

RESOLUTION #2025-81

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.

Kennedy O'Brien, Mayor

Daniel Balka, Councilman

Donna Roberts, Councilwoman

Michael Colaci, Councilman

Stanley Synarski, Councilman

Mary J. Novak, Councilwoman

John Zebrowski, Councilman

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

Borough Attorney

| | Balka | Colaci | Novak | Roberts | Synarski | Zebrowski |
|---------|-------|--------|-------|---------|----------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2025-82

BE IT RESOLVED that the proper officials are hereby authorized to execute an Agreement for permission to conduct a Fireworks Display between Starfire Corporation, 682 Cole Road, Carrolltown, PA 15722, and the Borough of Sayreville, covering display to be held at Kennedy Park on June 28, 2025 (rain date June 29, 2025) at a cost not to exceed \$17,000.00, subject to Starfire Corporation providing the appropriate insurance coverage as required by the Borough and further subject to said insurance indemnifying the Borough with regard to liability caused by the fireworks including personal injury and or property damage.

(Recreation Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

| | Balka | Colaci | Novak | Roberts | Synarski | Zebrowski |
|---------|-------|--------|-------|---------|----------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2025-83

A RESOLUTION OF THE BOROUGH OF SAYREVILLE IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH TO ADVERTISE FOR THE RECEIPT OF BIDS FOR ABANDONED VEHICLES

WHEREAS, the Borough of Sayreville Police Department is in possession of approximately six (4) vehicles that have been abandoned by the owners; and

WHEREAS, it is the policy to advertise a Public Sale by a Public Agency; and

THEREFORE, BE IT AND IT IS HEREBY RESOLVED, that the Borough Clerk is authorized to place a Legal Notice requesting the receipt of bids for the aforesaid abandoned vehicles in possession of the Borough of Sayreville Police Department.

(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.

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

| | Balka | Colaci | Novak | Roberts | Synarski | Zebrowski |
|----------------|--------------|---------------|--------------|----------------|-----------------|------------------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2025-84
**RESOLUTION SUPPORTING THE STATE HOUSE COMMISSION
PRE-APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION FOR SAYREVILLE TRANSMISSION MAIN PROJECT**

WHEREAS, Block 14, Lot 1.04 is part of the Borough of Sayreville's Jerry Ust Recreation Complex which is encumbered, as a condition of Green Acres funding, with restrictions against disposal or diversion from recreation and conservation uses by the New Jersey Department of Environmental Protection; and

WHEREAS, in conjunction with the proposed Transmission Main Project, it is necessary to remove the Green Acres restrictions from a 0.91 acre portion of the Jerry Ust Recreation Complex; and

WHEREAS, the removal of Green Acres restrictions from parkland requires the approval of the Commissioner of the Department of Environmental Protection and the State House commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the Borough of Sayreville wishes to apply for approval for construction of a water transmission main as a minor disposal or diversion of parkland under N.J.A.C. 7:36-26.4; and

WHEREAS, the first step in the application process for approval of a minor disposal or diversion of parkland is the filing of a pre-application under N.J.A.C. 7:36-26.4; and

WHEREAS, in accordance with N.J.A.C. 7:36-26.4(d)10, it is necessary for the Borough of Sayreville to submit as part of the pre-application a Resolution endorsing the application to divert or dispose of parkland;

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

1. The Borough of Sayreville endorses the filing of a pre-application for parkland diversion for the Transmission Main Project pursuant to N.J.A.C. 7:36-26.
2. The Borough of Sayreville hereby finds that the parkland diversion for the Transmission Main Project would meet the minimum substantive criteria at N.J.A.C. 7:36-26.1(d) by providing a reliable source of potable water to its residents;
3. The Borough of Sayreville acknowledges that in order to obtain the approval of parkland diversion for the Transmission Main Project, all substantive and procedural requirements of N.J.A.C. 7:36-26 must be met, including compensation requirements at N.J.A.C. 7:36-26.5; and
4. The Borough of Sayreville acknowledges that in the event the Department classifies the parkland diversion for the Transmission Main Project as a major disposal or diversion of parkland, additional application information will be required under N.J.A.C. 7:36-26 before the application can proceed.

(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.

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

| | Balka | Colaci | Novak | Roberts | Synarski | Zebrowski |
|----------------|--------------|---------------|--------------|----------------|-----------------|------------------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2025-85

BE IT AND IT IS HEREBY RESOLVED that the Borough Officials are hereby authorized to extend an Interlocal Services Agreement between the Borough of Sayreville and the Middlesex County Improvement Authority covering the continuation of Yard Waste Recycling and Marketing Services until March 30, 2028.

(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.

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

| | Balka | Colaci | Novak | Roberts | Synarski | Zebrowski |
|----------------|--------------|---------------|--------------|----------------|-----------------|------------------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2025-86

BE IT AND IT IS HEREBY RESOLVED that the following transfers between 2024 Budget Appropriations be and the same are hereby authorized to be made in the following manner to wit:

| <u>CURRENT FUND</u> | <u>FROM</u> | <u>TO</u> |
|--|-------------------|-------------------|
| Tax Appeals Pending (4-01-30-412-300) | | 46,475.00 |
| Apartment Services (4-01-26-326-275) | | 70,000.00 |
| Terminal Leave (4-01-30-410-100) | | 400,000.00 |
| Legal O/E (4-01-20-155-169) | 46,475.00 | |
| Code Enforcement S/W (4-01-21-200-015) | 40,000.00 | |
| Magistrate/Prosecutor S/W (4-01-25-275-017) | 30,000.00 | |
| Sanitation O/E (4-01-26-305-249) | 45,000.00 | |
| Recycling O/E (4-01-26-306-218) | 50,000.00 | |
| Road Department S/W (4-01-26-290-011) | 75,000.00 | |
| Office on Aging O/E (4-01-30-428-125) | 30,000.00 | |
| Parks Department S/W (4-01-20-150-011) | 20,000.00 | |
| Group Insurance (4-01-23-220-195) | <u>180,000.00</u> | |
| | 516,475.00 | <u>516,475.00</u> |

WATER OPERATING FUND

Terminal Leave
(4-05-55-135-100) 100,000.00

Water Department O/E
(4-01-55-130-372) 100,000.00

100,000.00 100,000.00

(Admin. & Finance Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

| | Balka | Colaci | Novak | Roberts | Synarski | Zebrowski |
|---------|-------|--------|-------|---------|----------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2025-87

**RESOLUTION AUTHORIZING A SETTLEMENT WITH FAIR SHARE
HOUSING CENTER AND RE-ESTABLISHING THE FOURTH ROUND
AFFORDABLE HOUSING PRESENT NEED AND PROSPECTIVE NEED
OBLIGATIONS FOR THE BOROUGH OF SAYREVILLE**

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

WHEREAS, the Amended FHA requires the New Jersey Department of Community Affairs (“DCA”) to produce non-binding estimates of fair share obligations for municipalities throughout the State on or before October 20, 2024; and

WHEREAS, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the obligation for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculated the Borough of Sayreville’s Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 194 units and a Prospective Need Obligation of 270 units; and

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support modified or corrected calculations of the Round 4 affordable housing obligations; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.3, a municipality’s average allocation factor is comprised of the equalized nonresidential factor, income capacity factor, and land capacity factor and shall be averaged to yield the municipality’s average allocation factor, and

WHEREAS, the Amended FHA further provides that “[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2 [Amended FHA], or binding court decisions” (N.J.S.A 52:27D-311(m)); and

WHEREAS, COAH regulations authorize vacant land adjustments as well as durational adjustments; and

WHEREAS, the DCA has released a Geographic Information Systems spatial data representation of the Land Capacity Analysis for the Amended FHA containing the Vacant and Developable land information that serves as the basis for calculating the land capacity factor; and

WHEREAS, the Borough of Sayreville and its professionals have reviewed the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals,

configuration, and accessibility to ascertain whether these identified developable lands may accommodate development; and

WHEREAS, based on the foregoing, Sayreville Borough relied on the DCA calculations of Sayreville Borough's fair share obligations as modified by the Borough's review of the lands identified by the DCA for the land capacity factor with respect to the MOD-IV Property Tax List data, construction permit data, land use board approvals, configuration, and accessibility to ascertain whether these identified developable lands may accommodate development, and as further set forth in detail and explained in the attached memo prepared by the Borough's affordable housing professional planner, and Sayreville Borough adopted Resolution No. 2025-39, committing to provide its fair share of 194 units present need and 210 units prospective need, subject to any vacant land and/or durational adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, Sayreville having filed its resolution of participation before the Affordable Housing Dispute Resolution Program (the "Program") on January 28, 2025, in accordance with the requirements of N.J.S.A. 52:27D-301, et seq., and the timeframes set forth in Directive #14-24, bearing Docket No. MID-L-569-25; and

WHEREAS, in accordance with the timeframes set forth in the Amended Act and the Directive, FSHC filed a timely objection to Sayreville's resolution on February 28, 2025; and

WHEREAS, FSHC's objection contended that Sayreville had improperly calculated its Prospective Need obligations and requested that the Program find that Sayreville's Prospective Need obligation be set at 270; and

WHEREAS, Sayreville disputes the contentions raised in FSHC's objection; and

WHEREAS, within the Program established pursuant to N.J.S.A. 52:27D-313.2, the parties have engaged in the mediation process provided by the Program and conferred and reached an accord setting forth Sayreville's Fourth Round Prospective Need obligations, without either party admitting the validity of the others' claims; and

WHEREAS, recognizing that this agreement is reached prior to the adjudication of any challenges by the Program or any potential subsequent review in the judicial system, the parties agree that 240 units is within the range of possible outcomes for Sayreville's Fourth Round Prospective Need; and

WHEREAS, resolving the Fourth Round Prospective Need at this juncture and allowing Sayreville to move forward with preparing its Fourth Round Housing Element and Fair Share Plan ("HEFSP") is important to the interests of lower-income households; and

WHEREAS, Sayreville and FSHC thus agree to present this mediation agreement to the Program and consent to the mediation agreement, upon the approval by the Program, setting forth Sayreville's Fourth Round obligations and

binding Sayreville to utilize these obligations and foreclosing FSHC from further challenge to said obligations; and

WHEREAS, Sayreville and FSHC also acknowledge and agree that if the Program, trial court, or any appellate court rejects approval of this Agreement, the Parties reserve their right to return to the *status quo ante*; and

WHEREAS, Sayreville Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, Sayreville Borough also reserves the right to adjust its position in the event of any rulings issued by New Jersey Superior Courts, or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in light of the above, the Borough Council of the Borough of Sayreville finds that it is in the best interest of the Borough to commit to the modified present need and prospective need Fourth Round affordable housing fair share numbers set forth herein, subject to the reservations set forth herein; and

WHEREAS, in accordance with AOC Directive #14-24 dated December 13, 2024, the Borough Council of the Borough of Sayreville finds that, as a municipality seeking a certification of compliance with the FHA, it is in the best interests of the Borough to enter into the Settlement Agreement with FSHC, with an agreed upon Round 4 Present Need Obligation of 194 units, and a Round 4 Prospective Need Obligation of 240 units.

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

1. All of the above WHEREAS clauses are incorporated into the operative clauses of this Resolution.

2. Sayreville Borough hereby commits to a Round 4 Present Need Obligation of 194 units, and a Round 4 Prospective Need Obligation of 240 units, modified from the DCA's calculations as explained above and as set forth in the attached Mediation Agreement with FSHC to be entered with the Affordable Housing Dispute Resolution Program, subject to all reservations of rights set forth above.

3. The Borough Attorney and other appropriate Borough official is hereby authorized and directed to take all actions necessary to comply with the requirements of the Mediation Agreement and Amended FHA, including the signing of the Agreement and filing same with the Program.

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

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

| | Balka | Colaci | Novak | Roberts | Synarski | Zebrowski |
|----------------|--------------|---------------|--------------|----------------|-----------------|------------------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2025-88

Resolution Extending Temporary Budget and Budget Introduction

WHEREAS, the Local Finance Board has authorized revisions to the statutory budget deadlines as per Local Finance Notice LFN 2024-20 dated December 18, 2024; and

WHEREAS, these revisions permit municipalities to extend the deadlines for the introduction and adoption of the budget; and

WHEREAS, to avail itself of these revised dates, the governing body must adopt a resolution by no later than March 31, 2025;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, that the Township of Wyckoff hereby avails itself of the revised budget introduction and adoption dates for the calendar year 2025

BE IT FURTHER RESOLVED that the temporary budget appropriations are hereby extended as may be necessary to accommodate this extension of the budget introduction and adoption dates as follows: Budget Introduction: April 14, 2025; Budget Adoption: May 12, 2025

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to submit a certified copy of this resolution to the Director of the Division of Local Government Services using the Financial Automation Submission Tracking (FAST) system, as required by Local Finance Notice LFN 2024-20.

(Admin. & Finance Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O’Brien
Mayor

| | Balka | Colaci | Novak | Roberts | Synarski | Zebrowski |
|----------------|-------|--------|-------|---------|----------|-----------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |

RESOLUTION #2025-89

WHEREAS, Gallery Motel, Inc., owner of real property located in the Borough of Sayreville has filed real property tax appeals for the years 2021, 2022, 2023, 2024 and 2025 affecting Block 423, Lot 2 commonly known as 2020 Highway 35; and

WHEREAS, the Mayor and Borough Council upon advice of the Tax Assessor and Special Tax Counsel be and are hereby desirous of settling the pending tax court appeals; and

WHEREAS, the Tax Assessor and Special Tax Counsel after due deliberation and settlement conferences with Counsel for Gallery Motel, Inc. duly recommend the following:

- Appeal of 2021 will be dismissed
- Appeal of 2022 will be dismissed
- 2023 will be reduced to \$1,153,200
- 2024 will be reduced to \$1,049,000
- 2025 will be reduced to \$990,200

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

1. That the Tax Assessor and Special Tax Counsel be and are hereby authorized to cause to be drafted any and all documents and agreements which may be required to effectuate the settlement as herein above proposed and authorized.
2. That a copy of this Resolution shall be kept on file with the Borough Clerk.

(Admin. & Finance Committee)

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

Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

Jessica Morelos, RMC
Municipal Clerk

Kennedy O'Brien
Mayor

| | Balka | Colaci | Novak | Roberts | Synarski | Zebrowski |
|----------------|--------------|---------------|--------------|----------------|-----------------|------------------|
| Ayes | | | | | | |
| Nays | | | | | | |
| Abstain | | | | | | |
| Absent | | | | | | |