

ORDINANCE #38-23
AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER II OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SAYREVILLE TO AMEND
SECTION 2-51 "SAYREVILLE ECONOMIC
AND REDEVELOPMENT AGENCY"

WHEREAS, the Borough previously established Section 2-51, "Sayreville Economic and Redevelopment Agency", which shall constitute a redevelopment entity contemplated and provided for in the aforesaid Redevelopment Law as an agency or instrumentality of the Borough of Sayreville; and,

WHEREAS, Pursuant to Redevelopment Law, the Sayreville Economic and Redevelopment Agency (hereinafter "SERA") is required to consist of nine (9) Commissioners, to be appointed by the Mayor with the advice and consent of Borough Council for a term of five (5) years; and,

WHEREAS, SERA currently staggers its terms with appointments being made and terms expiring in July of each calendar year; and,

WHEREAS, the Borough Council desires to amend its existing Ordinance to establish that all new appointments moving forward shall be made in January rather than the current practice of making appointments to SERA in the month of July; and,

WHEREAS, in order to conform with New Jersey's Redevelopment Law while capturing the Borough's desire to modify the month where terms expire and appointments are made to SERA, the Borough must modify its existing Ordinance; and,

WHEREAS, the Borough Council also desires to amend the existing Ordinance to codify that any member of SERA must be a current resident of the Borough of Sayreville and to require each member to complete basic educational courses to retain their membership on SERA; and,

WHEREAS, all additions are shown in ***bold italics with underlines***. The deletions are shown as ~~*strikeovers in italics*~~. Those sections of Section 2-51 that will remain unchanged are shown in normal type.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows and shall be added and/or amended to reflect said changes:

SECTION ONE. Section 2-51, "Sayreville Economic and Redevelopment Agency", shall be amended as follows:

2-51- Sayreville Economic and Redevelopment Agency.

2-51.1 Created. Pursuant to the Redevelopment Law, the Borough hereby creates a body corporate and politic to be known as the "Sayreville Economic and Redevelopment Agency" which shall constitute a redevelopment entity contemplated and provided for in the aforesaid Redevelopment Law as an agency or instrumentality of the Borough of Sayreville.

2-51.2 Membership. Pursuant to the Redevelopment Law, there shall be nine (9) Commissioners of the Agency, each of whom shall be residents of the Borough of Sayreville and shall be appointed by the Mayor, with the consent of the Borough Council, of which no more than two (2) of the nine (9) commissioners on the SERA shall be members of the Borough Council to be appointed by the Council. The members of the Borough Council appointed to the SERA shall serve for a term of one (1) year or until their elected term expires whichever occurs first. The Council Members serving on the SERA shall not have the right to appoint a designee. All non-elected members shall be required to complete basic educational courses, which shall be selected by the Township Attorney, in order to retain their respective membership. Such educational courses shall be completed within one (1) year of appointment and shall be related to land use law and planning or such other topics that touch upon the tasks, responsibilities and activities of this Commission. The educational courses shall consist of no more than five hours of scheduled instruction and shall be structured so that a member may satisfy this requirement within one calendar day. N.J.S.A. 40:55D-23.3.

2-51.3 Powers and Duties. In addition to all such powers as are specifically granted to the Agency pursuant to N.J.S.A. 40A:12A-1, et seq., and as may otherwise be generally allowed pursuant to other applicable statutes, the Agency shall also have the power to:

- a. Inquire into, survey and publicize the extent, advantages and utility of vacant land and other dormant and underutilized properties of the Borough.
- b. Classify such land and properties according to its adaptability for the establishment and development thereon of various types of economic activities.
- c. Study and analyze business trends, requirements and developments to ascertain the opportunities for economic expansion in the Borough.
- d. Advertise the business advantages and opportunities and the availability of suitable sites and facilities in the Borough and otherwise initiate and pursue appropriate efforts to encourage and accomplish economic development and expansion within the Borough.
- e. Cooperate with other Borough departments, agencies, committees and local civic organizations to promote, encourage and assist economic development within the Borough.
- f. Arrange for the sale or lease of the Borough's vacant lands to businesses whose location thereon is best calculated, in the judgment of the Agency, to advance the interests of the Borough and of its citizens.
- g. Acquire title to vacant land owned by the Borough for the purpose of resale or lease to businesses whose presence within the Borough will best benefit, in the judgment of the Agency, the Borough and its citizens.
- h. Exercise such other powers as may be reasonably necessary and appropriate to accomplish its purposes and goals in accordance with applicable laws and regulations.

2-51.4 Terms & Appointment. Pursuant to Section 2-51.2, SERA shall consist of nine (9) commissioners appointed by the Mayor, with the consent of the Borough Council, of which two (2) Commissioners on SERA shall be members of the Borough Council appointed by the Council. All of the Mayor's non-council appointments shall be for a term of five (5) years. All appointments to SERA shall be made in January and shall expire on December 31st of the preceding year following the expiration of said term. Any Commissioner of SERA currently sitting with an unexpired term shall continue to sit as a Commissioner until the expiration of their term which presently occurs in July 2024, 2025 & 2026. Thereafter, any Commissioner sitting on SERA with an expiration of July 2024, 2025 ~~or 2026~~, or 2027 shall serve in a holdover capacity until December 31st of the calendar year that their term was set to expire.

SECTION 2. Severability Clause.

If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions are hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

INTRODUCED/APPROVED ON FIRST READING

DATED: November 13, 2023

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

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

ADOPTED ON SECOND READING

DATED: November 27, 2023

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

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

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2023.

Victoria Kilpatrick, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

SEAN KEAN, ESQ., Borough Attorney