

December 2, 2019

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on December 2, 2019.

Mayor Robert J. Seader 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: Robert Seader, Kenneth Bayer, April Burke, Jason Cilento, Jessica Dunne, Stacy Narvesen and Joseph Petracca

On the motion of Mr. Petracca and seconded by Mr. Cilento it was moved to accept the Minutes of November 18, 2019:

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

[During the Minutes Roll Call, Mr. Bayer initially responded “abstain, due to his absence,” but later recollected that he was in attendance that night.]

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

12-02-2019: #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: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

12-02-2019: #2

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

Whereas, there appears to be a surplus in the following CY 2019 Operating Accounts over and above the demands to be necessary, and

Whereas, N.J.S.A. 40A:4-58 provides for the transfer of unexpended balances in those appropriations having an excess over the amount required to those deemed to be insufficient.

Now, therefore be it resolved that the following “Transfer of Appropriations” be made:

From

Account	Title	S&W	Other Expenses
20-100-299	Legal Advertising (003)		\$2,000
20-100-299	Telephone (004)		2,000
20-140-299	Information Technology		4,000
20-145-101	Collection of Taxes	\$2,000	
20-150-101	Assessment of Taxes	1,000	
21-180-299	Planning Board		1,000
25-240-101	Police	8,000	1,300
25-275-111	Municipal Prosecutor	2,000	
31-445-299	Water		2,000
31-461-000	Electric & Gas		5,000
	Subtotal	\$13,000	\$17,300
	Total	\$30,300	

Whereas, there appears to be insufficient funds in the following CY 2019 Operating Accounts over and above the demands to be necessary; viz:

To:

Account	Title	S&W	Other Expenses
20-110-101	Mayor & Council	\$400	
23-220-299	Group Insurance		\$7,500
26-290-101	Road Repairs	5,000	
26-290-299	Tree Maintenance (002)		5,000
27-330-101	Board of Health	400	
42-305-299	Intergovernment/Recycling		11,000
43-490-101	Municipal Court		1,000
	Subtotal	\$5,800	\$24,500
	Total	\$30,300	

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

12-02-2019: #3

RESOLUTION OF THE BOROUGH OF DUNELLEN, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY, DETERMINING THAT THE PROPERTY IDENTIFIED AS BLOCK 85, LOT 2 BE DESIGNATED AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, on or about May 5, 2003, the Council of the Borough of Dunellen (the “Borough Council”) determined by resolution that certain properties in the Borough’s downtown area constituted an area in need of redevelopment (the “Downtown Redevelopment Area”); and

WHEREAS, while the Borough intended to include in the Downtown Redevelopment Area that certain property identified as Block 85, Lot 2 (the “Property”), it is unclear whether such Property was properly included; and

WHEREAS, in order to perfect the designation of the Downtown Redevelopment Area to include the Property, the Borough authorized and directed the Borough Planning Board to conduct an investigation to determine if such Property may be qualified for designation as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law; and

WHEREAS, with notice having been properly given pursuant to *N.J.S.A. 40A:12A-6(b)(3)*, on December 2, 2019, the Borough Planning Board conducted an investigation of the Property, during which the Borough Planning Board heard testimony from planner Steven L. Gottlieb, PP, LLA, of CME Associates, who prepared that certain study of the Property dated November 18, 2019, and titled “Non-Condensation Area in Need Study – Block 85, Lot 2” (the “Study”); and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Borough Planning Board concerning the Study and the potential designation of the Property as a “Non-Condensation Redevelopment Area” pursuant to *N.J.S.A. 40A:12A-6(b)*; 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 the Property as a Non-Condensation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area; and

WHEREAS, in accordance with the Redevelopment Law, and as memorialized by resolution, the Borough Planning Board recommended to the Borough Council that Block 85, Lot 2 be designated as a Non-Condensation Redevelopment Area; and

WHEREAS, the Borough Council now desires to accept the Borough Planning Board’s recommendation to declare the Property an area in need of non-condemnation redevelopment,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby accepts the recommendation of the Borough Planning Board and finds that the property identified on the Borough’s official tax map as Block 85, Lot 2 be and is hereby deemed to be a Non-Condensation

Redevelopment Area pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*; and

BE IT FURTHER RESOLVED that the redevelopment area determination shall further authorize the Borough to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, but not to include the power of eminent domain (such designated redevelopment area referred to as a “Non-Condensation Redevelopment Area”); and

BE IT FURTHER RESOLVED that the Clerk of the Borough shall forthwith transmit a copy of this resolution to the Commissioner of the Department of Community Affairs for review; and

BE IT FURTHER RESOLVED that within ten (10) days of the Borough Council’s adoption of this resolution, the Clerk of the Borough shall serve notice of the Borough Council’s determination and said resolution upon all record owners of property within the Non-Condensation Redevelopment Area, those whose names are listed on the tax assessor’s records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and resolution may be sent; and

BE IT FURTHER RESOLVED that the action by the Borough Council on or about May 16, 2016, to adopt that certain redevelopment plan titled “Amended and Restated Dunellen Downtown Redevelopment Plan, Phase I” (as amended, the “Redevelopment Plan”) is now hereby ratified, and said Redevelopment Plan is now deemed effective as to Block 85, Lot 2; and

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

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

12-02-2019: #4

RESOLUTION OF THE BOROUGH OF DUNELLEN, COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY, RATIFYING REDEVELOPMENT ACTIONS PERTAINING TO THE DOWNTOWN REDEVELOPMENT AREA

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, on or about May 5, 2003, the Council of the Borough of Dunellen (the “Borough Council”) determined by resolution that certain properties in the Borough’s downtown area constituted an area in need of redevelopment (the “Downtown Redevelopment Area”); and

WHEREAS, while the Borough intended to include in the Downtown Redevelopment Area that certain property identified as Block 85, Lot 2 (the “Property”), it was unclear whether such Property was properly included; and

WHEREAS, in order to perfect the designation of the Downtown Redevelopment Area to include the Property, the Borough authorized and directed the Borough Planning Board to conduct an investigation to determine if such Property may be qualified for designation as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law; and

WHEREAS, with notice having been properly given pursuant to *N.J.S.A. 40A:12A-6(b)(3)*, on December 2, 2019, the Borough Planning Board conducted an investigation of the Property, during which the Borough Planning Board heard testimony from planner Steven L. Gottlieb, PP, LLA, of CME Associates, who prepared that certain study of the Property dated November 18, 2019, and titled “Non-Condensation Area in Need Study – Block 85, Lot 2” (the “Study”); and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Borough Planning Board concerning the Study and the potential designation of the Property as a “Non-Condensation Redevelopment Area” pursuant to *N.J.S.A. 40A:12A-6(b)*; 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 the Property as a Non-Condensation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area; and

WHEREAS, in accordance with the Redevelopment Law, and as memorialized by resolution, the Borough Planning Board recommended to the Borough Council that Block 85, Lot 2 be designated as a Non-Condensation Redevelopment Area; and

WHEREAS, the Borough Council accepted the Borough Planning Board’s recommendation and declared the Property an area in need of non-condemnation redevelopment pursuant to the Redevelopment Area; and

WHEREAS, the Borough Council had previously taken certain actions pertaining to the Downtown Redevelopment Area and which had specifically referenced Block 85, Lot 2; and

WHEREAS, the Borough Council desires to ratify such previous actions related to the redevelopment of the Downtown Redevelopment Area, including in particular, but not limited to, Ordinance 2016-05, which adopted that certain redevelopment plan titled “Amended and Restated Dunellen Downtown Redevelopment Plan, Phase 1” (the “Redevelopment Plan”); Ordinance 2017-10, which amended said Redevelopment Plan; Resolution 05-01-2017:#5, which approved that certain redevelopment agreement between the Borough and Brudner Redevelopment Partners Urban Renewal, LLC; Ordinance 2017-03, which approved a long term tax exemption and financial agreement between the Borough and Brudner Redevelopment Partners Urban Renewal, LLC; Ordinance 2017-06, which approved a special assessment for the costs of certain wastewater,

stormwater, utility and other infrastructure improvements; and Resolution 11-06-2017:#7, which approved a proposed concept plan for the development of Block 85, Lots 1 and 2 and Block 83, Lot 1,

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

Section 1. The recitals are incorporated by reference as if set forth in full.

Section 2. The following actions taken previously by the Borough Council in relation to Block 85, Lot 2 are hereby approved and ratified:

- a. Ordinance 2016-05, adopted May 16, 2016;
- b. Ordinance 2017-10, adopted November 6, 2017;
- c. Resolution 05-01-2017: #5, adopted May 1, 2017;
- d. Ordinance 2017-03, adopted May 1, 2017;
- e. Ordinance 2017-06, adopted June 6, 2017; and
- f. Resolution 11-06-2017: #7, adopted November 6, 2017

Section 3. The Mayor, in consultation with counsel to the Borough, is hereby authorized to amend or execute any agreements necessary to effectuate this resolution, subject to modification or revisions, as deemed necessary and appropriate.

Section 4. This resolution shall take effect immediately.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

12-02-2019: #5

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

Resolutions 09-16-2019: #7 and 10-07-2019: #3 are amended as follows:

WHEREAS, the Borough of Dunellen has a need for a new gazebo as part of the Open Space project in Columbia Park; and

WHEREAS, Bid Specifications were published on June 27, 2019, with a return date for bid opening of July 30, 2019; and

WHEREAS, the Bid Specifications were simultaneously posted on the Borough's Web Site and on public notice boards throughout the borough; and

WHEREAS, no submissions were received on this date; and

WHEREAS, Bid Specifications were published again on August 2, 2019, with a return date for bid opening of August 27, 2019; and

WHEREAS, these second Bid Specifications were simultaneously posted on the Borough's Web Site and on public notice boards throughout the borough; and

WHEREAS, no submissions were received on this date; and

WHEREAS, a quote was received on August 28, 2019, from Amish Country Gazebos which is in conformity with the Bid Specifications originally published.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that per the requirements of *N.J.S.A. 40A: 11-5(3)(I)(ii)(iii)*, that Amish Country Gazebos be awarded a contract for the provision of a 30-foot octagon wood gazebo, at a cost not to exceed \$45,133.00. Funds for this will be taken from Account #C-04-18-06T-00-601.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

CONSENT AGENDA:

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

12-02-2019: #6

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 Casino License and a cash Raffle License to St. John the Evangelist Church.

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

12-02-2019: #7

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 Trade Money LLC
 29 Palisades Rd.
 Old Bridge NJ 08857

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
18-20	60	31	Jimenez, Ruben 339 Fairview Ave.	783.64	41.85	1,100.00	1,925.49

TOTAL REFUNDED \$1,925.49

12-02-2019: #8

WHEREAS, the Tax Assessor has granted a Veteran Deduction for the entire year 2019 and

WHEREAS, the account is satisfied in full.

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

That the proper municipal officers be and they are hereby authorized and directed to issue a check(s) as follows:

Block	Lot	Name	Amount
68	9.01 C0016	Barako, George 620 Grove St. C016 Check payable and Mail to: George Barako 620 Grove St. Unit #16 Dunellen NJ 08812	\$250.00

12-02-2019: #9

WHEREAS, the Tax Collector has received fourth quarter tax payments from lenders on installments prepaid, thereby causing an overpayment, and

WHEREAS, the Lenders have given permission to refund the monies.

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

That the proper municipal officers be and they are hereby authorized and directed to issue a check(s) as follows:

Block	Lot	Name	Amount
58	9	Prodocimo, Jeffrey, Joseph & Suzanna 742 Walnut St. Unit A&B Check payable and Mail to: Wells Fargo Real Estate Tax Serv. Attn: Financial Support MAC F2302-035 1 Home Campus Des Moines, IA 50328	1,605.93
64	31	Gonzalez, Alejandro 509 South Ave. Check payable and Mail to: Corelogic Real Estate Tax Serv. Attn: Refund Department 3001 Hackberry Rd Irving TX 75063	1,983.52

12-02-2019: #10

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

Be it resolved by the governing body of the Borough of Dunellen, New Jersey, that:

The Treasurer is hereby authorized to issue the following checks to CME Associates, from the Interim Cost Agreement Escrow Account for work done toward Dunellen Stations redevelopment, subject to the refunding of the Account:

<u>CME Associates</u>	<u>Purpose</u>	<u>Amount</u>
0246960	Redevelopment	\$2,107.00

0248155	Redevelopment	\$1,621.50
	Total	<u>\$3,278.50</u>

12-02-2019: #11

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

Be it resolved by the governing body of the Borough of Dunellen, New Jersey, that:

The Treasurer is hereby authorized to issue the following checks to Windels Marx Lane & Mittendorf, LLP., from the Interim Cost Agreement Escrow Account for work done toward **Dunellen Stations** redevelopment, subject to the refunding of the Account:

<u>Windels Marx File Number</u>	<u>Bill Number</u>	<u>Amount</u>
0305764-0000001	25700	\$5,945.36
0305764-0000001	27181	\$8,746.00
	Total	<u>\$14,691.36</u>

12-02-2019: #12

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

Be it resolved by the governing body of the Borough of Dunellen, New Jersey, that:

The Treasurer is hereby authorized to issue the following checks to Windels Marx Lane & Mittendorf, LLP., from the Interim Cost Agreement Escrow Account for work done toward “**528 North Avenue LLC**” redevelopment, subject to the refunding of the Account:

<u>Windels Marx File Number</u>	<u>Bill Number</u>	<u>Amount</u>
0305764-0000004	26132	\$3,112.50
0305764-0000004	27182	\$2,765.50
	Total	<u>\$5,878.00</u>

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

Reports:

Mr. Petracca: Construction Department totaled \$125,000 in fees so far this year. We did \$9,000 in November, which is very good.

Mrs. Burke: 1) Fire Company trees are now for sale; 2) Santa Around Town will be on December 24th; 3) she had a good experience attending classes and walking the exhibition hall at the recent League of Municipalities Conference, and she is glad she attended.

Mr. Bayer: 1) Because of bad weather, the Tree Lighting in Washington Memorial Park has been rescheduled for December 8th. The tree in the Gazebo was donated by the Fire Department.

Dr. Dunne: 1) Green Brook Flood Control Commission meeting this Wednesday; 2) recommends that we revisit the Social Media Policy.

Mr. Cilento: 1) copy for the January edition of *The Dunellen Report* is due on December 13th; 2) you can sign up for the e-newsletter on the web site; 3) he and Stacy met with Julie Grof regarding a NJTPA (North Jersey Transportation Planning Authority) grant for Walkable Communities. There will be a workshop on designating walkable corridors. They have in mind Madison Avenue to Walnut and up towards Faber School. They wish to present a fuller plan to the Council on December 16th; 4) he has been working with Bill and Lauren on a Volunteer Application that is on the web site. Application deadline is December 20th.

Mrs. Narvesen: 1) the playground has broken ground in Columbia Park. Mayor Seader asked Ron if we had any snow fence so that we can protect the construction of the new playground area? Ron will work on this. 2) Stacy continued: she reported that there was some “buzz” on social media about the School District Referendum, encouraging people to vote. “The reason why you see referendums from the Board of Education is because they have to ask the taxpayers for permission to bond. We as Council can bond and that we do not have to ask taxpayers for permission. Which is why we can bond and you do not see it come up on your voting ballots.” She asked generally if this was correct and responses were that her statement was correct.

Mayor Seader: 1) we received a Lincoln Avenue grant from the New Jersey Department of Transportation for \$525,000 for road improvement; 2) noted that there are street lights downtown that need to be fixed or lights replaced by PSE&G; 3) NJ American Water has not fixed any of the problems they caused on the roads. Ron has been speaking to them; 4) he and John Bruder and our engineers talked with the new owners at the end of North Avenue Extension. The owner appeared indifferent, but they were able to make contact with the person who runs the place so the plan to obtain easements is advancing; 5) they also looked at the Gertrude Terrace sewer situation and CME is trying to figure out the next step. It is possible that when they raised the train tracks many years ago, they crushed the pipe that goes under the tracks, South to North; 6) spoke with the residents at the 409-411 South Madison Avenue who have the sump pump problem. CME can fix the problem during road improvement; 7) some discussion on the tennis court nets. Contractor said we could simply drop the nets and leave them in place during the winter. Mayor Seader advised they should be taken in to protect them; 8) time to remove the port-a-johns from Columbia Park.

Mrs. Burke: asked the status of South Madison Avenue Road Improvement. Mayor Seader responded that bonds require a 5% down payment and our Budget is tight now at the end of the year. However, when the new Budget for 2020 is introduced, we can include the down payment amount and move ahead.

Council Discussion on Citizen of the Year/Lifetime Achievement.

Mayor Seader explained that Council members should think about their recommendations and bring them to the next Council Meeting. Mr. Cilento made some recommendations, but the final choice will be made on December 16th.

PUBLIC PORTION

Elizabeth Weening, 726 Walnut Street, asked about communications with the Shade Tree Commission about some trees that have pushed up the sidewalk. The new tree that was planted appears to have been vandalized and destroyed. She would like it replaced.

Adam Gordon, 620 Grove Street, Unit 13, asked for an update on Grove Street sewer improvements and repaving. Mayor Seader responded that that project is being tied in with the Gertrude Terrace sewer replacements.

Rebecca Christian, 329 Orange Street, asked about the sewer pipe situation regarding 325 Orange Street. She noted the pile of dirt. Ron Safar is aware of the problem and the owner is working with Scott Luthman, Construction Office.

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

12-02-2019: #13

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

The Dunellen Borough Council Meeting of December 2, 2019 is adjourned.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca
