

April 3, 2023

Note: This meeting was in a hybrid format, with limited seating in the Council Chambers supplemented by teleconference for the public who could not attend.

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on April 3, 2023.

Mayor Jason F. Cilento called the meeting to order at 7:00 p.m. and he led the Pledge of Allegiance.

Municipal Clerk William Robins read the Sunshine Statement and called the Roll.

Present: Jason Cilento, Trina Rios, Teresa Albertson, Jessica Dunne, Joseph Paltjon, Daniel Cole Sigmon and Harold VanDermark

On the motion of Mr. Sigmon and seconded by Mrs. Rios it was moved to accept the Minutes of the Meeting of March 20, 2023.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

Proclamation

Supporting the 2023 *U-Drive. U-Text. U-Pay.* Distracted Driving Crackdown April 1 - 30, 2023

Whereas, distracted driving is a serious, life-threatening practice that is preventable; and

Whereas, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

Whereas, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

Whereas, in from 2022—2020 distracted driving-related crashes resulted in 32,000 deaths on our nation's roads; and

Whereas, in New Jersey distracted driving was listed as a contributing circumstance in 50-percent of all motor vehicle crashes from 2016-2020; and

Whereas, the State of New Jersey will participate in the nationwide *Distracted Driving 2023 Crackdown* from April 1 - 30, 2023 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

Whereas, the national slogan for the campaign is *UDrive. UText. UPay*; and

Whereas, a reduction in distracted driving in New Jersey will save lives on our roadways.

Therefore, be it resolved that the Governing Body of the Borough of Dunellen, County of Middlesex, State of New Jersey, declares its support for the *Distracted Driving 2023 Crackdown* both locally and nationally from April 1 - 30, 2023 and pledges to increase awareness of the dangers of distracted driving.

Jason F. Cilento, Mayor
Borough of Dunellen

Presentation on 435/441 North Avenue and 337 Front Street. The presentation was made by Joseph Paparo, legal counsel to the developer, Joseph Villani. This presentation can be found on the YouTube stream of the Council Meeting:

<https://www.youtube.com/watch?v=WSXN6EuY CIM>

From minute 7 to minute 60.

Additional information on the 435/441 North Avenue development can be found on the Borough's website, on the Redevelopment page, under "440 North Avenue":

https://www.dunellen-nj.gov/redevelopment/440_north_avenue.php

Additional information on the 337 Front Street development can be found on the Borough's website, on the Redevelopment page, under "337 Front Street": https://www.dunellen-nj.gov/redevelopment/337_front_street.php

On the motion of Mr. Sigmon and seconded by Mrs. Rios it was moved to accept the following:

Ordinance 2023-11

The following ordinance is being Introduced for first reading on April 3, 2023, and a second reading and public hearing will be held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 17th day of April, 2023, and copies of this Ordinance shall be posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance shall be available at the Office of the Borough Clerk for any interested members of the public.

CALENDAR YEAR 2023 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Dunellen, in the County of Middlesex finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 2.5% increase in the budget for said year, amounting to \$158,237.98 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Dunellen, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Dunellen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$221,533.17 and that the CY 2023 municipal budget for the Borough of Dunellen, be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mrs. Rios and seconded by Mrs. Albertson it was moved to accept the following:

ORDINANCE 2023-08

BOROUGH OF DUNELLEN

The following Ordinance was introduced for first reading at a meeting of the Governing Body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on March 20, 2023. It is now being presented for Second Reading, Public Hearing and Adoption at a meeting of said governing body to be held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on April 3, 2023 at 7:00 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who have requested same.

BE IT ORDAINED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that new Dunellen Municipal Code Chapter 270, Vacant and Abandoned Properties and Storefronts, is hereby enacted.

WHEREAS, the Mayor and Council of the Borough of Dunellen finds that vacant and abandoned properties can lead to neighborhood decline and become attractive nuisances causing the Borough to incur significant costs in the form of staff time for code enforcement actions seeking to maintain and ensure the acceptable conditions of these properties; and

WHEREAS, the Borough of Dunellen (the "Borough") contains buildings and storefronts which are vacant; and

WHEREAS, in many cases, the owners or responsible parties of these structures and storefronts are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures and storefronts cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Borough incurs disproportionate costs in order to deal with the problems of vacant and abandoned buildings and storefronts, including but not limited to, excessive police calls, fire calls and property inspections; and

WHEREAS, it is in the public interest for the Borough to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures and storefronts in order to protect the health, safety and general welfare of the residents of the Borough; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with the registration of vacant and abandoned structures and storefronts in light of the disproportionate costs imposed on the Borough by the presence of these structures; and

WHEREAS, it is necessary for the Borough to take adequate steps to monitor such properties and protect Borough residents.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Dunellen that it hereby creates Chapter 270 of the Code entitled, "Vacant and Abandoned Properties and Storefronts" to read as follows:

CHAPTER 270

VACANT AND ABANDONED PROPERTIES AND STOREFRONTS.

270-1. DEFINITIONS.

OWNER - shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Borough of Dunellen to have authority to act with respect to the property.

PROPERTY — any portion of improved or unimproved real estate located within the Borough of Dunellen which includes the buildings or structures or portions thereof located on it regardless of condition.

VACANT PROPERTY — shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased for a period of six (6) months, including but not limited to, any property meeting the definition of vacant property in N.J.S.A. 55:19-80 *et seq.*

VACANT STOREFRONT — any area within a building or structure that may be individually leased or rented for any purpose other than residential use which is not present legally occupied or at which all lawful business or construction operations or other occupancy have substantially ceased for a period of six (6) months.

270-2. REGISTRATION REQUIREMENTS.

The owner of any vacant property or vacant storefront as defined herein shall, within 30 calendar days after the building becomes vacant property or storefront or within 30 calendar days after assuming ownership of the vacant property or vacant storefront, whichever is later; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property or storefront with the Construction Officer on forms provided by the Borough for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately and only one statement is required for a property that meets both the definition of Vacant Property and Vacant Storefront.
- B. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be

the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

- C. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant property or portion thereof remains a vacant storefront and shall pay a registration or renewal fee in the amount prescribed in Section 5 of this ordinance, for each vacant property registered or vacant storefront. The owner shall be required to renew the registration annually as long as the building remains a vacant property or vacant storefront and shall pay a registration or renewal fee in the amount prescribed in Section 5 of this ordinance, for each vacant property or vacant storefront registered.
- D. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- E. The owner shall notify the Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the property.

270-3. ACCESS TO VACANT PROPERTIES AND STOREFRONTS.

The owner of any vacant property or vacant storefront registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

270-4. RESPONSIBLE OWNER OR AGENT.

- A. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- B. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property or storefront and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered property by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough of Dunellen in

writing of a change of authorized agent or until the owner files a new annual registration statement.

- C. Any owner who fails to register a vacant property or vacant storefront under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough of Dunellen by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

270-5. FEE SCHEDULE.

The initial registration fee and all subsequent annual renewal fees shall be five-hundred dollars (\$500.00) each. In the event that a property meets the definition of both a Vacant Property and Vacant Storefront, and they contain the same block and lot number as designated in official records of the municipality, there shall be only one registration fee applied.

270-6. REQUIREMENTS OF OWNERS OF A VACANT PROPERTY AND/OR STOREFRONTS.

- A. The owner of any building or storefront that has become vacant and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:
 - (1) Enclose and secure the building and/or storefront against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes; and
 - (2) Post a sign affixed to the building and/or storefront indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to this Article), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and
 - (3) Secure the building and/or storefront from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building and/r storefront is complete; and
 - (4) Ensure that the exterior grounds of the structure or storefront, including yards, fences, sidewalks, walkways, rights-of-ways, alleys, retaining walls, attached or unattached

accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and

- (5) Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete; and
- (6) Continue to maintain the property consistent with the requirements of the Borough

Code, including but not limited to Chapter 217, entitled "Property Maintenance."

- B. All areas of vacant storefronts visible by the public from the public street or sidewalk must be maintained in broom-clean condition and free of litter and debris.

270-7. WAIVER OF FEES.

A waiver of the registration fee set forth herein may be granted, upon application, by the Borough Administrator for the current year if the following conditions are met:

- A. All local municipal fees are paid in full; and
- B. A consistent good faith effort is shown to market, rent, sell, or lease the vacant property or storefront. Good faith efforts include but are not limited to contracts with a real estate licensee, newspaper, electronic advertisements or other methods provided that the effort is actually likely to generate interest in the property and the owner is actually willing to rent, sell or lease and the pricing is consistent with other similar properties or portions thereof as attested by a real estate licensee as licensed by the NJ Real Estate Commission. The mere placement of a "for sale" or "for rent or lease" sign on or in the building in and of itself does not meet the requirements of this subsection; and
- C. The Vacant Property or Storefront is in compliance with all Borough of Dunellen codes and ordinances.

270-8. VIOLATIONS.

- A. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$2,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- B. For purposes of this section, failure to file a registration statement within 30 calendar days after a building or portion thereof becomes vacant property or vacant storefront or within 30 calendar days after assuming ownership of a vacant property or storefront, whichever is later,

or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

- C. The Construction Officer of the Borough Dunellen shall be the enforcement agent of the within Ordinance. Violations of the within Sections of the Code shall be heard in Municipal Court.

270-9. SEVERABILITY.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by the Council of the Borough of Dunellen that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by the Council of the Borough of Dunellen that this ordinance and requirement thereof shall take effect after passage and publication as required by law.

Public: no one from the public spoke.

Mr. Sigmon asked who would be responsible for the enforcement?
Dr. Robins replied that the Construction Office will enforce this ordinance.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mrs. Rios and seconded by Mrs. Albertson it was moved to accept the following:

04-03-2023: #1

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

Introducing CY 2023 Budget for the Borough of Dunellen.

At this point, Scott Olsen, Dunellen Chief Financial Officer, made a presentation to the Council discussing the 2023 Municipal Budget and the 2023 Sewer Utility Budget. A copy of Mr. Olsen's presentation, as well as the proposed 2023 Budget, can be found on

the Finance page of the Dunellen Borough website:
<https://www.dunellen-nj.gov/departments/finance/index.php>
Click "Documents" on the left side of that page and a menu of
Financial records will appear.

Mr. Olsen's presentation can also be found on the YouTube
streaming of this Council Meeting:
<https://www.youtube.com/watch?v=WSXN6EuY CIM>
Minute 62 through minute 93.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mr. Sigmon and seconded by Mrs. Rios it was moved to accept the following:

04-03-2023: #2

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN,
NEW JERSEY, THAT:**

Introducing CY 2023 Sewer Utility Budget for the Borough of Dunellen.

[Please see annotation from resolution 04-03-2023: #1.]

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mrs. Albertson and seconded by Mr. Sigmon it was moved to accept the
following:

04-03-2023: #3

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN,
NEW JERSEY, THAT:**

The bills, as per the attached list, are hereby authorized for payment.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Dr. Dunne and seconded by Mr. Sigmon it was moved to accept the following:

04-03-2023: #4

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN,
NEW JERSEY, THAT:**

Natural Green of Bridgewater, NJ, is awarded a contract for field, lawn, and landscaping of various
parks in the Borough of Dunellen for 2023:

McCoy Park	\$2,320.00
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Washington Memorial Park	\$2,120.00
Morecraft Park	\$994.00
Columbia Park	\$4,019.00

For an amount not to exceed a total of \$9,453.00

The contract is awarded per New Jersey State Contract, through the Educational Services Commission of New Jersey, Co-op # 65MCESCCPS, contract # ESCNJ 20/21-49.

Mrs. Rios asked if this came under our Shared Services Agreement with the School District? Yes. Dr. Dunne asked about Gavornik Park. Mr. Miller replied that the company does this park at no cost to us.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mrs. Rios and seconded by Dr. Dunne it was moved to accept the following:

04-03-2023: #5

RESOLUTION OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF DUNELLEN AND 120 – 126 NORTH AVENUE URBAN RENEWAL, LLC AND DECLARING THE SITE PLAN CONSISTENT WITH THE REDEVELOPMENT AGREEMENT AND REDEVELOPMENT PLAN

WHEREAS, the Borough Council of the Borough of Dunellen, in the County of Middlesex, New Jersey (the “**Borough Council**”), pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”), and based upon the report and recommendation of the Dunellen Planning Board, designated, among others, certain property identified on the official Tax Maps of the Borough as Block 1, Lots 19, 20 and 21 as an “area in need of redevelopment” (collectively, the “**Project Site**”); and

WHEREAS, the Borough Council duly adopted a redevelopment plan for the Project Site, along with other properties, entitled, “Dunellen Downtown Redevelopment Plan Phase 1”, dated May 16, 2016 and most recently amended February, 2022, entitled “Amended and Restated Dunellen Downtown Redevelopment Plan Phase 1”, (as the same may be amended and supplemented from time to time, the “**Redevelopment Plan**”); and

WHEREAS, on March 1, 2021, the Borough Council adopted Resolution #5-B, naming North Avenue Portfolios LLC as conditional redeveloper of the Project Site and authorizing the execution of a conditional redeveloper’s agreement with respect thereto; and

WHEREAS, 120-126 North Avenue Urban Renewal, LLC (the “**Redeveloper**”) is an affiliate of North Avenue Portfolios, and was formed for the single purpose of initiating and conducting projects for the redevelopment of the Project Site pursuant to the Redevelopment Plan; and

WHEREAS, in order to effectuate the Redevelopment Plan and the redevelopment of the Project Site, on August 1, 2022, the Borough adopted Resolution No. 08-01-2022: #2, designating the Redeveloper as “redeveloper” of the Project Site and authorizing the execution of a redevelopment agreement with the Redeveloper (the “**Redevelopment Agreement**”) for the construction of one three-story building, containing a total of 33 residential units, consisting of 17 one-bedroom units, 14 two-bedroom units, and 2 three-bedroom units, including 5 units affordable to very low-, low- and moderate-income households; a ground floor commercial space of 2,192 square feet; 35 surface parking spaces for use by the residents and visitors to the commercial space, including 8 electric vehicle charging stations as well as related, onsite amenities and site improvements on the Project Site (the “**Project**”); and

WHEREAS, the Redeveloper and the Borough executed the Redevelopment Agreement on September 7, 2022; and

WHEREAS, on February 6, 2023, the Borough Council adopted Resolution #02-06-2023 authorizing the Borough to enter into a First Amendment to the Redevelopment Agreement (the “**First Amendment**”);

WHEREAS, the Borough and the Redeveloper desire to amend the Redevelopment Agreement in order to clarify the number of parking spaces required by the Redevelopment Plan and the resulting required payment in lieu of parking calculation (attached hereto as Exhibit A, the “**Second Amendment**”); and

WHEREAS, pursuant to Section 4.8 of the Redevelopment Agreement, the Redeveloper is required to submit their proposed Site Plan Application to the Borough Council (or, at the Borough’s option, to a subcommittee organized by the Borough Council), prior to submission to the Planning Board; and

WHEREAS, the Redeveloper submitted to the Borough a preliminary and final site plan prepared by Afton M. Savitz, P.E., Stonefield Engineering, dated February 3, 2023, consisting of one sheet, and architectural plans prepared by Kevin Settembrino, AIA, dated April 11, 2022 consisting of three sheets (the “**Site Plans**”); and

WHEREAS, the Borough Engineer, Louis Ploskonka, PE, of CME Associates (the “**Borough Engineer**”), Dan Hauben, PP, AICP and Francis Reiner, PP, LLA of DMR Architects (the “**Borough Planners**”, collectively with the Borough Engineer, referred to as the “**Borough Professionals**”) reviewed the Site Plans submitted by the Redeveloper and prepared reports, both dated March 6, 2023 (the “**Professional Reports**”, attached hereto as Exhibit B) finding the Site

Plans consistent with the Redevelopment Plan and Redevelopment Agreement in accordance with Section 4.8 of the Redevelopment Agreement; and

WHEREAS, the Redeveloper responded to the Professional Reports by an undated letter, received on March 24, 2023 (the “**Redeveloper Response**”, attached hereto as Exhibit C).

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Mayor of the Borough is hereby authorized and directed to execute the Second Amendment, in the form attached hereto as Exhibit A, with such changes, omissions, or amendments as the Mayor deems appropriate in consultation with the Borough’s redevelopment counsel, planning consultant, and other professionals, and the Borough Clerk is hereby authorized and directed to attest to the signature of the Mayor and to affix the seal of the Borough to the Second Amendment, if applicable. Upon execution and attestation of same, the Mayor is hereby authorized to deliver the Second Amendment to the Redeveloper.

Section 3. Based upon the Professional Reports and the Redeveloper Response, the Borough Council finds the Redeveloper’s Site Plans consistent with the Redevelopment Plan and Redevelopment Agreement in accordance with Section 4.8 of the Redevelopment Agreement.

Section 4. This resolution shall take effect immediately.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mrs. Rios and seconded by Mr. Sigmon it was moved to accept the following:

04-03-2023: #6

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

CME Associates is awarded a contract to undertake engineering services associated with the requirements of the Tier A Municipal Stormwater General Permit renewal, at a cost not to exceed \$4,658.00.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mr. VanDermark and seconded by Mr. Sigmon it was moved to accept the following:

04-03-2023: #7

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

WHEREAS, there is a need to paint the Gazebo in Washington Memorial Park; and

WHEREAS, quotes have been received from the following:

Tito Painting, LLC., Dunellen, NJ \$3,680.00

Jersey Painting Plus, Middlesex, NJ \$7,600.00

Tito Painting, LLC., is hereby awarded a contract to paint the Gazebo in Washington Memorial Park at a cost not to exceed \$3,680.00.

The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # C-04-22-028-000-601.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

_____ On the motion of Mr. VanDermark and seconded by Mr. Sigmon it was moved to accept the following:

04-03-2023: #8

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

WHEREAS, there was a need to repair the roof on the Dunellen Department of Public Works Building.

WHEREAS, quotes were received from the following:

Penyak Roofing Co., South Plainfield, NJ \$24,490.00

Badger Roofing Company, Middlesex, NJ \$31,000.00

WHEREAS, Penyak Roofing by Resolution 01-09-2023: #7 was awarded the contract; and

WHEREAS, during construction it was discovered that the damage was much more extensive than could be estimated by pre-construction observation; and

WHEREAS, repairs were authorized during the construction necessitating this change order.

NOW THEREFORE BE IT RESOLVED BY THE Mayor and Council of the Borough of Dunellen that the award to Penyak Roofing Co. for the repair to the Department of Public Works Roof be amended for a total not to exceed \$38,670.00.

The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # C-04-22-028-000-605.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mr. Sigmon and seconded by Mrs. Rios it was moved to accept the following:

04-03-2023: #9

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

The resignation of Dawn Hutchison as Dunellen Tax Collector is accepted, effective April 28, 2023.

Mayor Cilento praised Mrs. Hutchison for the fantastic work she has done in the Tax Collector's Office.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mr. Sigmon and seconded by Mrs. Albertson it was moved to accept the following:

04-03-2023: #9-A

**RESOLUTION OF THE BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
APPROVING FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT BY AND
BETWEEN BOROUGH OF DUNELLEN AND SRV DUNELLEN URBAN RENEWAL
LLC**

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 or rehabilitation, and to adopt a redevelopment plan for such areas, pursuant to which redevelopment projects are to be undertaken; and

WHEREAS, the municipal council (the "Borough Council") of the Borough of Dunellen (the "Borough") adopted a resolution designating certain properties within the downtown area of the Borough as areas in need of redevelopment in accordance with the Redevelopment Law ("Redevelopment Area"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Borough Council adopted by ordinance on August 9, 2004, the Dunellen Downtown Redevelopment Plan, Phase 1, which was thereafter amended, most recently on July 5th, 2022 pursuant to Ordinance #2022-15 (as amended, the “Redevelopment Plan”) in accordance with the Redevelopment Law; and

WHEREAS, on July 18, 2022, the Borough and SRV Dunellen Urban Renewal LLC (the “Redeveloper”) entered into that certain Redevelopment Agreement (“Redevelopment Agreement”) pursuant to N.J.S.A. 40A:12A-8, governing the redevelopment of a portion of the Redevelopment Area identified on the official tax maps of the Borough as Block 49, Lot 43, more commonly known as 745-753 Bound Brook Road (Street Route 28) (the “Property”); and

WHEREAS, the Redeveloper proposes to construct a three-story multifamily rental residential building (the “Building”) on the Property; and

WHEREAS, the parties wish to amend the Redevelopment Agreement to obligate the Redeveloper to paint the Gallaghers Corner Pump Station, which is located in the vicinity of the Property, to aesthetically match the coloration of the exterior of the building to be constructed on the Property; and

WHEREAS, a form of the proposed First Amendment to Redevelopment Agreement (the “Amendment”) is attached to this Resolution as Exhibit A; and

WHEREAS, the members of the Borough Council have considered the proposed form of Amendment, finding that it conforms to the Redevelopment Plan and furthers the public purposes that the Redevelopment Plan addresses.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Dunellen, acting as redevelopment entity for the Borough of Dunellen, hereby approves the proposed form of Amendment with Redeveloper, and that the Mayor and the Clerk of the Borough are hereby authorized to execute and attest to, the Amendment in substantially the form attached hereto, with any revisions that may be deemed necessary or desirable by the Borough Attorney, and along with other documents and/or agreements that may be necessary to implement the Amendment in accordance with the Redevelopment Plan.

Mayor Cilento noted that this puts into the Redevelopment Agreement the obligation for the developer to paint Gallagher’s Pumping Station in a similar color as the brick façade of their development. There will be an aesthetically pleasing consistency.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

CONSENT AGENDA:

On the motion of Mrs. Rios and seconded by Mrs. Albertson it was moved to accept the following:

04-03-2023: #10

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

WHEREAS, by Resolution 09-12-2005: #14, the Mayor and Municipal Clerk were authorized to enter in to an agreement with Verizon for telecommunications regarding the laptop computers in police motor vehicles; and

WHEREAS, the cost of this service for 7 laptop computers is \$40.00 each per month, for a total early amount of \$3,360.00; and

WHEREAS, it is advisable and necessary to extend that time period until February 28, 2023, with the cost of this service for 7 laptop computers being \$40.00 each month, and for a term from April 1, 2023 to March 31, 2024, for an amount not to exceed \$3,360.00 plus \$100.00 over usage for a total of \$3,460.00 per year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the agreement entered in to by Resolution 09-12-2005: #14 be extended to March 31, 2024 at an amount not to exceed \$3,460.00.

This appropriation is to be charged to Account #3-01-25-240-000-202

04-03-2023: #11

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

The Treasurer is hereby authorized to issue the following proceeds for tax sale redemption(s):

Payable to BALA PARTNERS LLC

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
21-14	72	3	PILLAY, MICHAEL 333 ORANGE ST	\$1037.70	\$ 44.17	\$2200.00	\$3281.87

TOTAL REFUNDED \$3281.87

04-03-2023: #12

BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, THAT:

The Treasurer is hereby authorized to issue the following proceeds for tax sale redemption(s):

Payable to EVOLVE BANK & TRUST

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
22-18	71	7	TRACEY, TINA 105 NEW MARKET RD	\$28,659.13	\$490.46	\$72,600.00	\$101,749.59

TOTAL REFUNDED \$101,749.59

04-03-2023: #13

WHEREAS, the Tax Assessor granted total exemption of property taxes as of April 1, 2023 for the following properties, due to a 100 % disabled veteran, and

WHEREAS, the exempt class was not put on their tax records

NOW, THEREFORE: BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF DUNELLEN;

That the proper Borough officers be and they are hereby authorized to cancel 2nd quarter 2023 and forward as follows:

Block	Lot	Name	Amount
21	13	St Louis, Randy & Tasia 612 Lincoln Avenue. No Refund Required: Cancel property taxes 2 nd Quarter 2023, and forward.	\$2601.55

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

Norma Alvarez-Martin made a presentation to Council on behalf of the Maurer House Restoration Committee regarding a proposed 5K Run.

This presentation can be found on the YouTube stream of the Council Meeting:
<https://www.youtube.com/watch?v=WSXN6EuY CIM>

Time: 1 hour, 43 minutes through 2 hours, 6 minutes.

For the presentation made at the April 3rd Council meeting, click here: https://www.dunellen-nj.gov/boards_and_commissions/maurer_ouse_restoration_committee.php [NOTE: this proposal has been revised since the Council meeting and updates will be included on the Agency's web

page when approved.]

Mayor Cilento asked Council if they gave their consensus for having the Maurer House Restoration Committee move forward with the planning of the 5K Run? Council gave its consensus.

Reports:

Mrs. Albertson: 1) Fire Department--Dunellen and Green Brook Fire Departments hosted a showing of the movie *Backdraft* at the Dunellen Theater. It was a nice evening out and they had about 50 people. They plan on doing a movie showing again possibly an afternoon, one for families; 2) Dunellen Senior Club--will be having a program presented by Carol Simon Levine at 11:15 am on April 14th at the Senior Center. The presentation is about New Jersey's role in the Suffrage movement. We invite the public to attend.

Mrs. Rios: 1) the Dunellen Public Library and its staff would like to thank everyone who came out for the library's "Glow Party" this past Friday. There were about 200 people in attendance. It was a tremendous success and we hope to offer more after hours events like this one in the future. Special thanks to Hal VanDermark and Patrick Smith for lending us your black lights and helping with the event. In addition to our regular weekly programs, on Saturday, April 15th, the Library will feature guests from the Somerset EEC for a program called "Wildlife in my Garden" at 11am. Please call or visit the library to register. The library has also added yoga for adults to our weekly events at 6:30 pm on Mondays. There are limited openings for the program and registration is required; 2) Finance Committee--I would like to thank Scott Olsen, Bill Robins, Mayor Cilento and the Committee for working tirelessly these past months to help with tonight's presentation. Thank you; 3) Green Brook Flood Control Commission will have their next meeting April 19th at 7:00 pm via zoom; 4) Board of Education's next meeting will be April 24th at 7:30. Spring Break for Dunellen schools will be April 7-14th; 5) the American Legion's first car show of the year will be April 5th at 5 pm.

Mr. VanDermark: 1) Buildings and Grounds--last Thursday, we had a new ductless HVAC installed at the DPW Breakroom. This will be very helpful in the summer months for our DPW crew. Between removing the plexiglass windows and HVACing the Breakroom, we will have excellent climate control. This will definitely help the guys during breaks, lunch and it will save money to the Borough.

Dr. Dunne: 1) Recreation--yesterday was the Annual Easter Egg Hunt. The Recreation Department estimated it to be one of our largest turnouts over the last 10 years. The Recreation Department would like to thank the Mayor and Council for all their support of our programs. We also would like to thank our Fire Department, Rescue Squad, and Police Department for all their support and for escorting the Easter Bunny to the Park! Also, we would like to thank the Recreation Commission for all their help stuffing eggs and all their work making this event so special. Lastly, thank you to Mayor Cilento for kicking off the Egg Hunt, and Councilmember VanDermark for assisting the Recreation Commission with group setups. This year, we had staggered start times on different fields, which worked out well; 2) Jogging Club--we had 6 hearty joggers attend our second run on Sunday, April 2nd. Yesterday was all beginners and the "coaches." We did a walk/jog around Washington Park and will continue to up our time and/or

distance weekly. We encourage anyone interested to join. Registration is required, but the program is free! 3) Municipal Alliance--the SUDS (Stop Underage Drinking) team went to Faber School today to do a program for the 5th graders; 4) Shade Tree Commission--the Commission members were out this past Saturday, cleaning the RR embankment on Washington Avenue, removing old brush, and prepping for the spring. The Commission members will be celebrating Arbor Day in Faber on April 28th with the first-grade class. This annual event is always popular with the students. As always, if you are interested in having a tree planted, please contact the DSTC. The next meeting will be on April 19th at 7 pm in the Senior Center; 5) this past Saturday at Zupkos, the Tri-County Riders of New Jersey which the Dunellen Police belongs to, held a fundraiser for this year's Policy Unity Tour. This fundraiser helps stock the Team trailer that we use during the ride. The Tri-County Team is made up of members from Dunellen, Somerville, Branchburg, Bernardsville, Bound Brook, Franklin, Hanover, North Brunswick, North Plainfield, and the Somerset County Sheriff's Department. The event was a massive success with a full house that was standing room only. Congratulations and good luck to all the riders. The Police Unity Tour is an annual bicycle ride that raises awareness about those officers who have died in the line of duty; 6) the Dunellen Parking Authority will hold its next meeting on May 10th at 7 pm at the Parking Authority.

Mr. Sigmon: 1) DPW crew has been cleaning the downtown daily and all our Borough Properties and Parks:

- We installed new mulch at Columbia Park and McCoy Park.
- Continued preparation of ball fields for spring sports.
- Checked the headwalls throughout the Borough.
- Replaced many street signs throughout the Borough.
- Rebuilt catch basins on Gertrude Terrace and Mountain View Terrace.

Repair work was done on Police Vehicle #504, DPW Pick-up and one of our Lawn mowers.

Reminder, this Wednesday starts the DPW late-hour program. The DPW yard will be open till 6 pm, every Wednesday through November 15th.

Dunellen Community Day is returning on May 21st. More information forthcoming.

Mr. Paltjon: 1) PARSA--PARSA will continue to video the streets that are on the list to be paved in 2023 and will provide a report of their findings.

Mayor Cilento:

Update on the Fire House: notification to H&S Construction has been made and they are submitting required documents. We are looking into hiring a Construction Manager for this project.

Kline Place Road and Sewer Improvement Project: CME Associates continues their design of the road and sewerage system improvements.

PSE&G Street Paving Project: we have been notified by PSE&G that they anticipate milling and paving the roads in which they did gas main replacements on in 2022 starting April 10th. These roads included: 800 block of First Street; 700 and 800 block of Dunellen Avenue; 200 block of Orange Street and Front Street from Madison Avenue to Middlesex border.

Pulaski Street Culvert Project: we have been notified by Middlesex County that they will be collecting bids for the Pulaski Street Culvert Project. They anticipate the project to be awarded later this month. The County is anticipating that the culvert project could begin in the summertime. This project will be like the South Madison Avenue culvert project - most of the work will be performed between South Avenue and Walnut Street on Pulaski Street.

Planning Board: SRV Urban Renewal LLC developer of 745 Bound Brook Road provided their final presentation to the Dunellen Planning Board on March 27th. The Planning Board agreed to move the project forward and an affirming resolution on the development will be presented at their April 24th meeting. All redevelopment projects can be found on www.dunellen-nj.gov.

Walks and Talks with the Mayor: Walks and Talks with the Mayor will begin this Saturday, April 8th at 9:30 am at Columbia Park.

Dunellen and the Strongest Town Contest: Dunellen was one of 16 towns in the United States (and the only town in New Jersey!) to be invited to participate in the national Strongest Town Contest, which is offered through the Minnesota based non-profit organization Strong Towns. The annual March-Madness style contest spotlights and celebrates communities that are continuously becoming more resilient and prosperous through bottom-up action. During the initial Sweet Sixteen round of the contest, Dunellen faced off against Brattleboro, a 32 square mile town in southeast Vermont. People from around the country were asked to read about both towns and cast their votes for a winner. While our competitor won more votes and advanced to the Elite Eight round, we were humbled by the invitation to participate in this competitive contest. The Dunellen community is becoming stronger by adopting efficient processes and strengthening commitments that build enduring resilience and long-term prosperity. During the initial nomination process for the contest, it was asked, "What is your favorite thing about Dunellen?" It was an easy answer: the people. The contributions of the residents, business owners, municipal staff and supportive organizations show the love they have for this small town - they go above and beyond in supporting the community's goals. We wish the remaining contestants the best of luck in their journeys and look forward to learning who will be named 2023's Strongest Town, which will be announced on April 14 at www.strongtowns.org.

May 7 clean up with the Lower Raritan Watershed Project, a clean up of the creeks. More information will be forthcoming as well as more information on the Mayors' Alliance for a Cleaner Greenbrook Waterway. This is a regional cleanup project.

Finally, a shout-out to Norma for her "Scoop the Poop" article in the forthcoming edition of *The Dunellen Report*.

Public Portion: no one from the public spoke.

On the motion of Mrs. Rios and seconded by Mr. Sigmon it was moved to accept the following:

04-03-2023: #14

**BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN,
NEW JERSEY, THAT:**

The Dunellen Borough Council Meeting of April 3, 2023 is adjourned.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

The YouTube presentation of this Council meeting can be found at:

<https://www.youtube.com/watch?v=WSXN6EuYClM&t=5591s>