

August 7, 2023

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on August 7, 2023.

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

Deputy Municipal Clerk Lauren Staats read the Sunshine Statement and called the Roll.

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

Absent: Jessica Dunne

Mayor Cilento asked for a moment of silence in memory of former Dunellen Police Chief Thomas Ventriglia and in memory of Lt. Governor Sheila Oliver.

On the motion of Mr. Sigmon and seconded by Mr. VanDermark it was moved to accept the Minutes of the Meeting of July 3, 2023.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

2023-22

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, is being 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 August 7, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Council Chambers, in the Borough on September 5, 2023 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A SEWER JET VAC TRUCK FOR THE SEWER UTILITY IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

Purpose: The acquisition of a sewer jet vac truck for the Sewer Utility, including all related costs and expenditures incidental thereto

Appropriation: \$300,000
Bonds/Notes Authorized: \$300,000
Grant Appropriated: N/A
Section 20 Costs: \$15,000
Useful Life: 5 years

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

2023-23

The following Ordinance is being 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 August 7, 2023. It will be 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 September 5, 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 will be 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.

The Dunellen Municipal Code, Chapter 195, Noise, is amended as follows:

§ 195-1 Findings; policy; scope.

A. Findings.

- (1)** Excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and
- (2)** A substantial body of science and technology exists by which excessive sound may be substantially abated; and
- (3)** The residents, occupants and inhabitants of the Borough of Dunellen have a right to, and should be ensured an environment free from excessive sound.

B. It is the policy of the Borough of Dunellen to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

C. This chapter shall apply to the control of sound originating from stationary sources within the limits of the Borough of Dunellen.

§ 195-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONSTRUCTION

Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

DEMOLITION

Any dismantling, intentional destruction, or removal of buildings or structures.

EMERGENCY WORK

Any work or action necessary to deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life-threatening conditions.

MOTOR VEHICLE

Any vehicle that is propelled or drawn on land by an engine or motor.

MUFFLER

A sound-dissipative device or system for abating the sound of escaping gasses of an internal combustion engine.

NOISE

Any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the Borough of Dunellen or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

NOISE DISTURBANCE

Any sound that endangers the safety or health of any person, or disturbs a reasonable person of normal sensitivities, or endangers personal or real property.

NUISANCE

An unreasonable or unlawful action that results in material annoyance, inconvenience, discomfort, or injury to another person or to the public.

PERSON

Any individual, corporation, company, association, society, firm, partnership, joint-stock company, the state or any political subdivision, agency or instrumentality of the state.

PUBLIC RIGHT-OF-WAY

Any street, avenue, boulevard, road, highway, sidewalk, alley that is leased, owned or controlled by a governmental entity.

PUBLIC SPACE

Any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

REAL PROPERTY LINE

Either the imaginary line including its vertical extension that separates one parcel of real property from another, or the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling-unit building.

RESIDENTIAL AREA

A group of residential properties and the abutting public rights-of-way and public spaces.

RESIDENTIAL PROPERTY

Property used for human habitation, including but not limited to:

- A. Private property used for human habitation.
- B. Commercial living accommodations and commercial property used for human habitation.
- C. Recreational and entertainment property used for human habitation.
- D. Community service property used for human habitation.

STATIONARY NOISE SOURCE

Any device which creates sound while fixed in position, including but not limited to residential, commercial or industrial machinery, pumps, fans, compressors, air conditioners and refrigeration equipment.

WEEKDAY

Any day, Monday through Friday, that is not a legal holiday.

WEEKEND

Saturday and Sunday, including legal holidays.

§ 195-3 Duties and responsibilities of other departments.

A. All departments and agencies of the Borough of Dunellen shall carry out their programs according to law and shall cooperate with the Municipal Clerk and Business Administrator in the implementation and enforcement of this chapter.

B. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the Municipal Clerk and Business Administrator prior to the approval of such projects to insure that such activities comply with the provisions of this chapter.

§ 195-4 **Prohibited acts.**

A. No person shall cause, suffer, allow, or permit to be made verbally or mechanically any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.

B. It shall be unlawful for a person or entity to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. Specifically exempted hereunder is noise presumed not to be a nuisance pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

C. No person shall cause, suffer, allow, or permit the following acts:

(1) Radios; Televisions; Phonographs and other Sound Reproduction Systems.

The playing, use or operation of any radio, television, musical instrument, phonograph, sound amplifier or other device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the device is operated and who are voluntary listeners. The operation of such a device so that it is clearly audible at a distance of 100 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(2) Loudspeakers and public address systems. Using or operating any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 8:00 a.m. of the following day, such that the sound therefrom creates a noise disturbance across a residential real property line.

(3) Yelling; Shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.

(4) Animals and birds. Owning, possessing, or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line. (For the purpose of this section, a noise disturbance from a barking dog shall be defined as that created by a dog

barking continually for 10 minutes or intermittently for 30 minutes unless provoked).

(5) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder, or pellet form, or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 10:00 p.m. and 6:00 a.m. the following day when the latter is a weekday and between the hours of 10:00 p.m. and 6:00 a.m. the following day when the latter is a legal holiday or a weekend day except by permit, when the sound therefrom creates a noise disturbance across a residential real property line.

(6) Standing motor vehicles. Operating or permitting the operation of any motor vehicle whose manufacturer's gross weight is in excess of 10,000 pounds, or any auxiliary equipment attached to such a vehicle, for a period of longer than five minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public right-of-way or public space within 150 feet (46 meters) of a residential area between the hours of 8:00 p.m. and 8:00 a.m. of the following day. Nothing in this section shall be construed to confer any rights or defenses to anyone accused of violating any of the provisions of Chapter 269-33 of the Dunellen Municipal Code, Idling of Vehicles. Notwithstanding anything to the contrary in this section, a violation of any of the provisions contained in Chapter 269-33 of the Dunellen Municipal Code pertaining to the idling of motor vehicles shall constitute a separate and distinct offense.

(7) Horns. The sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger to persons driving other vehicles or to persons on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound, or for an unnecessary or unreasonable period of time.

(8) Construction and demolition. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving, excavating, or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on weekends or legal holidays.

§ 195-5 **Exceptions.**

The provisions of this chapter shall not apply to:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency; or
- (2) The emission of sound in the performance of emergency work; or
- (3) The emission of sound in situations within the jurisdiction of the federal Occupational Safety and Health Act.
- (4) Noise from municipally sponsored celebrations or events.
- (5) Noise from commercial and residential lawn and property maintenance equipment, except between the hours of 8 p.m. to 8 a.m. weekdays, weekends and holidays.
- (6) Noise from snow removal equipment.

§ 195-6 **Conditions for variance.**

A. Application information.

(1) Any person who owns or operates any stationary noise source may apply to the Municipal Clerk for a variance from one or more of the provisions of this chapter. Applications for a permit of variance shall supply information including, but not limited to:

- (a) The nature and location of the noise source for which such application is made.
- (b) The period of the proposed variance, not to exceed one (1) year.
- (c) The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his/her client, or the public if the permit of variance is not granted.
- (d) The nature and intensity of noise that will occur during the period of the variance.
- (e) The section or sections of this chapter for which the permit of variance shall apply.
- (f) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.
- (g) A specific schedule of the noise control measures which shall be taken to bring the source into compliance with this chapter within a reasonable time.

(2) Failure to supply the information to the Municipal Clerk required by this section shall be cause for rejection of the application.

(3) A copy of the permit of variance must be kept on file by the Municipal Clerk for public inspection.

B. The Municipal Clerk may charge the applicant a fee of \$25 to cover expenses resulting from the processing of the permit of variance application.

C. The Municipal Clerk may, at their discretion, limit the duration of the permit of variance, which shall be no longer than one year. Any person holding a permit of variance and requesting an extension of time shall apply for a new permit of variance under the provisions of this section.

D. No variance shall be approved unless the applicant presents adequate proof that noise levels occurring during the period of the variance will not constitute a danger to public health; and compliance with the ordinance would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.

E. In making the determination on granting a variance, the Municipal Clerk shall consider:

(1) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property which is caused or threatened to be caused.

(2) The social and economic value of the activity for which the variance is sought.

(3) The ability of the applicant to apply best practical noise control measures.

F. The permit of variance may be revoked by the Municipal Clerk if the terms of the permit of variance are violated.

G. A variance may be revoked by the Municipal Clerk if there is:

(1) Violation of one or more conditions of the variance;

(2) Material misrepresentation of fact in the variance application; or

(3) Material change in any of the circumstances relied upon by the Noise Control Administrator in granting the variance.

§ 195-7 **Enforcement.**

A. Issuance of summons. Violation of any provision of this chapter shall be cause for a summons to be issued by Code Enforcement and/or the Dunellen Police Department according to procedures set forth in this chapter.

B. Abatement orders.

(1) Except as provided in Subsection **B(2)**, in lieu of issuing a summons as provided in Subsection **A**, the Code Enforcement and/or the Dunellen Police Department may issue an order requiring abatement of any source of sound alleged to be in violation of this chapter within a reasonable time period and according to guidelines which Code Enforcement and/or the Dunellen Police Department may prescribe.

(2) An abatement order shall not be issued:

(a) If any person willfully or knowingly violates any provision of this chapter; or

(b) If Code Enforcement and/or the Dunellen Police Department has reason to believe that there will not be compliance with the abatement order.

§ 195-8 **Violations and penalties.**

A. Any person who violates any provision of this chapter shall be subject to a penalty for each offense of not more than \$1,000 per violation

B. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

§ 195-9 **Other remedies.**

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

2023-24

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, is being 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 August 7, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Council Chambers, in the Borough on September 5, 2023 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

Purpose: Various improvements, including, but not limited to, the installation of a pole barn for housing various vehicles and the remediation of property located at 635 Bound Brook Road, more specifically known as Block 49, Lot 29, on the tax map of the Borough, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto

Appropriation: \$900,000
Bonds/Notes Authorized: \$900,000
Grant Appropriated: N/A
Section 20 Costs: \$180,000

Useful Life: 15 years

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

2023-25

BOROUGH OF DUNELLEN

The following ordinance is being Introduced for first reading on August 7, 2023. It will be furthered considered for public hearing and adoption on September 5, 2023, at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Copies of this ordinance have been posted on the Municipal Bulletin Board and have been available at the Office of the Borough Clerk for any interested members of the public.

Dunellen Municipal Code, Chapter 150, is amended as follows:

Ch. 150-16. Fees for certified copies and corrections.

The fee for certified copies of marriage, birth, death, domestic partnerships and civil unions is set at \$25.00 for the first copy and \$2.00 for each additional copy. The fee for corrections of any vital document is set at \$15.00 per copy.

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

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

Presentation by the 405-415 North Avenue Redeveloper. The presenter was John DeLuca on behalf of Hamilton Street Development, LLC.

For information on this project, please go to its page on our official website:

https://cms1.revize.com/revize/dunellennj/redevelopment/405-415_north_avenue.php

The YouTube video of this portion of the Council meeting can be found at:

<https://www.youtube.com/watch?v=2XyEfHDq9oQ>

minutes 6 through 30.

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

08-07-2023: #1

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, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #2

**RESOLUTION OF THE BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
APPROVING REDEVELOPMENT AGREEMENT BY AND BETWEEN BOROUGH OF
DUNELLEN AND DUNELLEN RESCUE SQUAD, INC.**

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 3, 2023 pursuant to Ordinance #2023-20 (as amended, the “Redevelopment Plan”) in accordance with the Redevelopment Law; and

WHEREAS, Redeveloper has the right to acquire certain real property designated on the Borough’s tax maps as Block 49, Lot 29, more commonly known as 635 Bound Brook Road (the “Property”); and

WHEREAS, Redeveloper proposes to construct a three-story building, including but not limited to, garage bays, decontamination area, bathrooms, oxygen tank fill area, supply storage, classroom space, offices, kitchen area, and long-term bunk units (the “Project”) on the Property; and

WHEREAS, pursuant to the Redevelopment Law, Borough in its capacity as the redevelopment entity, with full authority to exercise the powers contained in the Redevelopment Law, desires to facilitate and implement the Project in accordance with the Redevelopment Plan; and

WHEREAS, a form of the proposed Redevelopment Agreement (the “Redevelopment Agreement”) is attached to this Resolution as Exhibit A, setting forth the terms and conditions by which the Redeveloper will carry out the redevelopment of the Project at the Property, including associated infrastructure improvements; and

WHEREAS, the members of the Borough Council have considered the proposed form of Redevelopment Agreement, finding that the Project 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 Redevelopment Agreement with Redeveloper, and that the Mayor and the Clerk of the Borough are hereby authorized to execute and attest to, the Redevelopment Agreement 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 Redevelopment Agreement in accordance with the Redevelopment Plan.

Mayor Cilento noted that this agreement sets the terms for the relocation of the Rescue Squad to the Strip Joint property as well as the terms for the temporary location of the squad while the new building is being built.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #3

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

The Mayor and Borough Council of the Borough of Dunellen hereby appoint William Millan as a Probationary Firefighter, in the Dunellen Fire Department, said probation period to be one year, effective 7 August 2023.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #4

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

Dana Downing is hired as a Yoga Instructor for the Dunellen Recreation Department for eight (8) classes between September 11, 2023 and November 13, 2023, at a rate of \$40.00 per class, for a total not to exceed \$320.00.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #5

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

WHEREAS, there is a need for the health, safety and welfare of the residents of Dunellen to preserve the integrity of the pipes through which run our sanitary sewer system; and

WHEREAS, the pipes beneath Railroad Avenue are in need of lining in order to safeguard their reliability; and

WHEREAS, National Water Main Cleaning Co., of Kearny, NJ, has submitted a proposal to line these Railroad Avenue pipes at a cost of \$44,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that National Water Main Cleaning Co. be awarded a contract to line the Railroad Avenue pipes at a cost not to exceed \$44,000.00. Funds for this contract are to be taken from Account # C-08-20-090-000-601.

Mayor Cilento noted that this project is post the major repairs done to the sewer lines a few years ago. This lining will help make the pipes even more secure, especially considering that they go beneath or near the railroad tracks.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #6

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

Elite Vehicle Solutions is awarded a contract to outfit a 2022 Ford F-250 for the Dunellen Fire Department, at a cost not to exceed \$14,700.10. This contract is awarded per State Contract # 17-Fleet-00749.

Funds for this expenditure will be taken from Account # C-04-23-004-000-601.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #7

Dunellen Borough Council resolution 07-03-2023: #9 is amended as follows:

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

WHEREAS, Dunellen Prism Assoc Urban Renewal (“The Nell”), located at 100 South Washington Avenue, Dunellen, NJ, Block 85, Lot 1.01, has per the Financial Agreement made land tax payments for May 1, 2023 and August 1, 2023, in the amount of \$32,172.70; and

WHEREAS, per the Financial Agreement, Dunellen Prism Assoc Urban Renewal was not obligated to make those payments.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that a refund to Dunellen Prism Assoc Urban Renewal (The Nell) be authorized in the amount of \$32,172.70.

FURTHERMORE, it is authorized by the Mayor and Council of the Borough of Dunellen that the land taxes due be removed for the November 1, 2023 payment, except for the municipal portion of the retail component’s land taxes per the Financial Agreement.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #8

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

DMR Architects, Hasbrouck Heights, NJ, is awarded a contract for a Feasibility Study for the new Borough Hall, 264 New Market Road, at a cost not to exceed \$38,000.00. Funds for this contract are to taken from Account # C-04-23-006-000-601.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #9

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

Kenneth Baudendistel is hired as the Code Enforcement Officer II, per the attached job description, under the supervision of the Code Enforcement Officer, Business Administrator and Mayor, at an annual salary of \$6,000.00, effective August 7, 2023.

Mayor Cilento noted that Ken interviewed with George Deene, Code Enforcer, and Ken, a former Councilman, worked on earlier versions of the Sign Ordinance and the mayor knows he will do a good job.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #10

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

The following persons are hired for employment as Tennis Program Staff for the Recreation Department. Employment will commence on April 15, 2023 and last approximately 5 weeks. Their wages will be taken from the program fees.

All wages are per hour, except where noted, and there are no benefits.

Kelly Seader	\$25.00 per hour
Kate Ruskuski	\$20.00 per hour
Allison Egan	\$20.00 per hour
Tyler Mayer	\$14.25 per hour
Sulayman Khan	\$14.25 per hour

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #11

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

Nasir Tippet is hired as a part-time employee of the Parks and Recreation Department to provide maintenance and groundskeeping services to the ball fields in Columbia Park and McCoy Park during and after baseball tournaments. He will be compensated at a rate of \$17.00 per hour,

working approximately 20 hours per week in the month of July, from fee funds collected by the Baseball League sponsoring the tournaments.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #12

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

WHEREAS, there is a need for concrete curb work on Lincoln Avenue; and

WHEREAS, a quote has been received from the following:

Cifelli & Son General Contracting, Nutley, NJ \$4,368.00

Cifelli & Son General Contracting is hereby awarded a contract for concrete curb work on Lincoln Avenue at a cost not to exceed \$4,368.00.

The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # C-04-22-008-000-601.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #13

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

WHEREAS, there is a need for concrete curb work on Kennedy Court, Jadach Drive and Pearl Place; and

WHEREAS, quotes have been received from the following:

Stilo Paving and Excavating, South Plainfield, NJ: \$29,495.00

Cifelli & Son General Contracting, Nutley, NJ \$10,925.00

Cifelli & Son General Contracting is hereby awarded a contract for concrete curb work on Kennedy Court, Jadach Drive and Pearl Place at a cost not to exceed \$10,925.00.

The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # C-04-22-008-000-601.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #14

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

WHEREAS, the Borough of Dunellen has a need for a full-service Employee Benefits Consultant/Broker firm; and

WHEREAS, Capital Benefits, LLC, is an Insurance Broker Consulting Services firm, and is fully qualified to provide such services to the Borough of Dunellen.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that Capital Benefits, LLC., is an Insurance Broker Consulting firm that is qualified to deliver such services to the Borough of Dunellen and act on our behalf to successfully obtain proposals for the Medical, Dental, Vision and voluntary benefits. The amount of this award is not to exceed \$2,500.00.

Mayor Cilento noted that the Governor's Office and the State Legislature increased health care costs for municipalities by 22%; for Dunellen this amounts to a \$226,000 increase. He is working with the NJ Conference of Mayors on appropriate responses to this increase and the increase anticipated for next year. For the immediate future, we are working with a broker for a more cost effective dental and vision program and will work with this broker on possibly leaving the State health program for a less expensive alternative.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #15

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

Olga Tapia and Nina Vick are hired as Mural Instructors for the Dunellen Arts and Culture Commission Summer Camp:

Olga Tapia, Mural Instructor for teens, approximately 3 hours per day, five days each week, totaling 30 hours maximum, at \$35.00 per hour, not to exceed \$1,050.00.

Nina Vick, Mural Instructor for children, approximately 3 hours per day, five days each week, totaling 30 hours maximum, at \$35.00 per hour, not to exceed \$1,050.00.

Funding for these hires will come from Dunellen Arts and Culture Commission Summer Art Camp registrations as well as a Middlesex County grant received for this purpose.

Mr. Paltjon asked how these hires will be paid. Mayor Cilento replied partly through a DACC grant, partly from program fees, and partly from other sources.

Yes: Albertson, Paltjon, Rios and Sigmon

Abstain: VanDermark

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

08-07-2023: #16

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

WHEREAS, it is in the best interest of the Borough of Dunellen that certain locations throughout the borough be the sites of buses operated by New Jersey Transit; and

WHEREAS, New Jersey Transit has suggested these locations, noted in the list below.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the Borough supports the placement of bus stops at the following locations:

Bus Stops:

Along Route NJ 28, eastbound, on the southerly side at:

A. Sanford Avenue (near side) (NJ Transit ID # 23013)

Beginning at the prolongation of the westerly curb line of Sanford Avenue and extending 105 feet westerly therefrom.

B. Pulaski Street (far side) (NJ Transit ID # 33148)

Beginning at the easterly curb line of Pulaski Street and extending 100 feet easterly therefrom.

C. Jackson Avenue (near side) (NJ Transit ID # 23009)

Beginning at the prolongation of the westerly curb line of Jackson Avenue and extending 105 feet westerly therefrom.

D. Jefferson Avenue (near side) (NJ Transit ID # 23010)

Beginning at the prolongation of the westerly curb line of Jefferson Avenue and extending 105 feet westerly therefrom.

Along Route NJ 28, westbound, on the northerly side at:

A. Jackson Avenue (near side) (NJ Transit ID # 23011)

Beginning at the easterly curb line of Jackson Avenue and extending 105 feet easterly therefrom.

B. Between Lincoln Avenue and Madison Avenue (mid-block) (NJ Transit ID # 33168)

Beginning 192 feet west of the northerly curb line of Lincoln Avenue and extending 135 feet westerly therefrom.

C. Madison Avenue (far side) (NJ Transit ID # 23012)

Beginning at the westerly curb line of Madison Avenue and extending 100 feet westerly therefrom.

D. Sanford Avenue (near side) (NJ Transit ID # 23015)

Beginning at the easterly curb line of Sanford Avenue and extending 105 feet easterly therefrom.

Repealer Clause:

The Borough of Dunellen concurs that any approved bus stop locations or traffic regulations in conflict with or inconsistent with the provisions of this *Resolution* be rescinded upon approval of the Traffic Regulation Order.

Mr. Miller noted that he and Dr. Robins investigated the location at North and Madison near the barbershop. The issue is that sometimes the bus driver stops short of where the bus is supposed to stop. Dr. Robins conveyed this to NJ Transit. Also, the DPW will paint yellow curbs.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #17

RESOLUTION OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, EXTENDING THE CONDITIONAL DESIGNATION OF ESTATES AT NORTH, LLC AS REDEVELOPER FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 65, LOT 1 AND BLOCK 50, LOT 2 ON THE TAX MAPS OF THE BOROUGH

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the Borough of Dunellen (the “Borough”) identified and designated various property within the downtown area, including the properties identified as Block 65, Lot 1, commonly known as 501-513 North Avenue, and Block 50, Lot 2, commonly known as Bound Brook Road, as set forth on the Official Tax Maps of the Borough as an “area in need of redevelopment” (collectively, the “Redevelopment Area”) and adopted a redevelopment plan for the Redevelopment Area entitled the “Amended and Restated Dunellen Downtown Redevelopment Plan Phase 1” as amended and supplemented, and as the same may be further amended and supplemented from time to time (the “Redevelopment Plan”); and

WHEREAS, the Borough has determined to act as the “redevelopment entity” for the Redevelopment Area; and

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an “area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-8; and

WHEREAS, Estates at North, LLC (the “Entity”) seeks to be designated as the “redeveloper” (as defined in the Redevelopment Law) of the Redevelopment Area, so as to redevelop the Redevelopment Area in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and

WHEREAS, the Borough has determined that in order to coordinate the redevelopment of the Property in the most timely and efficient manner, it is in the best interests of the Borough to designate the Entity as the conditional redeveloper (the “Conditional Redeveloper”) of the Redevelopment Area, pending the negotiation and execution of, among other agreements, a redevelopment agreement (the “Redevelopment Agreement”) with the Borough and satisfaction of other obligations of the Conditional Redeveloper; and

WHEREAS, on December 6, 2021, the Borough adopted Resolution 12-06-2021: #3, authorizing the Borough to enter into a conditional redeveloper’s agreement with the Entity for the purpose of creating a framework for the negotiation and execution of a Redevelopment Agreement and to memorialize related obligations of the Conditional Redeveloper and Borough set forth therein; and

WHEREAS, on December 8, 2021 (the “Effective Date”), the Entity and the Borough entered into the conditional redeveloper’s agreement (attached hereto as Exhibit A, the “Conditional Redeveloper’s Agreement”); and

WHEREAS, pursuant to Section 2.01 of the Conditional Redeveloper’s Agreement, the Conditional Redeveloper had 120 days from the Effective Date to undertake and complete the activities set forth therein (or April 7, 2022); and

WHEREAS, the Conditional Redeveloper has been diligently performing the activities set forth in the Conditional Redeveloper’s Agreement and the Parties continue to work to satisfy the

conditions set forth in the Conditional Redeveloper's Agreement throughout the period from the Effective Date through to the date hereof; and

WHEREAS, pursuant to the terms of the Conditional Redeveloper's Agreement, the Parties may mutually agree to extend the term of the Conditional Redeveloper's Agreement and the Conditional Redeveloper's designation as the conditional redeveloper; and

WHEREAS, the Borough and Conditional Redeveloper wish to extend the term of the Conditional Redeveloper's Agreement and the designation of the Conditional Redeveloper for 120 days from the date of adoption of this Resolution.

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 term of the Conditional Redeveloper's Agreement and the Conditional Redeveloper's designation as "conditional redeveloper" of the Redevelopment Area are each hereby extended for a period of 120 days from the date of adoption of this Resolution, subject to all other terms and conditions of the Conditional Redeveloper's Agreement. All other terms and conditions of the Conditional Redeveloper's Agreement shall remain unchanged and in full force and effect.

Section 3. The Mayor of the Borough is hereby authorized and directed to enter into any written undertaking with the Conditional Redeveloper necessary to evidence the extension of term authorized hereby as the Mayor deems appropriate in consultation with the Borough's redevelopment counsel, Borough counsel, and other Borough professionals.

Section 4. This resolution shall take effect immediately.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #18

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

The Mayor and Borough Council of the Borough of Dunellen hereby appoint Sean Gregory Bishop as a Probationary Firefighter, in the Dunellen Fire Department, said probation period to be one year, effective 7 August 2023.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #18-A

A RESOLUTION AUTHORIZING THE ISSUANCE OF ADDITIONAL SPECIAL OBLIGATION PILOT REDEVELOPMENT BONDS OF THE BOROUGH OF DUNELLEN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,250,000 (ARTCOLOR PROJECT)

August 7, 2023

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

WHEREAS, the Borough had previously created the Borough of Dunellen Redevelopment Agency (the “**Agency**”) pursuant to §§68-1 through 68-4 of the Borough Code and thereafter adopted Ordinance 04-12, which repealed the creation of the Agency and appointed the Council of the Borough of Dunellen (the “**Borough Council**”) as the municipal entity responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, as amended and supplemented (the “**Redevelopment Law**”); and

WHEREAS, on May 5, 2003, the Borough Council adopted a resolution designating Block 85, Lot 1 and intending to designate Block 85, Lot 2 (“**Lot 2**”) on the official tax maps of the Borough as an area in need of redevelopment in accordance with the Redevelopment Law (the “**Redevelopment Area**”); and

WHEREAS, on August 9, 2004, by Ordinance #04-12, the Borough Council appointed itself to be the “redevelopment entity” under the Redevelopment Law, to implement redevelopment plans pursuant to N.J.S.A. 40A:12A-8; and

WHEREAS, on August 9, 2004, the Borough Council adopted an ordinance approving and adopting the Dunellen Downtown Redevelopment Plan Phase I, which was thereafter amended, including on May 16, 2016, pursuant to Ordinance #2016-05 (“**Ordinance 2016-5**”) and on November 6, 2017, pursuant to Ordinance #2017-10 (“**Ordinance 2017-10**”) (as the same may be further amended from time to time, the “**Redevelopment Plan**”), in accordance with the Redevelopment Law; and

WHEREAS, on April 3, 2017, the Borough Council adopted a resolution designating Brudner Redevelopment Partners Urban Renewal, LLC (the “**Entity**”) as the redeveloper for the Redevelopment Area; and

WHEREAS, pursuant to Resolution 05-01-2017:#5 adopted on May 1, 2017 (“**Resolution 05-01-2017:#5**”), the Borough and the Entity entered into that certain Redevelopment Agreement, dated as of July 13, 2017 by and between the Borough and the Entity (as amended by that certain First Amendment to Redevelopment Agreement dated as of August 5, 2019 and as the same may be further amended from time to time, the “**Redevelopment Agreement**”), which Redevelopment Agreement provides for, *inter alia*, a mixed-use redevelopment project at the Redevelopment Area consisting of 10,000 to 15,000 square feet of retail/commercial space, 252 rental housing units, of which 194 will be market-rate rental housing units and 58 will be low-income and moderate-income housing units, and 130 fee-simple, for-sale residential units, as well as infrastructure improvements and related remediation (collectively, and as more fully set forth in the Redevelopment Agreement, the “**Project**”), which Project is consistent with the Redevelopment Plan; and

WHEREAS, the Borough has agreed to grant a long-term tax exemption to the Entity for the Project and, in connection therewith, the Borough and the Entity will utilize the Redevelopment Area Bond Financing Law, codified at N.J.S.A. 40A:12A-64 *et seq.* (the “**Bond Financing Law**”), the Redevelopment Law, and such other statutes as may be sources of relevant authority, if any, to facilitate the financing of the Project at the Redevelopment Area; and

WHEREAS, on March 17, 2017, the Entity filed an application with the Borough for approval of an urban renewal project (the “**Application**”) in accordance with N.J.S.A. 40A:20-1 *et seq.* seeking approval of the Project and of a Financial Agreement (as defined herein) providing for exemption from municipal taxation for the Project and for payment, in lieu of taxes, of an annual service charge; and

WHEREAS, on April 3, 2017, the Borough Council finally adopted Ordinance #2017-03, entitled, “An Ordinance to Approve a Long-Term Tax Exemption and Financial Agreement Between the Borough of Dunellen and Brudner Redevelopment Partners Urban Renewal, LLC” (“**Ordinance 2017-03**”), approving the Application and the Financial Agreement; and

WHEREAS, the Borough and the Entity entered into that certain Financial Agreement, dated as of July 13, 2017 and that certain First Amendment to Financial Agreement dated as of October 23, 2019 (collectively, the “**Financial Agreement**”), in order to, *inter alia*, finance the acquisition, development and construction of the Project and to provide for the payment of an Annual Service Charge (as defined in the Financial Agreement) to be made by the Entity to the Borough and to further provide for a pledge of a portion of such Annual Service Charge to the debt service on and other amounts due and owing with respect to bonds of the Borough issued to fund a portion of the cost of the Project (as defined in the Financial Agreement, the “**Pledged Annual Service Charge**”); and

WHEREAS, upon review of the proceedings designating Lot 2 as an area in need of redevelopment, it is unclear whether Lot 2 was properly included in the Redevelopment Area in accordance with the statutory requirements of the Redevelopment Law; and

WHEREAS, in order to perfect the designation of the Redevelopment Area to include Lot 2, the Borough authorized and directed the Borough Planning Board to conduct an investigation to

determine whether Lot 2 qualifies for designation as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law; and

WHEREAS, after completing its investigation and public hearing on this matter, the Borough Planning Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at *N.J.S.A. 40A:12A-5*, for designating Lot 2 as a “Non-Condensation Redevelopment Area” and that said designation is necessary for the effective redevelopment of the Redevelopment Area; and

WHEREAS, in accordance with the Redevelopment Law, and as memorialized by resolution, the Borough Planning Board recommended to the Borough Council that Lot 2 be designated as a “Non-Condensation Redevelopment Area”; and

WHEREAS, on December 2, 2019, the Borough Council adopted Resolution 12-02-2019:#3, designating Lot 2 as an area in need of redevelopment; and

WHEREAS, on December 2, 2019, the Borough Council adopted Resolution 12-02-2019:#4, approving and ratifying all Borough Council action taken prior to December 2, 2019 with respect to the redevelopment of Lot 2, including, among others, adoption of Ordinance 2016-05, Ordinance 2017-10, Resolution 05-01-2017:#5 and Ordinance 2017-03; and

WHEREAS, pursuant to the Bond Financing Law, a municipality may issue bonds to finance redevelopment projects pursuant to a redevelopment plan within an area in need of redevelopment, which bonds may be secured by an annual service charge; and

WHEREAS, to defray some of the costs of the Project thereby making the Project viable, the Borough adopted a resolution on January 13, 2020, called “A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION PILOT REDEVELOPMENT BONDS OF THE BOROUGH OF DUNELLEN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 (ARTCOLOR PROJECT)” (the “**2020 Resolution**”); and

WHEREAS, pursuant to the 2020 Resolution and the Bond Financing Law, on October 25, 2022, the Borough issued its \$4,750,000 Special Obligation PILOT Redevelopment Bonds (ArtColor Project), Series 2022 (the “**Series 2022 Bonds**”); and

WHEREAS, the Series 2022 Bonds were issued in accordance with an Indenture of Trust (the “**Indenture of Trust**”) by and between the Borough and U.S. Bank Trust Company, National Association, as trustee (the “**Trustee**”), a First Supplemental Indenture of Trust by and between the Borough and the Trustee (the “**First Supplemental Indenture**”) and the 2020 Resolution; and

WHEREAS, the Borough, in furtherance of the purposes of the Redevelopment Law and the Bond Financing Law and to provide sufficient funds to finance the Project, proposes to issue additional Special Obligation PILOT Redevelopment Bonds (ArtColor Project), in one series, on a federally taxable basis (the “**Bonds**”), to be secured by a pledge of the Pledged Annual Service Charge payable under the Financial Agreement, pursuant to the Indenture of Trust and a Second Supplemental Indenture of Trust by and between the Borough and the Trustee (the “**Second**

Supplemental Indenture” and, together with the Indenture of Trust and the First Supplemental Indenture of Trust, the **“Indenture”**), which pledge and assignment are hereby declared to further secure the payment of the principal of and interest on the Bonds; and

WHEREAS, (i) pursuant to the Financial Agreement, the Entity will pay to the Borough the Annual Service Charge and (ii) pursuant to an Amended and Restated Pledge and Assignment Agreement (the **“Pledge Agreement”**), between the Borough and the Trustee, the Borough will assign all of its right, title and interest in and to the Pledged Annual Service Charge to the Trustee to secure the Series 2022 Bonds and the Bonds; and

WHEREAS, the Bonds shall not be in any way a debt or liability of the Borough other than to the limited extent set forth in the Indenture, and neither the full faith and credit nor taxing power of the Borough shall be pledged to the payment of the principal or redemption price, if any, of or interest on the Bonds.

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL AS FOLLOWS:

Section 1. Determination to Issue. To accomplish the purposes and objectives of the Redevelopment Law and the Bond Financing Law by providing additional funds to finance the Project, the Bonds are hereby authorized to be issued in the aggregate principal amount not to exceed \$5,250,000. The Bonds shall be issued in one series, on a federally taxable basis. The Bonds shall bear interest at a rate or rates per annum set forth in the Indenture and will be payable on the interest payment dates set forth in the Indenture, through maturity or prior redemption. The Bonds shall be dated their date of delivery. The Bonds shall be issued in the form, shall mature, shall be subject to redemption prior to maturity and shall have such other details and provisions as are prescribed by the Indenture.

Section 2. Bonds to Constitute Limited Obligations. The Bonds shall be limited obligations of the Borough, payable solely out of the Pledged Annual Service Charge payable pursuant to the Financial Agreement, as set forth in the Indenture. The payment of the principal of, premium, if any, and interest on the Bonds shall be secured by a pledge and assignment of the Pledged Annual Service Charge pursuant to the Pledge Agreement, as set forth in the Indenture. Neither the members of Borough Council nor any person executing the Bonds issued pursuant to this resolution, the Redevelopment Law and the Bond Financing Law shall be liable personally on the Bonds by reason of the issuance thereof. **The Bonds shall not be in any way a debt or liability of the Borough other than to the limited extent set forth in the Indenture. Neither the full faith and credit nor taxing power of the Borough is pledged to the payment of the principal or redemption price, if any, of or interest on the Bonds.**

Section 3. Authorization of Bonds. (a) The Bonds shall mature no later than 30 years from their date of issuance. The Bonds shall accrue interest at a rate or rates of interest which shall not exceed the lesser of seven percent (7%) per annum or the maximum interest rates approved by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs.

(b) The Mayor and the Borough Administrator (each an “Authorized Officer”) are each hereby authorized to execute and deliver on behalf of the Borough a contract of purchase, term sheet or other agreement memorializing the terms of the purchase of the Bonds (the “Contract of Purchase”) with an affiliate of the Entity or other purchaser approved by the Borough (collectively, the “Purchaser”) to be determined by a certificate of award executed by an Authorized Officer (the “Award Certificate”) as determined by an Authorized Officer in consultation with counsel, approval thereof to be evidenced by such Authorized Officer's execution thereof, for the purchase of all, but not less than all, of the Bonds. The Bonds may be sold pursuant to a negotiated sale. A copy of the Contract of Purchase shall be filed upon execution with the records of the Borough.

Section 4. Execution and Authentication. The Bonds shall be executed and authenticated in accordance with the Indenture and shall be issued in registered form qualifying for book entry registration or as otherwise set forth in the Indenture.

Section 5. Delivery of Bonds. Following execution of the Bonds, the Authorized Officers are each hereby authorized to deliver the Bonds to the Trustee for authentication and, after authentication, to deliver the Bonds to the Purchaser against receipt of the purchase price or unpaid balance thereof.

Section 6. Approval of Second Supplemental Indenture and Related Agreements. The form of (i) the Second Supplemental Indenture presented to this meeting (a copy of which is on file with the records of the Borough), and all instruments to be attached thereto or executed in conjunction therewith, (ii) the Contract of Purchase (a copy of which shall be on file with the records of the Borough), and (iv) the Pledge Agreement (a copy of which shall be on file with the records of the Borough), are each hereby approved and the Authorized Officers are each hereby authorized to execute, acknowledge and deliver, and the Borough Clerk or Deputy Borough Clerk are each hereby authorized to affix and attest the seal of the Borough to the Indenture, the Contract of Purchase, and the Pledge Agreement in substantially such forms, with such changes therein as counsel may advise and the officers executing the same may approve, such approval to be evidenced by their execution thereof.

Section 7. Incidental Action. The Authorized Officers are hereby authorized to execute and deliver such other papers, instruments, certificates, opinions, affidavits, documents and agreements, and to take such other action as may be necessary or appropriate in order to carry out the purposes of this resolution, including effectuating the execution and delivery of the Indenture, the Contract of Purchase, and the Pledge Agreement and the issuance and sale of the Bonds, and including any escrow agreement or letter providing for the holding in escrow of the executed Financing Documents pending their release, all in accordance with the foregoing sections hereof.

Section 8. Construction. In case any one of more of the provisions of this resolution, the Indenture, the Contract of Purchase, the Pledge Agreement or the Bonds issued hereunder shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution of the Indenture, the Contract of Purchase, the Pledge Agreement, and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Section 9. Effective Date. This resolution shall take effect immediately upon adoption.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #18-B

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

An Amended Capital Budget (attached) is hereby adopted.

Borough Of Dunellen [Code 1203], Middlesex County - 2023 Budget

CAPITAL BUDGET (Current Year Action)
2023

Local Unit: Borough of Dunellen

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	5 PLANNED FUNDING SERVICES FOR CURRENT YEAR - 2023					6 TO BE FUNDED IN FUTURE YEARS
				5a 2023 Budget Appropriations	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
Street Improvement Program		800,000.00					350,000.00	450,000.00	0.00
Middlesex County Mill & Pave Program		650,000.00			31,000.00			619,000.00	0.00
Fire House Embankment Restoration		0.00							0.00
Police Department		0.00							0.00
Department of Public Works		0.00							0.00
General Administration		0.00							0.00
Recreation Department		0.00							0.00
Fire Department		4,500,000.00			225,000.00			4,275,000.00	0.00
Library		0.00							0.00
Information Technology		0.00							0.00
Culvert Improvements		0.00							0.00
Acquisition of Property		950,000.00			45,500.00			904,500.00	0.00
Remediation of 635 Bound Brook Rd		900,000.00						900,000.00	0.00
Subtotal		7,800,000.00			301,500.00			7,148,500.00	350,000.00
									0.00
Sewer Improvements									0.00
Acquisition of Jet Vac		300,000.00						300,000.00	0.00
Kline Place Sewer		700,000.00						700,000.00	0.00
									0.00
TOTALS - ALL PROJECTS	33-199	8,800,000.00	0.00	0.00	301,500.00	0.00	0.00	8,148,500.00	350,000.00

Sheet 40b

Borough Of Dunellen [Code 1203], Middlesex County - 2023 Budget C-3

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #18-C

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

WHEREAS, the Borough has entered into a contractual agreement with H&S Construction & Mechanical, 721 Bayway Avenue, Elizabeth, NJ 07202 for the construction and reconstruction of the Dunellen Firehouse; and

WHEREAS, an application of certificate for payment in the amount of \$647,633 and dated July 27, 2023 has been received, signed by the contractor, and is in the process of being signed off by the Construction Manager for the Borough (Scott Brescher) and the Architect (Alloy 5 Architecture); and

WHEREAS, the submission period for purchase orders to be approved for payment at the August 7, 2023 Council Meeting has passed, and the next council meeting isn't until September 5, 2023; and

WHEREAS, it is in the interest of the Borough to make timely, regular payments to the contractor, who has submitted certified payrolls as a requirement before a pay estimate could be made.

NOW, THEREFORE BE IT RESOLVED, that payment in the amount of \$647,633 be made to H&S Construction & Mechanical, after a properly executed Purchase Order has been signed by the contractor and once all signatures (Construction Manager and Architect) have been received.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

CONSENT AGENDA

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

08-07-2023: #19

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

Whereas, application was made in accordance with the State Regulations for a license to be issued, and

Whereas, after proper investigation it was deemed that all requirements of the State Regulations have been met.

Now therefore be it resolved that the Governing Body authorize the issuance of a Raffle license to St. John the Evangelist Church; and

Further be it resolved that this license will be issued pending final approval by New Jersey State Legalized Games of Chance Commission.

08-07-2023: #20

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

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item 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 for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Dunellen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of Calendar Year 2023 in the sum of \$255,000, which is now available from the NJ Department of Transportation (DOT) Transit Village Grant for Washington Avenue Beautification Improvements, and

BE IT FURTHER RESOLVED, that the like sum of \$255,000 is hereby appropriated under the caption NJ DOT Transit Village Grant – Washington Avenue Beautification Improvements.

08-07-2023: #21

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

AUTHORIZING THE CREDIT OF TAX APPEAL JUDGMENTS IN THE AMOUNT OF \$7,368.46 PERTAINING TO MULTIPLE PROPERTIES IN DUNELLEN

WHEREAS, the following list of taxpayers have filed appeals with the Middlesex Tax Court and have received judgments reducing their assessments:

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Dunellen, County of Middlesex, State of New Jersey that the following appeals be credited.

OWNER/ADDRESS	BLOCK	LOT	YEAR	AMOUNT
O'DWYER, PAUL T & VILMA 112 FRONT STREET	3	24	2023	\$823.23
TUNISON HOME IMPROVEMENT 415 FOURTH STREET	22	2	2023	\$5437.66

MASTROCOLA WALNUT STREET 55 14.05 2023 \$1107.57
745-747 WALNUT STREET

Total \$ *7368.46

*** No refund check to be issued. Credit will be applied to outstanding taxes.**

08-07-2023: #22

Resolution 01-09-2023: #8, awarding a contract to Jersey Painting Plus, Middlesex, NJ, for painting various offices in the Dunellen Municipal Building, is rescinded.

08-07-2023: #23

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

A RESOLUTION AUTHORIZING A TAX COURT JUDGEMENT PURSUANT TO A TAX COURT OF NEW JERSEY TAX APPEAL

WHEREAS, SUMO REAL ESTATE, through counsel, filed a tax appeal in the Tax Court of New Jersey contesting the valuation of their property at 324 North Avenue for the 2019 and 2020 tax years; and

WHEREAS, pursuant to a stipulation of settlement (“Stipulation”) and judgment entered on June 8, 2023, SUMO REAL ESTATE HOLDING INC’S property assessment was reduced for the 2019 and 2020 tax years; and

WHEREAS, as a result of the aforementioned reduced assessment for the 2019 tax year, SUMO REAL ESTATE HOLDINGS INC is entitled to a credit equal to \$11,661.07 and for the 2020 tax year, a credit in the amount of \$17,889.98 which, pursuant to the Stipulation, is to be credited ½ to the 2023 taxes and ½ to the 2024 taxes; and

WHEREAS, no refund is to be issued.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Dunellen that the following overpayment be applied as stipulated.

BLOCK	LOT	NAME	AMOUNT
32	25	SUMO REAL ESTATE HOLDINGS INC - 2019 CREDIT	\$ 11,661.07
32	25	SUMO REAL ESTATE HOLDINGS INC – 2020 CREDIT	\$ 17,889.98

08-07-2023: #24

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

The Municipal Clerk is hereby authorized to issue a food handler license to the following establishment:

Marco Pedraza, Ministerio Cristo para las Naciones, 150 Dunellen Avenue

08-07-2023: #25

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 TRYSTONE CAPITAL ASSETS LLC

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
22-08	45	14	SOLER, JOHN 740 DUNELLEN AVE	\$674.48	\$ 9.76	\$2,000.00	\$ 2684.24

TOTAL REFUNDED \$ 2684.24

08-07-2023: #26

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

The Municipal Clerk is hereby authorized to issue a Microblading/Permanent Cosmetics license to the following establishment:

Tere's Beauty Salon, 381 North Avenue

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #26-A

FORM 1B

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage

residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Dunellen, County of Middlesex State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize acceptance of a strategic plan for the Dunellen Municipal Alliance grant for fiscal year 2024 in the amount of:

DEDR	\$5,914.00
Cash Match	\$1,478.50
In-Kind	\$4,435.50

2. The Dunellen Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

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

08-07-2023: #26-B

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

FORM 1B – DMHAS Youth Leadership Grant

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Dunellen, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize acceptance of an application for DMHAS Grant funding for the Dunellen Municipal Alliance for Grant Term Two: 9/1/23 – 9/30/25 in the amount of:
DMHAS Grant Funding \$ 5,000
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

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

08-07-2023: #26-C

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

The Municipal Clerk is hereby authorized to issue a mobile food vendor license to the following establishment:

Alice's Crew, Inc.
713-C East Main Street, Bridgewater, NJ

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

Reports:

Mrs. Albertson: 1) National Night Out--many thanks to the Police Department, Fire Department, Rescue Squad and Recreation Committee for another wonderful National Night Out. It was wonderful to see our friends and neighbors that evening; 2) Overdose Awareness--August is

Overdose Awareness month. Please join the Dunellen Municipal Alliance which will be hosting its 8th Annual Overdose Awareness ceremony in remembrance of those lost too soon due to overdose. The event is on August 31st at Washington Memorial Park. It begins at 6:30 pm. This year, we will be inviting people to add a message or name on a remembrance rock. These rocks will be placed in a remembrance rock garden at Washington Memorial Park; 3) Friends of the Dunellen Public Library--the next Open-Air Market is August 20th. We are having a Watermelon Festival complete with a watermelon eating contest. Come on out and try to beat last year's winner; 4) American Legion Post 119--August 23rd is the Freedom Cruise Car Show at the Legion from 5-8 pm. Hot dogs, hamburgers and Betty's Famous Fries will be available for purchase. The Legion is hosting Friday night dinners from 5 pm until food runs out. This week they will have pierogies, kielbasa and sauerkraut along with salad and dessert. This is open to the public. Donations are appreciated.

Mrs. Rios: 1) the Dunellen Board of Education will have its next meeting on August 29th at 7 pm at Lincoln Middle School; 2) Dunellen Free Public Library--upcoming Library events include:

- Crafterdark -- a fun painting program for teens and adults. August 15 at 6:30--our first one is a painting night. The library is planning on doing one a month to encourage adults to visit the library.
- August 8 at 10:30 am--Stage a Story will return with an interactive story time for children
- Family movie Matinees are August 8, 15, 22, and 29
- August 9 is a teen friendship bracelet event. Send your teens and tweens to make friendship bracelets while listening to Taylor Swift
- For more information visit the library online or in person.

Hope everyone has been having a great summer. Please be safe. Watch for crossing kids, bike riding families and bouncing balls in the roads.

Mr. VanDermark: Buildings and Grounds: a) it is good to be moving forward on the new Borough property and approving the DMR Feasibility Study. This is the next step toward the new location of Borough Hall; b) a blower motor was replaced on the HVAC in the Field House for the weight room at \$1,237.00 and a drain pan was installed for the unit in the attic over the Girls' Locker Room at \$1,395.00. Both items will be charged to the School District as part of the shared services agreement; 2) OEM Report—a) our application for a Cache of Shelter supplies for training shelter staff was approved by the State Police and will be delivered soon. Dunellen was one of only a few municipalities which were approved for this project; b) OEM and CERT displayed their newly acquired trailer for the first time at National Night out on August 1st. CERT members distributed disaster and emergency preparedness materials while talking to town residents about the importance of being prepared; c) plans are being finalized to have a free CPR/AED/and Stroke Recognition class sponsored by Dunellen OEM with Library support on Saturday, September 9th, from 10:30 am to 12 pm at the Dunellen Public Library. Registration is required and open to the first 50 Dunellen residents ages 18 and above. This training is made possible by an Emergency Management grant awarded to the Dunellen Office of Emergency Management; d) our OEM is expecting the award of our second \$10,000 EMMA (Emergency Management Grant) this month.

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

- Lawn maintenance at all Borough properties and parks.
- Street sweeping as scheduled.
- Catch basin cleaning throughout the town after multiple storms.
- Inspected the streams for any blockages.
- Pothole repairs throughout the town.
- Maintained ball fields.
- Assisted PSE&G with two tree removals from severe thunderstorms.
- Maintenance on Police #507, #509, Lt.'s Vehicle, Garbage Truck, DPW Pick-up and 2 mowers.

Remember, next month we start roll-off drop-off, on Saturday, September 9th, and continue for 6 Saturdays through October 16th. Drop off is from 8 am to 1 pm. Check the Borough website for which Saturday is your drop-off date.

Mr. Paltjon: 1) Police Department--thanks to the Dunellen Police Department for sponsoring National Night Out last Tuesday. Co-Hosted by the Dunellen Fire Department, with support from the Dunellen Rescue Squad, OEM, Recreation, all other groups and local businesses. And thank you to all those that attended this Night Out. I was unable to attend, but I heard it was a GREAT COMMUNITY EVENT; 2) Rescue Squad--as we all just viewed the new Development Plans for the current Rescue Squad site, this means the wheels are in motion for a brand-new location for the Squad. There will be a lot of moving parts these next few months that will need full support of all those involved and partnering with other Departments in order to bridge the gap of this transition. All hands-on deck and teamwork will be needed during this new beginning, but these really are exciting times and a great time to be a part of it. Please visit their website: Dunellenrescue.org for all updates, support or sign up to Volunteer; 3) PARSA--Alex along with Bob Snyder from PARSA met with National Water Main Cleaning about lining the sewer main on Railroad Avenue and under the tracks from Railroad Avenue to Grove Street. This is part of Mayor Cilento's sewer lining program. This program is designed to be proactive to our sewer main maintenance for sewers that either have a history of issues or the depth of a main and water infiltration issues in our sewer systems. Being proactive is the goal to avoid bigger issues if left unknown that could be much more costly to the Borough in the long run.

Mayor Cilento:

Pulaski Street Culvert Project: this project being completed by Middlesex County has begun construction. Once completed, it will improve water flow in the immediate area by developing a larger culvert system.

Road Improvement Projects:

- Center Street: Concrete work has been completed along this road which included new ADA compliant sidewalk ramps at the intersections and a new sidewalk from the dead end of Pulaski Street off Center Street to the John P. Faber Elementary School sidewalk and playground. The cost of the sidewalk between Pulaski Street and the school was a shared expense between the borough and school district. We have been informed by Piscataway Township that they will prepare the plans and specification for pavement. They have an estimated timeline of early fall for milling and paving the road.
- Middlesex County Mill and Pave Project: Concrete repairs will be made at various locations that are severely damaged along the roads planned to be paved in this program. The milling and paving phase of the project is projected to begin in the fall. These roads include:
 - o Columbia Street
 - o Penfield Place (New Market Road to South Washington Avenue). Note: Penfield Place from South Washington Avenue to Maple Avenue and Maple Avenue are part of ongoing discussions with NJAW to have water main replacement and service work done in 2024, which would include repaving of the road
 - o Oak Parkway
 - o Pearl Place
 - o Kennedy Court
 - o Jadach Drive
- Kline Place Roadway Improvements (NJDOT Grant): plans for Kline Place are being finalized for NJDOT submission to request authorization to go out to bid.

ESL Partnership with Middlesex County College, School District and Dunellen: partnership between Middlesex County College, Middlesex County College Foundation, Dunellen School District, and Dunellen to help with English as a second language courses to be located at one of the school facilities and fully funded through the Middlesex County College Foundation. The program is a 40-hour course on learning the English language. We are looking to coordinate this effort with the Dunellen Public Library’s efforts for their “Conversation Hour.” We hope to have an interest meeting planned for Aug 23rd at the Dunellen Public Library. Time of event TBA.

Washington Avenue Beautification Project (NJDOT Transit Village Grant): lighting locations were laid out for Washington Avenue. Reviewing construction costs and budget to determine final bid scope.

CME Associates (Engineer) Report:

- Requested pricing from contractor to repair RRFB sign on Lincoln that was damaged by a tree.
- Compiling documentation needed for DEP permit application associated with Railroad Culvert Project.
- Dunellen Station:
 - o Prism – to date, TCO reports submitted to Construction Official for all residential buildings and 2 units in the retail building. Final observations of the project are being scheduled.

- o K Hovnanian – they continue to work toward occupying the remaining buildings.
- o Offsite Sewerage Improvements – Generator was successfully tested at the North Washington Pump Station. Final observations to be performed once the remaining work is completed.

Walks and Talk with the Mayor: the next Walks and Talk with the Mayor will be on Saturday, September 2nd at 9:30 am at Columbia Park.

Department Heads:

William Carlson informed Council and public that OEM has some COVID-19 tests they are seeking to distribute. They will expire soon.

Rescue Squad: there will be a Car Show on September 10th between Washington Avenue and Madison Avenue.

Public Portion:

No one from the public spoke.

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

08-07-2023: #27

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

Whereas, the Open Public Meetings Act (NJSA 10:4-6) permits the closing of meetings to the public under certain circumstances; and

Whereas, there exists such a circumstance; and

Whereas, authorizing the Borough Council to go into Executive Session to discuss contractual matters and personnel matters, after which action may be taken; and

Whereas, minutes of the Executive Session will be kept and will be released when the matters under discussion during the Executive Session are no longer confidential.

Therefore, be it resolved, that the Borough Council will enter into Executive Session.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #28

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

The Dunellen Borough Council will return to Regular Session.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: #29

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

WHEREAS, William Robins serves as both the Business Administrator and as the Borough Clerk for the Borough of Dunellen and has served for more than fifteen years; and

WHEREAS, William Robins has expressed a desire to retire from both positions by the end of the current year; and

WHEREAS, the Mayor and Borough Council recognize a need to clarify the terms of transition and William Robins's separation from employment as the Borough plans for replacement for each of these positions;

NOW THEREFORE BE IT RESOLVED by the governing body that it authorizes negotiations with William Robins on the transition of his duties and separation from employment on both positions and further to clarify what shall be owed to him upon retirement and what benefits he shall receive in retirement.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: # 30

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

WHEREAS, William Robins, who serves as both the Business Administrator and Borough Clerk has expressed a desire to retire from both positions by the end of the current year; and

WHEREAS, the Mayor and Borough Council recognize a need to transition to a new Business Administrator; and

WHEREAS, the Borough Council has determined that it is appropriate to appoint an Assistant Business Administrator to assist with the transition; and

WHEREAS, Alex Miller presently serves the Borough as Superintendent of the Department of Parks, Recreation and Public Works; and

WHEREAS, the Mayor and Borough Council have determined that Alex Miller possesses the requisite skill and competency in order to assist in the transition and to serve the Borough as the Assistant Business Administrator in the performance of duties and fulfillment of responsibilities of that position;

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council that Alex Miller is hereby appointed as the Assistant Business Administrator to serve in this capacity at the pleasure of the Mayor and Borough Council or until such time that it is determined that an Assistant Business Administrator is no longer needed; and

BE IT FURTHER RESOLVED that compensation for this position shall be a non-pensionable stipend in the amount of \$10,000 commencing on passage of this resolution through December 31, 2023.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

08-07-2023: # 31

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

WHEREAS, the Borough's Business Administrator has expressed a desire and intention to retire from the position by December 31, 2023; and

WHEREAS, the Mayor and Borough Council recognize a need for a consultant to provide advice and guidance for a new Borough Administrator and further to review and evaluate existing administrative processes for the purpose of identifying and advising on areas for improvement and for implementing strategies for more cost-effective management of the Borough; and

WHEREAS, Delta Strategies, LLC of Berkley Heights, NJ has submitted a proposal for providing consulting services consistent with the Boroughs’ needs as identified above; and

WHEREAS, the Mayor and Borough Council have determined that Delta Strategies LLC’s proposal will effectively meet the Borough’s needs as identified above;

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council that it hereby authorizes the Mayor to execute an agreement with Delta Strategies, LLC for the provision of consulting services consistent with the Borough’s needs as set forth above, at a cost not to exceed \$5,000.00 per month with an initial duration of 5 months not to exceed \$25,000.00. These services shall begin on August 9, 2023. Funds for this will come from Account # 3-01-20-100-000-299.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

[presented out of numerical order]:

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

08-07-2023: # 28-A

**RESOLUTION APPROVING MEMORANDUM OF AGREEMENT
WITH PBA LOCAL NO. 146**

WHEREAS, the Borough of Dunellen (“Borough”) and the Dunellen Police Benevolent Association, Local No. 146 (“PBA”) have been in negotiations for amendments to and an extension of the parties’ current collective negotiations agreement for the employees covered by the PBA agreement; and

WHEREAS, pursuant to those negotiations, the Borough and the PBA have reached a Memorandum of Agreement concerning the terms and conditions of employment for the employees covered by the PBA collective negotiations agreement; and

WHEREAS, the current collective negotiations agreement will be extended and effective from January 1, 2023 through December 31, 2028; and

WHEREAS, the Mayor has recommended ratification of the Memorandum of Agreement reached with the PBA; and

WHEREAS, the Mayor and Council having reviewed the Memorandum of Agreement and finding ratification of the Agreement is in the best interests of the Borough;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the Mayor and Council hereby ratify and accept the Memorandum of Agreement between the Borough and the PBA covering the terms and conditions of employment for the employees covered by the PBA collective negotiations agreement.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Dunellen that the Mayor is authorized, with the assistance of Labor Counsel, to amend the current collective negotiations agreement between the Borough and the PBA consistent with the Memorandum of Agreement, and that the Mayor is hereby authorized to execute the new collective negotiations agreement once it has been amended.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

Mayor Cilento opened the meeting to the public.
No one from the public spoke.

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

08-07-2023: #32

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

The Dunellen Borough Council Meeting of August 7, 2023 is adjourned.

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

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

<https://www.youtube.com/watch?v=2XyEfHDq9oQ>