PARCEL C WITHIN THE SAYREVILLE WATERFRONT REDEVELOPMENT AREA, ALL IN THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AND AUTHORIZING THE EXECUTION OF A MASTER SPECIAL ASSESSMENT AGREEMENT AND CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**") authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, on October 7, 1998, the Borough designated approximately nine hundred (900) acres of real property located along the Raritan Bay referred to as the "Sayreville Waterfront Redevelopment Area" (the "**Redevelopment Area**") as an "area in need of redevelopment" in accordance with the Redevelopment Law; and

**WHEREAS**, on January 20, 1999, the Borough Council adopted Ordinance No. 581-99 approving that certain redevelopment plan (as amended and supplemented, the "**Redevelopment Plan**") governing the Redevelopment Area; and

**WHEREAS**, the Redevelopment Law confers certain powers upon a "redevelopment entity", as defined in the Redevelopment Law, in order to implement redevelopment plans adopted pursuant thereto; and

**WHEREAS**, the Borough has selected the Sayreville Economic and Redevelopment Agency (the "**Agency**") as the redevelopment entity to implement the Redevelopment Plan, in accordance with the Redevelopment Law; and

**WHEREAS**, the Agency acquired fee simple to, and thereafter leased to Sayreville Seaport Associates Urban Renewal, L.P. (the "**Entity**"), certain real property located within the Redevelopment Area, including Block 257, Lot 3.04; Block 257, Lot 3.052; Block 257.01, Lots 1 And 1.01; Block 257.01, Lot 1.10; Block 257.01, Lot 4; Block 257.01, Lot 5; Block 257.01, Lot 6; Block 257.01, Lot 20; Block 257.01, Lot 30.12; Block 257.02, Lot 1; Block 257.02, Lot 1.01; and Block 257.02, Lot 22 (collectively commonly known as "**Parcel C**" within the Redevelopment Area, the "**Property**"); and

**WHEREAS**, the Agency and the Entity, as redeveloper, entered into that certain Master Redevelopment Agreement dated as of May 14, 2008, as amended September 25, 2008, December 31, 2013, and April 28, 2016, all as amended and restated pursuant to that certain Amended and Restated Redevelopment Agreement authorized by the Agency on January 28, 2021 (the "**Redevelopment Agreement**"); and

**WHEREAS**, the Entity proposes to construct a project in multiple phases on the Property in accordance with the terms and conditions contained in the Redevelopment Agreement, consisting of: (i) commercial development and related parking facilities including, without limitation, approximately (a) One Million Two Hundred Sixty Four Thousand (1,264,000) square feet of retail and entertainment space, (b) One Million Two Hundred Sixty One Thousand (1,261,000) square feet of office and other commercial space, and (c) Three Hundred Seventy Two Thousand (372,000) square feet of hotel and conference center space (collectively, the "**Commercial Component**"); (ii) Two Thousand (2,000) residential units (the "**Residential Unit Component**"); (iii) certain public infrastructure and amenities as set forth in the Redevelopment Agreement (the "**Public Amenities**") and such other improvements as set forth therein or required by the Redevelopment Plan or the planning approvals (collectively, the "**Project**"); and

**WHEREAS**, in order to facilitate the development of the Project, the Property and the surrounding parcels, the Entity wishes to undertake certain stormwater, sanitary sewer, water, walkway, streetscape, road, traffic, intersection, and parking improvements, together with other Project improvements, all of which benefit the Property and which will improve the Borough's overall infrastructure (collectively, the "**Infrastructure Improvements**"); and



**WHEREAS**, the total cost of the Infrastructure Improvements is estimated not to exceed \$311,864,882 (the "**Infrastructure Improvements Costs**"); and

**WHEREAS**, the Entity has requested that the Borough (i) impose a special assessment upon the Property with respect to the Infrastructure Improvements Costs (the "**Special Assessment**") pursuant to the Redevelopment Law, the Redevelopment Area Bond Financing Law (*N.J.S.A. 40A:12A-67 et seq.*, the "**RAB Law**") and the Local Improvements Law (*N.J.S.A. 40:56-1 et seq.*, the "**Local Improvements Law**"); and (ii) authorize the pledge and assignment of the Special Assessment to the trustee for bonds issued by the Agency in connection with the Project (the "**Bonds**") in order to secure the payment of the debt service on the Bonds,

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

**I. GENERAL**

The recitals hereto are hereby incorporated by reference as if set forth at length herein.

**II. SPECIAL ASSESSMENT TERMS**

The Infrastructure Improvements shall be undertaken by the Entity and the Infrastructure Improvements Costs shall be specially assessed against the Property in accordance with the Redevelopment Law, the RAB Law, and the Local Improvements Law. Notice is hereby given to the owner of the Property that the Borough intends to make and levy special assessments against the Property as follows:

Amount: The Infrastructure Improvements Costs in the amount of \$311,864,882, together with the soft costs and financing costs relating thereto, including but not limited to the debt service due on the Bonds, shall collectively be deemed the "benefit conferred" by the Infrastructure Improvements, and such benefit conferred shall equal the amount of the Special Assessment.

Payment Dates and Amounts: The Special Assessment shall be paid to the Borough in four equal quarterly installments on February 1, May 1, August 1, and November 1 in each year after commencement of the Special Assessment in the amounts set forth in the Special Assessment Agreement. The Special Assessment shall have a thirty-year term or such shorter term as is coterminous with the term of the Bonds. The Entity or successor owner of the Property shall make such payments promptly without any need for notice from the Borough with respect to same.

Special Assessment Not Subject to Acceleration: Upon failure to pay any installment of a Special Assessment for 30 days or more after that time at which it shall become due, the whole assessment or balance due thereon shall not become and be immediately due. Instead, any subsequent installments which would not yet have become due except for the default shall be considered as not in default and the lien for the installments not yet due shall continue.

Special Assessment Agreement: The form of Special Assessment Agreement attached hereto as Exhibit A is hereby approved with such additions, deletions, modifications, or revisions thereto as may be necessary or desirable in consultation with counsel, such approval to be conclusively evidenced by the execution thereof.

The Mayor is hereby authorized and directed to execute the Special Assessment Agreement, substantially in the form presented to the Borough Council and attached hereto as Exhibit A, together with such additions, deletions, modifications, or revisions thereto as may be necessary or desirable in consultation with counsel.

The Clerk of the Borough is hereby authorized and directed, upon the execution of the Special Assessment Agreement in accordance herewith, to attest to the signature of the Mayor upon the document and is hereby further authorized and directed to affix the corporate seal of the Borough upon the document.

**III. MUNICIPAL LIEN**

This Ordinance and the Special Assessment shall constitute a municipal lien against the Property. Compliance with the Special Assessment shall be enforced in accordance with the New Jersey Tax Sale Law, *N.J.S.A. 54:5-1 et seq.*, including, if applicable, by means of in rem foreclosure, **provided however**, that no such lien shall attach in the fee estate of the Property while owned by a governmental entity.

**IV. BOND TERMS**

All terms of the Bonds shall be set forth in the indenture of trust or supplemental indenture of trust governing the Bonds (collectively, the “**Indenture**”), and shall not be inconsistent herewith. The pledge and assignment of the Special Assessment to the Trustee set forth in the Indenture in order to secure the payment of debt service on the Bonds is hereby approved.

**V. ACTION REGARDING SPECIAL ASSESSMENT**

The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Special Assessment, all in consultation with the counsel to the Borough, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the Business Administrator, the Chief Financial Officer, the Borough Clerk and any other Borough official, officer or professional, including but not limited to, Borough Counsel, bond counsel, the financial advisor and the auditor to the Borough, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, Borough Counsel, bond counsel, the financial advisor and the auditor to the Borough, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

**VI. SEVERABILITY**

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**VII. AVAILABILITY OF THE ORDINANCE**

A copy of this Ordinance shall be available for public inspection at the offices of the Borough.

**VIII. EFFECTIVE DATE**

This Ordinance shall take effect according to law.

**INTRODUCED/APPROVED ON FIRST READING**

DATED: March 22, 2021

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

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

**ADOPTED ON SECOND READING**

DATED: April 12, 2021

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

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

**APPROVAL BY THE MAYOR ON THIS 12<sup>th</sup> \_ DAY OF \_April\_, 2020.**

/s/Victoria Kilpatrick, Mayor  
Borough of Sayreville

APPROVED AS TO FORM:

/s/MICHAEL DUPONT, ESQ., Borough Attorney

Exhibit A

Form of Special Assessment Agreement

(On file in the Office of the Municipal Clerk)

Public Hearing on Ordinance #523-21.

Mayor Kilpatrick opened the meeting to the public for questions or comments on Ordinance #523-21.

There were no comments.

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

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

**ORDINANCE # 523-21**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER XXVI "LAND DEVELOPEMENT" OF  
THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF SAYREVILLE TO AMEND SECTION  
26-110 "FEES AND DEPOSITS"**

**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:

**26-110 Fees and Deposits**

***d. Waiver for Only 100% Lower Income Housing. As set forth and defined in the Settlement Agreement with Fair Share Housing entered by the Court on December 20, 2018, known as the "Conditional Order of Judgment of Compliance and Repose". Notwithstanding any other provision of this section, a waiver of all Borough subdivision and site plan escrow fees and building permit and certificates of occupancy fees shall be granted by the approving Borough Agency for all housing units being provided by the applicant for low income families. This waiver shall not apply to inclusionary projects and shall be construed narrowly to apply only to projects which consist of 100% affordable units as defined by the New Jersey Fair Housing Act.***

**BE IT FURTHER ORDAINED** by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that **Chapter Twenty-Six, Land Development**, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect said 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: March 22, 2021

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

/s/Michele Maher, Councilwoman  
(Planning & Zoning Committee)  
Borough of Sayreville

**ADOPTED ON SECOND READING**

DATED: April 12, 2021

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

/s/Michele Maher, Councilwoman  
(Planning & Zoning Committee)  
Borough of Sayreville

**APPROVAL BY THE MAYOR ON THIS 12th DAY OF April, 2021**

/s/Victoria Kilpatrick, Mayor  
Borough of Sayreville

APPROVED AS TO FORM:

/s/MICHAEL DUPONT, ESQ., Borough Attorney

b) Appointments

Mayor Kilpatrick made the following appointments:

**OFFICE OF EMERGENCY MANAGEMENT**

- 3 Yr.           Coordinator           John Zebrowski
- 3 Yr.           Deputy Coordinator Daniel Plumacker
- 3 Yr.           Deputy Coordinator Chris Bardsley
- 3 Yr.           Deputy Coordinator David Sivilli

Mayor asked if there are if there was a motion.

Councilwoman Novak moved the appointments. Seconded by Councilman Conti.

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

• **NEW BUSINESS:**

a) Introduction of the following ordinances:

**ORDINANCE # 524-21**  
**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"**  
(Public Works Committee – Co. Dalina – Public Hearing 4-26-21)

Council President Dalina moved the Ordinance be approved on first reading, advertise according to law and a Public Hearing be scheduled for April 26, 2021. Motion was seconded by Councilwoman Novak.

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

**CONSENT AGENDA RESOLUTIONS**

Mayor Kilpatrick 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 Councilman Enriquez.

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

**RESOLUTION #2021-92**

**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/ Michele Maher, 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 April 12, 2021 in the amount of \$6,507,143.39 in a separate Bill List File for 2021 (See Appendix Bill List 2021-A for this date).**

**RESOLUTION #2021-93**

**BE IT RESOLVED** that the proper Borough officials are hereby authorized and directed to purchase three (3) 2021 Ford F250 Pick-up trucks for the Water Department from Winner Ford, 250 Haddonfield Berlin Rd., Cherry Hill, NJ 08034, through State Contract T2100/A88726 at a total cost not to exceed \$100,496.00.

/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/ Victoria Kilpatrick  
Mayor

**RESOLUTION #2021-94**

**WHEREAS**, Gillette Towers, LLC, has posted Performance Bonds and a Cash Bonds covering Credit Hess Industrial Park Major Subdivision, Block 58.01, Lot 1 and Block 60.01, Lots 1 and 5 said amounts were reduced as follows; and

<u>90% Performance Bond</u> \$515,024.28	<u>10% Cash Bond</u> \$57,224.92
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**WHEREAS**, the Borough Engineer's Office has recently performed a site inspection and has indicated that considerable amount of the site related improvements have been completed and has recommended that the Performance Bonds and Cash Bonds be further reduced as follows:

<u>90% Performance Bond</u> \$144,159.35	<u>10% Cash Bond</u> \$16,017.71
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**NOW, THEREFORE, BE IT RESOLVED** that the proper Borough Officials are hereby authorized and directed to reduce said bonds in the amount so stated.

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

1. The proper borough officials are hereby authorized to reduce the above-captioned bonds in the amounts so stated.

/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/ Victoria Kilpatrick  
Mayor

**RESOLUTION #2021-95**

**BE IT AND IT IS HEREBY RESOLVED** that the Borough Engineer is hereby authorized and directed to execute the necessary NJDEP permit applications associated with the Jernee Mill Center LLC II Site Plan project.

/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/ Victoria Kilpatrick  
Mayor

**READ IN FULL**

**RESOLUTION #2021-96**

**WHEREAS**, N.J.S.A. 40A:4-8 provides that the Budget as advertised shall be read in full at the public hearing or that it may be read by its title only if:

1. At least one week prior to the date of the hearing, a complete copy of the approved budget, as advertised,

(a) shall be posted in a public place where public notices are customarily posted in the principal public building; and

(b) copies are made available to each person requesting same during said week during the public hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Sayreville that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, 1(a) and (b), have been met and, therefore, the Budget for 2021 shall be read by title only.

/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

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

There being no comments, Council President Dalina moved the public portion be closed and the Resolution be adopted on Roll Call vote. Seconded by Councilwoman Novak.

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

**READ IN FULL**

**RESOLUTION #2021-97**  
**INTRODUCTION OF THE 2021 LOCAL MUNICIPAL BUDGET**

Municipal Budget of the Borough of Sayreville, County of Middlesex for the Fiscal Year 2021.

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the Municipal Budget for the fiscal year 2021;

**BE IT FURTHER RESOLVED** that said Budget be published in the Home News Tribune in the Issue of April 16, 2021.

The Governing Body of the Borough of Sayreville does hereby approve the following as the Budget for the year 2021.

**RECORDED VOTE:**

AYES { Conti	NAYS {	ABSTAINED {
{ Dalina		
{ Enriquez		
{ Maher	ABSENT {	
{ Novak		
{ Roberts		

Notice is hereby given that the Budget and Tax Resolution is hereby approved by the Borough Council of the Borough of Sayreville, County of Middlesex, on April 12, 2021.

A Hearing on the Budget and Tax Resolution will be held virtually on May 10, 2021 at 7:00 o'clock p.m. at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons. The Remote Public Meeting videoconference link or the telephone numbers will be posted in advance of the meeting on the homepage at [www.sayreville.com](http://www.sayreville.com).

/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

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

There being no comments, Council President Dalina moved the public portion be closed and the Resolution be adopted on Roll Call vote. Seconded by Councilwoman Novak.

Roll Call: Councilpersons Dalina, Conti, Enriquez, Maher, Novak, 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 commenting were:

- Karen Bebert, 9 Burlington Road

Ms. Bebert stated that several parents approached her about why the Sayreville Little League parade was cancelled. She named several events that happened during the pandemic.

Mayor responded that the Mayor and Council haven't cancelled any parades.

Ms. Bebert questioned if the summer camp and fireworks would be held this year.

Councilman Enriquez stated that the Recreation Board and the Little League executive board made the decision to not have the parade due to the pandemic. He stated there might be a closing ceremony if feasible.

Ms. Bebert stated that the Sayreville AA Trophy Ceremony and Dedication was very well attended along with the Easter Egg Hunt and Trick or Trunk.

Councilman Enriquez stated that they have not allowed a single parade in town since COVID started. He stated that a lot of work went into the Easter Egg Hunt and Trick or Trunk to hold those events safely.

Councilwoman Maher reiterated that the Council never cancelled a parade.

She continued that the Memorial Day parade was cancelled by the Veterans.

She stated as a parent of a player she never received any notification that there would be a parade for the Little League.

Councilman Enriquez stated as a coach they didn't put anything out there about a parade.

Ms. Bebert stated she was just addressing concerns.

- Thomas Pollando, 15 Oakwood Drive

Mr. Pollando stated that the dedication was in honor of Jerry Ust who passed away. He stated that he deserved it and much more and doesn't know why it's being brought up. Mr. Pollando stated that Jerry was a great man and for 15 years he worked very hard for this Borough. He named the municipally sponsored organizations.

- Sharon Rodas, 20 2<sup>nd</sup> Street

Ms. Rodas questioned if the summer camp will be open this year.

Councilman Enriquez stated that they are looking into it.

Ms. Rodas questioned if they hired a new Recreation Director.

Councilman Enriquez stated that the Borough did and he will start on May 3<sup>rd</sup>.

Ms. Rodas questioned if the Fourth of July Fireworks will be held.

Councilman Enriquez stated there has been discussion on it with the Recreation Board and may look to moving the fireworks to Sayreville Day but still are discussing it.

- Karen Bebert, 9 Burlington Road

Ms. Bebert stated she wasn't insinuating anything negative regarding Jerry Ust.

- Arthur Rittenhouse, 33 Delikat Lane

Mr. Rittenhouse stated the Shade Tree Commission will be giving out seedlings on April 24<sup>th</sup> from 9am to 12 noon. He stated the dedication of the community garden will be held the same day. Mr. Rittenhouse stated that on May 13<sup>th</sup> will be another "Night at the Museum" honoring police, fire and EMTs. He stated the other one they had went well. Mr. Rittenhouse stated a lot seniors are wondering when the Senior Center will be opening up again.

No further comments.



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

Roll Call: Voice Vote, all Ayes.

- **ADJOURNMENT**

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

Roll Call: Voice Vote, all Ayes.

Time 9:08 P.M.

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Jessica Morelos, RMC  
Municipal Clerk

Date Approved: \_\_\_\_\_