

Mayor O'Brien opened the Regular/Agenda Meeting at 7:01 PM followed by a short prayer and salute to the flag.

- **STATEMENT OF NOTICE OF PUBLICATION**

Municipal Clerk Morelos announced that this July 15, 2024 Regular/Agenda 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 Tapinto Raritan Bay, posting on the bulletin board, and is on file in her office.

- **ROLL CALL:**

Present: Councilpersons Balka, Colaci, Onuoha, Roberts, Synarski, Zebrowski

Absent: None

Others Present: Mayor Kennedy O'Brien
Glenn Skarzynski, Business Administrator
Jessica Morelos, Municipal Clerk
Matthew Moench, Esq., Borough Attorney
Jay Cornell, P.E., Borough Engineer
Nicole Waranowicz, Asst. Municipal Clerk
Denise Biancamano, C.F.O./Treasurer

Others Absent: None

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

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

☞ June 17, 2024 - Regular/Agenda Session

Seconded by Councilman Balka.

Roll Call: Councilpersons Roberts, Balka, Colaci, Onuoha, Synarski, Zebrowski, All Ayes.

- **PROCLAMATION & PRESENTATIONS**

- **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 #31-24.

Mayor O'Brien opened the meeting to the public for comments on Ordinance #31-24.

Those commenting were:

- Stanley Drwal, 121 Bissett Street
Mr. Drwal read a letter that was sent to the Mayor and Council on August 22, 2022.

- Jim Robinson, Parlin
Mr. Robinson stated that the ordinance doesn't allow for the Borough flag to be flown in front of the building.

- Anthony Sposato, 54 Washington Road
Mr. Sposato questioned if the Borough owned the flagpole where the pride flag was flown. He questioned the policy that the Mayor enacted. Mr. Sposato stated the Borough is opening itself up to litigation. He requested that they find a

location for a community flagpole.

- Ken Kelly

Mr. Kelly commented on a Supreme Court case on flags.

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

**Roll Call: Ayes: Councilpersons Balka, Colaci, Roberts, Synarski, Zebrowski
Nays: Councilperson Onuoha**

ORDINANCE #31-24
BOROUGH OF SAYREVILLE
COUNTY OF MIDDLESEX
AN ORDINANCE ESTABLISHING THE FLAG DISPLAY
POLICY FOR THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

WHEREAS, the Borough of Sayreville ("Borough") aims to ensure proper flag etiquette and consistent flag display practices at Borough facilities; and

WHEREAS, the Borough desires to set forth an ordinance that regulates the display of the United States Flag (US Flag), the Flag of the State of New Jersey (State Flag), and the Prisoner of War/Missing in Action (POW/MIA) Flag at Borough Hall to preserve public decorum, respect, and pride in the Borough;

WHEREAS, the Borough flagpoles are not intended to serve as a forum for free expression by the public;

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:

SECTION 1. Policy. The Borough's policy relative to the display of the US Flag, the State Flag, and the POW/MIA Flag at Borough Hall shall be in accordance with United States Code (U.S.C.A.), Title 4 and Title 36, and New Jersey Statutes Annotated, Title 52, Chapter 3.

SECTION 2. Display Requirements at Borough Hall.

SECTION 2.1 The flags displayed in front of Borough Hall shall be limited to the following:

- The United States Flag (US Flag)
- The Flag of the State of New Jersey (State Flag)
- The Prisoner of War/Missing in Action (POW/MIA) Flag

SECTION 2.2 No other flags shall be flown in front of Borough Hall.

SECTION 2.3 The US Flag shall be placed in the position of first honor at all times, with the State Flag in the position of second honor, and the POW/MIA Flag in the position of third honor.

SECTION 2.4 The US Flag, State Flag, and POW/MIA Flag shall not be displayed on days when the weather is inclement, except when all-weather flags are utilized.

SECTION 2.5 The US Flag shall always be displayed at the peak when displayed on the same halyard with the State Flag and POW/MIA Flag. The State Flag shall be below the US Flag, and the POW/MIA Flag shall be below the State Flag.

SECTION 3. Disposal of Flags. When the US Flag, State Flag, or POW/MIA Flag deteriorates to such a condition that it no longer serves as a fitting emblem of display, it shall be destroyed in a dignified manner, preferably by burning.

SECTION 4. Conflicts. All ordinances/resolutions of the Borough of Sayreville or parts thereof in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or parts of ordinances now existing or in effect, unless the same be in conflict or inconsistent with any provisions of this ordinance, shall remain in effect.

SECTION 5. Severability. The provisions of this ordinance are declared to be severable and if any section, sub-section, sentence, clause, or phrase thereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sub-sections, sentences, clauses, and phrases of this ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

INTRODUCED/APPROVED ON FIRST READING

DATED: June 17, 2024

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

/s/Daniel Balka, Councilman
(Admin. & Finance Committee)
Borough of Sayreville

ADOPTED ON SECOND READING

DATED: July 15, 2024

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

/s/Daniel Balka, Councilman
(Admin. & Finance Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS 15th DAY OF July, 2024.

/s/Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/Matthew Moench, Borough Attorney

- **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 15 minutes to discuss the following matters:

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- 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/ Donna Roberts, Council President

APPROVED:

/s/ Kennedy O'Brien, Mayor

Council President Roberts moved the Executive Session Resolution be adopted on Roll Call Vote. Motion seconded by Councilman Balka.

Roll Call: Councilpersons Roberts, Balka, Colaci, Onuoha, Synarski, Zebrowski, all Ayes.

Time: 7:17 PM

Reconvene:

Council President Roberts made a motion to reconvene. Motion was seconded by Councilman Balka.

Roll Call: Councilpersons Roberts, Balka, Colaci, Onuoha, Synarski, Zebrowski, all Ayes

Time: 7:29 PM

Public Hearing on Ordinance #32-24.

Mayor O'Brien opened the meeting to the public for comments on Ordinance #32-24.

There were no comments.

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

Roll Call: Councilpersons Colaci, Balka, Onuoha, Roberts, Synarski, Zebrowski, all ayes.

ORDINANCE #32-24

**AN ORDINANCE TO SUPPLEMENT CHAPTER 26 OF THE
MUNICIPAL CODE, ENTITLED "LAND DEVELOPMENT,"
TO MAKE MODIFICATIONS PURSUANT TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
MODEL STORMWATER CONTROL ORDINANCE.**

WHEREAS, the New Jersey State Department of Environmental Protection (DEP) has drafted new stormwater management rules/controls pursuant to N.J.A.C. 7:8; and

WHEREAS, the Borough of Sayreville seeks to incorporate the DEP's new stormwater management rules/controls into its existing land development regulations.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey that Chapter 26 of the Municipal Code of the Borough of Sayreville, entitled “Land Development”, Article V, titled “Development Requirements and Standards” needs to be supplemented and amended by adding the following language

SECTION 1. Chapter 26, titled “Land Development”, Article V, titled “Development Requirements and Standards” is hereby amended and supplemented as follows

§ 26-99 Utilities.

§ 26-99.6A Scope and Purpose

- a. [No change].
- b. [No change].
- c. [No change].
 - 1. [No change].
 - 2. [No change].
 - 3. An application required by ordinance pursuant to (c)1 above that has been submitted prior to July 15, 2024, shall be subject to the stormwater management requirements in effect on July 14, 2024.
 - 4. An application required by ordinance for approval pursuant to (c)1 above that has been submitted on or after March 2, 2021, but prior to July 15, 2024, shall be subject to the stormwater management requirements in effect on July 14, 2024.
 - 5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.
- d. [No change].

§ 26-99 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Centers, Cores or Nodes” means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-26.16.

“CAFRA Planning Map” means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

“Community basin” means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

“Compaction” means the increase in soil bulk density.

“Contributory drainage area” means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

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“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

“HUC 14” or “hydrologic unit code 14” means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 {or the effective date of this ordinance, whichever is earlier}; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more.

The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

NOTE: The definition of major development above aligns with the definition at N.J.A.C. 7:8-1.2 and is recommended for consistency. Alternatively, a municipality may adopt the following definition, which is the minimum standard required. Municipalities that have already adopted the definition at N.J.A.C. 7:8-1.2 or another definition that goes beyond the minimum requirement should not reduce the stringency of their definition by adopting the minimum standard.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually result in the disturbance of one or more acres of land since February 2, 2004. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

Additionally, individual municipalities may define major development with a smaller area of disturbance, a smaller area of regulated impervious or motor vehicle surface, or both.

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“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, race-tracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 et seq.)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Public roadway or railroad” means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
 2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
 3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
 4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.
- “Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
 2. A net increase in motor vehicle surface; and/or
- quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.
“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.
“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or

influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 26-99.6D Stormwater Management Requirements for Major Development:

- a.-o. [No changes].
- p. [No changes].
 1. [No changes].
 2. [No changes].
 - a. [No changes].
 - b. ~~Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the two-year (2-year) storm is infiltrated.~~ Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section 26-99.6E d of this ordinance, is infiltrated.
 3. [No changes].
 4. [No changes].
 - a. ~~Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and Stormwater from areas of~~

high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

- b. [No changes].
- q. [No changes]
- r. [No changes].
 - 1. [No changes].
 - 2. [No changes].
 - a. ~~Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two (2), ten (10), or one hundred (100) year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events; Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 26-99.6E, c and d, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;~~
Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 26-99.6E, c and d, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - b. ~~Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two (2), ten (10), or one hundred (100) year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area; Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section 26-99.6E, c and d, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;~~
Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section 26-99.6E, c and d, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - c. ~~Design stormwater management measures so that the post-construction peak runoff rates for the two (2), ten (10), or one hundred (100) year storm events are fifty (50%), seventy five (75%) and eighty (80%) percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 26-99.6E, c and d, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-~~
Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section 26-99.6E, c and d, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-

construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

d. [No changes].

3. [No changes].

§ 26-99.6E Calculation of Stormwater Runoff and Groundwater Recharge.

a. [No changes].

~~1. The design engineer shall calculate runoff using one (1) of the following methods:~~

~~i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:~~

~~https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf~~

~~or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or~~

~~1. The design engineer shall calculate runoff using the following methods:~~

~~i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:~~

~~<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>~~

~~or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.~~

~~ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:~~

~~<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>~~

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at subsection (1)(a) of this section and the Rational and Modified Rational Methods at subsection (1)(b) of this section. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five (5) years without interruption prior to the time of application. If more than one

~~(1) land cover have existed on the site during the five (5) years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation). For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section 26-99E, a1i. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).~~

3-5. [No changes].

b. [No changes].

c. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj;
and

2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Middlesex	1.00	1.01	1.03

d. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The

precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

<u>County</u>	<u>Future Precipitation Change Factors</u>		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>10-year Design Storm</u>
<u>Middlesex</u>	<u>1.19</u>	<u>1.21</u>	<u>1.33</u>

§ 26-99.6F Sources for Technical Guidance.

a. [No changes].

b. ~~Submissions required for review by the department should be mailed to:~~

~~The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.~~

b. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

SECTION 2. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

INTRODUCED/APPROVED ON FIRST READING

DATED: June 17, 2024

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

/s/Michael Colaci, Councilman
(Public Works Committee)

ADOPTED ON SECOND READING

DATED: July 15, 2024

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

/s/Michael Colaci, Councilman
(Public Works Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS 15th DAY OF JULY, 2024.

/s/Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/Matthew Moench, Borough Attorney

Public Hearing on Ordinance #33-24.

Mayor O'Brien opened the meeting to the public for comments on Ordinance #33-24.

Those commenting were:

- Tim Arch, Bob Smith & Associates,
Mr. Arch stated that he represents 1970 NJ Route 35 Urban Renewal. He commented that it would be a self-storage facility on that property. Mr. Arch stated it also provides additional access and parking for the Morgan 1st Aid Squad. He stated the project is not viable without a pilot.

- Jim Robinson, Parlin
Mr. Robinson stated that they could do without a pilot. He stated they are cheating the residents and kids. Mr. Robinson urged that they reject this pilot.

- Ken Olchaskey, Sayreville
Mr. Olchaskey commented on the pilot.

- Anthony Sposato, Washington Road
Mr. Sposato commented on money not going to the school and urged them to reject the pilot.

No further comments.

Council President Roberts moved the Public Hearing be closed and the Ordinance be adopted on second and final reading and advertised according to law. Seconded by Councilman Zebrowski.

**Roll Call: Ayes: Councilpersons Roberts, Colaci, Synarski, Zebrowski.
Nays: Councilpersons Balka, Onuoha.**

ORDINANCE #33-24

ORDINANCE OF THE BOROUGH OF SAYREVILLE, COUNTY OF MIDDLESEX, NEW JERSEY AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT, BY AND BETWEEN THE BOROUGH AND 1970 NJ RT 35 URBAN RENEWAL, LLC, PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW, *N.J.S.A. 40a:20-1 ET SEQ.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended from time to time (the "**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land in a municipality constitute areas in need of redevelopment, and to adopt a redevelopment plan for such areas, pursuant to which redevelopment projects are to be undertaken; and

WHEREAS, the Redevelopment Law confers certain contract, planning and financial powers upon a redevelopment entity, as defined in *N.J.S.A. 40A:12A-3*, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the Borough of Sayreville (the "**Borough**"), in the County of Middlesex, State of New Jersey, has elected to exercise these redevelopment entity powers through

JULY 15, 2024 REGULAR/AGENDA MEETING	
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its redevelopment entity, the Sayreville Economic and Redevelopment Agency (“SERA”), as permitted under *N.J.S.A. 40A:12A-1 et seq.*, and

WHEREAS, 1970 NJ RT 35 URBAN RENEWAL, LLC (the “**Entity**”), is the redeveloper of a portion of the property commonly known as the Club Pure Site, located at 1970 NJ RT 35, in the Borough of Sayreville New Jersey and as Block 425 , Lot 2.02, on the Borough’s tax maps (together, the “**Project Area**”), which is located in an area previously designated by the Borough as an “area in need of redevelopment,” as that term is defined under the Redevelopment Law; and

WHEREAS, the Entity and SERA entered into a Redevelopment Agreement, pursuant to which, among other things, the Entity will redevelop the Project Area by constructing thereon a project consisting of (1) a three (3) story self-storage building totaling approximately 120.660 SF gross building area (90,675 SF leasable area) and (2) a one (1) story self-storage building with 9,463 SF in gross building and area (8,950 SF leasable area) and associated infrastructure improvements, (the “**Project**”); and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the Entity submitted to the Mayor of the Borough (the “**Mayor**”) an application (the “**Application**”), which is on file with the Borough Clerk, seeking tax exemption in connection with the Project pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “**Long Term Tax Exemption Law**”), in exchange for which the Entity proposes to make payments to the Borough in lieu of taxes; and

WHEREAS, the Entity also submitted to the Mayor a form of financial agreement a copy of which is attached to the Application, establishing the rights, responsibilities and obligations of the Entity, which Financial Agreement has been revised through negotiations between the Borough and the Entity. The form of a financial agreement acceptable to both the Borough and the Entity is attached hereto as Schedule A, (the “**Financial Agreement**”);, and

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Borough Council with his recommendation for approval, a copy of which recommendation is on file with the Borough Clerk; and

WHEREAS, the Borough Council has determined that the Project represents an undertaking permitted by the Long Term Tax Exemption Law.

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Application and Financial Agreement are hereby approved.

Section 3. The Mayor is hereby authorized to execute the Financial Agreement substantially in the form attached hereto, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

Section 4. The Clerk of the Borough is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Borough upon such document.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. This ordinance shall take effect in accordance with applicable law.

INTRODUCED/APPROVED ON FIRST READING
DATED: June 17, 2024

/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: July 15, 2024

/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 15th DAY OF JULY, 2024.

/s/Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

/s/Matthew Moench, Borough Attorney

b) Appointments

Mayor made the following appointments:

SERA

5 Yr. Unexpired Commissioner Trushar Parikh

Mayor asked if there are if there was a motion.
Councilwoman Roberts moved the appointments. Seconded by Councilman Zebrowski.

Roll Call: Councilpersons Roberts, Balka, Colaci, Onuoha, Synarski, Zebrowski, all ayes.

- **NEW BUSINESS:**
 - a) Clerk Morelos reported having received the Supplemental Debt Statement as of July 15, 2024, from CFO Denise Biancamano.

Council President Roberts moved the Supplemental Debt Statement be received and filed. Seconded by Councilman Balka.

Roll Call: Councilpersons Roberts, Balka, Colaci, Onuoha, Synarski, Zebrowski, all Ayes.

- a) Introduction of the following ordinances:

BOND ORDINANCE # 34-24
**BOND ORDINANCE PROVIDING FOR ACQUISITION OF
VARIOUS VEHICLES AND EQUIPMENT, BY AND IN THE
BOROUGH OF SAYREVILLE, IN THE COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING
\$3,360,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$3,192,000 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST THEREOF**
(Admin. & Finance Committee- Co. Balka - Public Hearing 8-19-24)

Councilman Balka moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be scheduled for August 19, 2024. Motion was seconded by Councilwoman Roberts.

Roll Call: Councilpersons Balka, Colaci, Onuoha, Roberts, Synarski, Zebrowski, all ayes.

BOND ORDINANCE #35-24
**BOND ORDINANCE PROVIDING FOR VARIOUS 2024
GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE
BOROUGH OF SAYREVILLE, IN THE COUNTY OF
MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING
\$1,780,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$1,691,000 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST THEREOF**
(Admin. & Finance Committee- Co. Balka – Public Hearing 8-19-24)

Councilman Balka moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be scheduled for August 19, 2024. Motion was seconded by Councilwoman Roberts.

Roll Call: Councilpersons Balka, Colaci, Onuoha, Roberts, Synarski, Zebrowski, all ayes.

BOND ORDINANCE #36-24
**BOND ORDINANCE PROVIDING FOR VARIOUS PARK
IMPROVEMENTS, BY AND IN THE BOROUGH OF
SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF
NEW JERSEY; APPROPRIATING \$720,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$684,000 BONDS
OR NOTES OF THE BOROUGH TO FINANCE
PART OF THE COST THEREOF**
(Admin. & Finance Committee- Co. Balka – Public Hearing 8-19-24)

Councilman Balka moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be scheduled for August 19, 2024. Motion was seconded by Councilwoman Roberts.

Roll Call: Councilpersons Balka, Colaci, Onuoha, Roberts, Synarski, Zebrowski, all ayes.

BOND ORDINANCE #37-24
**BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY
IMPROVEMENTS, BY AND IN THE BOROUGH OF
SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF
NEW JERSEY; APPROPRIATING \$6,500,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$6,175,000 BONDS
OR NOTES OF THE BOROUGH TO FINANCE PART OF THE
COST THEREOF**
(Admin. & Finance Committee- Co. Balka – Public Hearing 8-19-24)

Councilman Balka moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be scheduled for August 19, 2024. Motion was seconded by Councilwoman Roberts.

Roll Call: Councilpersons Balka, Colaci, Onuoha, Roberts, Synarski, Zebrowski, all ayes.

ORDINANCE #38-24
**BOND ORDINANCE PROVIDING FOR VARIOUS WATER
UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF
SAYREVILLE, IN THE COUNTY OF MIDDLESEX, STATE OF
NEW JERSEY; APPROPRIATING \$7,635,000 THEREFOR
AND AUTHORIZING THE ISSUANCE OF \$7,635,000 IN
BONDS OR NOTES TO FINANCE THE COST THEREOF**
(Admin. & Finance Committee- Co. Balka – Public Hearing 8-19-24)

Councilman Balka moved the Ordinance be approved on first reading, advertised according to law and a Public Hearing be scheduled for August 19, 2024. Motion was seconded by Councilwoman Roberts.

Roll Call: Councilpersons Balka, Colaci, Onuoha, Roberts, Synarski, Zebrowski, all ayes.

- **CONSENT AGENDA RESOLUTIONS**

Mayor O'Brien opened the meeting for any comments on Consent Agenda Resolutions.

Those commenting were:

- Frank Terzino, 32 Canal Street

Mr. Terzino commented on Resolution #2024-191. He stated that resolution does not designate the old fire house as a local historic landmark. Mr. Terzino stated this was not what they wanted and requested the wording be changed.

- Jim Robinson, Parlin

Mr. Robinson questioned what the money will be used for from Parlin Section 1 Redevelopment.

Business Administrator Skarzynski responded that it will be used for the Ust Complex to get that project started.

Mr. Robinson stated the resolution for the referendum is not what the Historical Society wanted.

- Ken Olchaskey, Sayreville

Mr. Olchaskey commented on Resolution #2024-191. He stated why he has lost faith in them.

- Arthur Rittenhouse, 33 Delikat Lane

Mr. Rittenhouse commented that they never received the report on the old fire house. He stated there a lot of grants out there. He stated that he would like a commitment to start the project when the election is over. Mr. Rittenhouse requested that they make it a historic landmark so that they can begin their work.

- Anthony Sposato, Sayreville

Mr. Sposato commented on a brick that his sister found. He requested that they reconsider Resolution #2024-191.

- Bob Egan, Elizabeth Street

Mr. Egan stated the Historical Society wasn't looking for money and should forget about it.

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

Roll Call: Councilpersons Roberts, Balka(nay on Resolution #2024-191), Colaci, Onuoha(nay on Resolution #2024-191), Synarski, Zebrowski, all Ayes.

RESOLUTION #2024-182

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/ Kennedy O'Brien, Mayor

/s/ Daniel Balka, Councilman

/s/ Donna Roberts, Councilwoman

/s/ Michael Colaci, Councilman

/s/ Stanley Synarski, Councilman

/s/ Christian Onuoha, Councilman

/s/ 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.

/s/ Matthew Moench, Esq., Borough Attorney

Bill list of July 15, 2024 in the amount of \$9,384,720.35 in a separate Bill List File for 2024 (See Appendix Bill List 2024-A for this date).

RESOLUTION #2024-183

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville hereby requests the Director of the Division of Local Finance to approve the insertion of the following items of revenue in the budget of the year 2024 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- Clean Communities Grant - \$103,968.37

SECTION 3.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

/s/ Daniel Balka, Councilman
(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/ Matthew Moench, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2024-184

WHEREAS, N.J.S.A. 40A:4-87 provides that the director of the Division of Local Finance may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation of equal amount:

SECTION 1.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Sayreville hereby requests the Director of the Division of Local Finance to approve the insertion of the following items of revenue in the budget of the year 2024 in the sums contained in **Section 2** which items are now available as a revenue from the following sources:

SECTION 2.

- Parlin Section 1 Redevelopment Community Benefit -
\$1,000,000.00

SECTION 3.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

/s/ Daniel Balka, Councilman
(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/ Matthew Moench, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2024-185

WHEREAS, Sayreville PRII Liquor License II, LLC, is the holder of Plenary Retail Consumption License #**1219-33-004-004**, a **pocket license** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for the **2024-2025 license term**; and

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

WHEREAS, on May 10, 2024 Division of Alcoholic Beverage Control issued Administrative Order granting blanket 12.39 relief for the 2024-2025 license term for all eligible inactive licenses; and

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT Plenary Retail Consumption License Number 1219-33-004-004, Sayreville PRII Liquor License II, LLC (pocket license) is hereby renewed for **the 2024-2025 license year**, subject to the following conditions as contained in the Special Ruling of the Alcoholic Beverage Control; and

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the Division of Alcohol Beverage Control, Licensing Bureau, 140 East Front Street, P. O. Box 087, Trenton, New Jersey

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

/s/ Daniel Balka, Councilman
(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/ Matthew Moench, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2024-186

WHEREAS, Shiv Akshar, LLC is the holder of Plenary Retail Consumption License #1219-33-031-006 in the Borough of Sayreville; and

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

WHEREAS, on May 10, 2024 Division of Alcoholic Beverage Control issued Administrative Order granting blanket 12.39 relief for the 2024-2025 license term for all eligible inactive licenses; and

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Mayor and Borough Council do hereby grant the renewal of Plenary Retail Consumption License No. 1219-33-031-006 to the licensee for the **2024-2025 license term**, pursuant to special conditions as contained in the Special Ruling issued by the said Directors of the State Division of Alcoholic Beverage Control issued on the dates noted above.

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

/s/ Daniel Balka, Councilman
(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/ Matthew Moench, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2024-187

WHEREAS, Sayreville PRII Liquor License I, LLC, is the holder of Plenary Retail Consumption License #1219-33-051-006, a **pocket license** issued by the Governing Body of the Borough of Sayreville as the Issuing Authority for the **2024-2025 license term**; and

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

WHEREAS, on May 10, 2024 Division of Alcoholic Beverage Control issued Administrative Order granting blanket 12.39 relief for the 2024-2025 license term for all eligible inactive licenses; and

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED THAT Plenary Retail Consumption License Number 1219-33-051-006, Sayreville PRII Liquor License I, LLC (pocket license) is hereby renewed for **the 2024-2025 license year**, subject to the following conditions as contained in the Special Ruling of the Alcoholic Beverage Control; and

NOW THEREFORE BE IT FURTHER RESOLVED that Borough Clerk is hereby authorized and directed to make the necessary notations or endorsements to the License certificate and that a certified copy of the within Resolution is to be forwarded by the Borough Clerk to the Division of Alcohol Beverage Control, Licensing Bureau, 140 East Front Street, P. O. Box 087, Trenton, New Jersey

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

**JULY 15, 2024
REGULAR/AGENDA
MEETING**

WHEREAS, the Borough issued a road opening permit to NJNG pursuant to its application; and

WHEREAS, in connection with the road opening permit, on or about June 1, 2022, NJNG posted Bond No. 107626519, a copy of which is attached hereto and fully incorporated by reference herein, in the amount of \$20,000.00, naming the Borough as Obligee, which became effective on June 1, 2022, and which stated that if NJNG completed its obligations pursuant to the permit issued, that its obligation pursuant to the bond shall be null and void; and

WHEREAS, in or about August 2022, NJNG completed the inspection of its natural gas transmission line, and which was verified by the Borough Engineer; and

WHEREAS, in light of the foregoing, the Borough seeks to release Bond No. 107626519 as it is no longer necessary for the Borough to hold same.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sayreville that Bond No. 107626519 is hereby released, with NJNG having satisfied its obligations pursuant to the road opening permit; and

BE IT FURTHER RESOLVED that this Resolution is effective immediately upon adoption.

/s/ Michael Colaci, 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/ Matthew Moench, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2024-190

BE IT AND IT IS HEREBY RESOLVED that the Proper Borough Officials are hereby authorized and directed to release the balance in escrow to Sayreville Leasing and Repair in the amount of \$27,149.93.

/s/ Daniel Balka, Councilman
(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/ Matthew Moench, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O'Brien
Mayor

RESOLUTION #2024-191

RESOLUTION AUTHORIZING PUBLIC REFERENDUM TO DETERMINE IF THE BOROUGH SHALL COMPLETE CAPITAL REPAIRS TO THE 1909 TOWN HALL/FIRE HOUSE AT 165 MAIN STREET AS NECESSARY TO REMEDIATE STRUCTURAL DEFICIENCIES AND MITIGATE ENVIRONMENTAL ISSUES

WHEREAS, the Sayreville Historical Society has prepared a report regarding the significance of the 1909 Town Hall/Fire House at 165 Main Street (the "Fire House"), and has further requested that the Fire House be considered an historic landmark that is preserved by the Borough; and

WHEREAS, on March 11, 2024, the Borough Council failed to adopt Resolution #2024-84, which called for the governing body "recogniz[ing] the historical importance of the [Fire House] and support[ing] the Sayreville Historical Society's efforts to preserve this part of Sayreville's history; and

WHEREAS, on the record at said meeting, certain Borough Councilmembers expressed concerns about the potential capital costs associated with the proposed preservation of the Fire House; and

WHEREAS, at the request of the Borough Council, the Borough Engineer has completed a review and estimates that it would cost at least \$3 million dollars to remediate structural deficiencies and mitigate environmental issues; and

WHEREAS, given the unique history of the Fire House, the governing body seeks to initiate a referendum to obtain the public sentiment on whether to preserve the Fire House and assume the costs to complete same; and

WHEREAS, pursuant to N.J.S.A. 19:37-1 et seq., the governing body is authorized by resolution to order a public referendum to obtain the sentiment of voters, with N.J.S.A. 19:37-1 specifically providing:

When the governing body of any municipality or of any county desires to ascertain the sentiment of the legal voters of the municipality or county upon any question or policy pertaining to the government or internal affairs thereof, and there is no other statute by which the sentiment can be ascertained by the submission of such question to a vote of the electors in the municipality or county at any election to be held therein, the governing body may adopt at any regular meeting an ordinance or a resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form. Such request shall be filed with the clerk of the county not later than 88 days previous to the election.

; and

WHEREAS, N.J.S.A. 19:37-4 further provides that "[s]uch result shall not bind the governing body from which the ordinance or resolution emanated, nor be taken or construed as other than an expression of sentiment by the voters, to be followed or disregarded by the governing body in its discretion.

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

1. The foregoing recitals are hereby incorporated as if set forth at length.
2. The governing body does hereby request that the following referendum question be placed on the November 2024 general election ballot:

REFERENDUM

Should the Borough of Sayreville seek to preserve the 1909 Town Hall/Fire House located at 165 Main Street and expend the costs necessary to remediate structural deficiencies and mitigate environmental issues at an estimated cost of \$ 3 million dollars?

EXPLANATORY STATEMENT

The Borough Council has authorized this ballot question to obtain the public sentiment of voters.

A “yes” vote would indicate support for the Borough preserving the 1909 Town Hall/Fire House located at 165 Main Street and spending the funds necessary remediate structural deficiencies and mitigate environmental issues at an estimated cost of \$3 million dollars.

A “no” vote would indicate opposition to preserving the 1909 Town Hall/Fire House located at 165 Main Street and/or spending the funds necessary to remediate structural deficiencies and mitigate environmental issues at an estimated cost of \$3 million dollars.

3. The Borough Clerk shall transmit a true certified copy of this Resolution to the Middlesex County Clerk to effectuate the request that the foregoing referendum question be placed on the November 2024 general election ballot.

4. This Resolution shall take effect immediately upon adoption.

/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/ Matthew Moench, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

RESOLUTION #2024-192

WHEREAS, Sayreville Shopping Plaza, LLC, owner of real property located in the Borough of Sayreville has filed real property tax appeal for the year 2024 affecting Block 368.07, Lot 1 & 2 commonly known as 2909 Washington Road; 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 Sayreville Shopping Plaza, LLC, duly recommend the following:

- Appeal of 2024 assessed valuation to be reduced to \$10,478,625
- 2025 Tax List will reflect a further assessed value reduction to \$9,900,000

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.

/s/ Daniel Balka, Councilman
(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/ Matthew Moench, Esq., Borough Attorney

ATTEST:

BOROUGH OF SAYREVILLE

/s/ Jessica Morelos, RMC
Municipal Clerk

/s/ Kennedy O’Brien
Mayor

- **CORRESPONDENCE:**
 - A. Departmental Reports for June, 2024.
 - B. Minutes from Boards/Commissions:
 - 1. Human Relations Commission – April 4, 2024.
 - 2. Shade Tree Commission – June 20, 2024.
 - C. Notice of Public Hearing:
 - 1. Notice of Public Hearing to be held before the BPU on July 18, 2024 at 4:30pm and 5:30pm for JCPL’s review and approval of its deferred balances relating to, and an adjustment of, the societal benefits charge clause of its filed tariff.
 - D. Resignations received from the Fire Department:
 - 1. Robert Applegate – Melrose Hose Co. No. 1

Council President Roberts made a motion to accept the correspondence. Seconded by Councilman Balka.

Roll Call: Councilpersons Roberts, Balka, Colaci, Onuoha, Synarski, Zebrowski, all Ayes.

- **MAYOR & COUNCIL REPORTS**
 - **ADMINISTRATIVE & FINANCE – Councilman Balka**
 - 1) Tax bills will be going out any day.
 - **PLANNING & ZONING – Councilman Zebrowski**
 - 1) Thanked employees and volunteers for the Independence Day Celebration.
 - 2) Planning Board meeting on July 17th at 7:30pm at the Active Adult Center and at the August 7th meeting their will be a presentation on Masterplan Reassessment.
 - 3) SERA meeting on Thursday at 6pm.
 - **PUBLIC SAFETY – Councilman Onuoha**
 - 1) Progress.
 - **PUBLIC WORKS – Councilman Colaci**
 - 1) Progress.
 - **RECREATION – Councilman Synarski**
 - 1) Commented on the Independence Day Celebration.
 - 2) Scavenger Hunt will be held in July.
 - 3) Need adult volunteers for teen events.
 - 4) Car shows and farmer’s market still going on.

JULY 15, 2024
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➤ **WATER & SEWER/ENVIRONMENTAL – Council President Roberts**

- 1) Commented on the community garden and attended the farmer’s market.
- 2) Urged residents to attend pre-council meetings and reach out to the council.

➤ **MAYOR – Kennedy O’Brien**

• **GENERAL DISCUSSION AGENDA ITEMS**

- Admin. & Finance

- 1) Authorization for the Business Administrator to negotiate a new contract with Legacy Riding Stables.

- Approved.

- 2) Authorization to join the Interlocal Purchasing System (TIPS), a National Cooperative Purchasing Program.

- Resolution.

- Planning & Zoning

- Public Safety

- Public Works

- 1) Requests received to hold a block party from the following:

- a) Residents of Pinetree Drive between Cypress Drive and Buttonwood Drive on August 31, 2024 (Rain date September 1, 2024 from 9am-12am.

- Approved.

- 2) Authorization to award a non-fair and open contract to PABCO Industries for the purchase of leaf bags in an amount not to exceed \$20,923.20.

- Approved.

- Recreation

- Water & Sewer/Environmental

- 1) Authorization to award a non-fair and open contract to Keystone Precision Solutions for the purchase of a GPS unit in an amount not to exceed \$17,608.00.

- Approved.

➤ **Business Administrator – Glenn Skarzynski**

- 1) Authorization to appoint Matthew McCardle to Laborer 1 in the Department of Public Works, effective September 1, 2024.

- Approved.

- 2) Authorization to appoint Thomas Brennan, John Palermo, Jr. and Clinton Rowe to Police Officers in the Police Department, effective July 29, 2024 pending the completion of all pre-employment requirements.

- Approved.

- 3) Authorization to appoint Leslie Ann Polanco to Records Support Tech 1 – Part-time in the Police Department, effective August 1, 2024.

- Approved.

- 4) Authorization to allow Cultural Arts to move forward with musical acts for their Tuesday night music in Kennedy Park effective next Tuesday and to submit bills for payment based on their budget.

- Approved.

➤ **C.F.O. – Denise Biancamano**

- 1) Authorization to amend the 2024 Local Municipal Budget for the following:
 - Safe & Secure Communities Grant - \$44,150.00
 - Opioid Settlement - \$16,061.24
 - Residential Maintenance Service - \$6,500.00 Match \$2,000.00
 - SERA Community Project Funding - \$100,000.00

- Resolution.

2) Authorization to sell bonds.
- Resolution.

➤ **BOROUGH ENGINEER - Jay Cornell**

1) Golden Age Development Group LLC Site Plan – Bond Release Request
(Report Attached).

- Resolution.

2) 2023 Roadway Paving and Reconstruction Project – Phase II – Receipt of Bids
(Verbal Report).

- Resolution.

➤ **BOROUGH ATTORNEY - Matthew Moench**

● **PUBLIC PORTION**

At this time Mayor O’Brien opened the meeting to the public for comments on any and all matters.

Those commenting were:

- Jim Robinson, Parlin

Mr. Robinson questioned an email the Mayor sent out with the wrong time and place of the Planning Board meeting. He commented on the posts that the Borough is putting out. Mr. Robinson questioned if there were plans for the JCP&L property on River Road. He questioned if the Borough is prepared for the next round of affordable housing.

- Anthony Sposato

Mr. Sposato stated a good place for a community flag pole would be on Ernston Road by Woodside or Kennedy Park.

- Heather Pawski, 71 Zaleski Drive

Ms. Pawski commented on misinformation being shared with residents and the Historical Society not being contacted to help with accuracy.

No further comments.

**Council President Roberts made a motion to close the Public Portion.
Seconded by Councilman Balka.**

Roll Call: Voice Vote, all Ayes.

● **ADJOURNMENT**

No further business Council President Roberts made a motion to adjourn.
Seconded by Councilman Balka.

Roll Call: Voice Vote, all Ayes.

Time 8:25 P.M.

Jessica Morelos, RMC
Municipal Clerk

Date Approved: _____