

February 7, 2022

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

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on February 7, 2022.

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

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

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

On the motion of Mr. Sigmon and seconded by Mrs. Rios it was moved to accept the Minutes of the Meeting of January 10, 2022.

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

Mayor's Appointments to Boards, Commissions and Authorities  
Appoint Shrona Wise-Schimpf to the Mayor's Cannabis Task Force

Proclamation in Honor of Black History Month

**PROCLAMATION  
Recognizing Black History Month**

WHEREAS, Black History Month is an annual celebration of achievements by African Americans and a time for recognizing their central role in U.S. history; and

WHEREAS, Black History Month grew out of the establishment, in 1926, of Negro History Week by Carter G. Woodson and the Association for the Study of African American Life and History; and

WHEREAS, the 2022 theme for Black History Month focuses on Black Health and Wellness, which celebrates the legacy of not only Black scholars and medical practitioners in Western medicine, but also other ways of knowing (e.g., birth workers, doulas, midwives, naturopaths, herbalists, etc.) throughout the African Diaspora; and

WHEREAS, the Borough of Dunellen recognizes the contributions of African Americans to our Borough, County, State and Country and reinforces our commitment to be a community of opportunity and hope for every citizen; and

WHEREAS, the Borough of Dunellen celebrates its rich cultural and ethnic diversity – respecting each of our neighbors, friends, family-members and business-owners based on the content of their character; and

WHEREAS, our community is better because of the diversity of our population.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of Dunellen recognize and honor the national celebration of Black History Month during the month of February 2022 and encourage residents to celebrate during the month of February.

Signed on the 7th day of February 2022

Jason F. Cilento, Mayor  
Borough of Dunellen, NJ

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

**ORDINANCE 2022-03**

**BOROUGH OF DUNELLEN**

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 February 7, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on Tuesday, February 22, 2022 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk's office for members of the general public who shall request the same.

Dunellen Municipal Code, Chapter 233-37, Sewer Rates is amended to read as follows:

Section 233-37. Sewer rates.

The sanitary sewer rates shall be as follows:

A. Owners of single family residential properties, including condominium units, connected to the Borough sanitary sewer system shall pay a flat annual rate in the amount of \$350.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the 15th day of April and the 1<sup>st</sup> day of September, following each period for which sewer service has been provided.

B. Owners of multi-family residential properties (properties with two, three or four residential units) connected to the Borough sanitary sewer system shall pay a flat annual rate for each residential unit in the amount of \$350.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the 14th day of April and the 1<sup>st</sup> day of September, following each period for which sewer service has been provided.

C. Owners of non-residential properties, including residential properties with five or more units and mixed residential/commercial properties connected to the Borough sanitary sewer system, shall be charged, except as otherwise stated herein, for sewer service based upon the amount of water supplied to the commercial property as determined by meter readings supplied by New Jersey American Water of the previous year, payable semi-annually. The apartments or rental units above or adjacent to the commercial property shall be billed at a flat rate of \$350.00 to be paid in equal installments semi-annually. The sewer fee for the commercial parts of a mixed-use commercial/residential property, or of an entirely non-residential property, shall be \$4.25 per 1,000 gallons of water used at the property (whether determined by meter or estimate), but no less than the minimum annual usage charge of \$350.00. Where water usage cannot be determined by meter reading, the Sewer Utility fee shall be based on the property's estimated water usage, which estimate shall be calculated using best engineering practices for the property in question. Sewer user fees are to be paid to the Dunellen Borough Sanitary Sewer Utility on the 14th day of April and 1<sup>st</sup> day of September, following each period for which sewer service has been provided or available.

D. There shall be an annual sewer Administrative/Facility charge for all non-residential improved properties, residential properties with five or more units, and mixed residential/commercial properties, of \$150.00 in addition to the above rates described in Subsection C above. This charge is payable semi-annually in the amount of \$75.00 and is to be paid in concert with the sewer service charges.

E. Any single family residential property that qualifies for the senior citizen tax deduction shall also be afforded a discount of \$100.00 from the residential property fee set forth in Subsection A above.

F. The foregoing rates and charges have been calculated in accordance with Chapter 230-7 and shall be subject to annual revision based upon the Borough and its Sewer Utility's financial obligation to PARSA and/or MCUA. In addition, separate fees or charges may be imposed by the Borough's Sewer Utility upon specific users or one or more categories of users to defray fines, penalties or other extraordinary charges that may be imposed by PARSA and/or MCUA. Payment of such separate fees or charges shall in accordance with the requirements set forth in Chapter 233-

36. The Borough Sewer Utility may also in its sole discretion and upon application of a user demonstrating special circumstances adjust a user's sewer use charges.

Dr. Robins stated that this reintroduction of the ordinance is upon the recommendation of the inclusion of the work "condominium" as part of the single-family category.

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

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

### **ORDINANCE 2022-05**

The following ordinance was Introduced for first reading at a meeting of the Governing Body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on February 7, 2022. It is now being further considered for final passage, after public hearing thereon, at a meeting of said governing body being held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on Tuesday, February 22, 2022 at 7:00 p.m. During the week prior to and up to and including the date of this meeting copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk's office for members of the general public who have requested the same.

#### **AN ORDINANCE TO APPROVE A LONG-TERM TAX EXEMPTION AND FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF DUNELLEN AND 150 NORTH URBAN RENEWAL, LLC**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, as amended and supplemented (the "**Act**"), 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 Act, the Borough Council (the "**Borough Council**") of the Borough of Dunellen (the "**Borough**"), acting as the Borough's redevelopment entity pursuant to N.J.S.A. 40A:12A-4, designated certain properties identified on the Borough's tax map as Block 69, Lots 1, 1.01, 2, 2.01 and 3; Block 70, Lots 13 and 13.01; Block 85, Lots 1 and 2; Block 83, Lot 1; Block 1, Lots 14, 15.01, 15.02, 16, 17, 18, 19, 20, 21, 22 and 23; Block 2, Lots 10, 11.01, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20; Block 32, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.01, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24.01, 25, 26, 27 and 28; Block 33, Lots 14, 14.01, 15, 16, 17, 18, 19, 20, 21, 22 and 23; Block 34, Lots 10.01, 22, 23, 24, 24.01, 25, 26, 27.01, 27.02, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 38.01 and 38.02; Block 48, Lots 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28; Block 49, Lots 25, 26, 27.01, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39.01, 39.02, 40, 41, 43 and 44; Block 50, Lots 1, 2, 3, 4, 5 and 6; Block 51, Lots 1, 2 and 3 (NJ Transit Property); Block 65, Lot 1; Block 66, Lots 1, 2, 3, 4, 5, 6.01, 7, 8, 9, 10.01, 10.02, 11, 12, 13, 14, 15.01, 15.02, 16, 17, 17.01, 18, 19 and 20; and Block 86, Lots 1, 2, 3, 4, 4.02, 4.03 and 5 as an area in need of redevelopment under N.J.S.A. 40A:12A 5 (collectively, the "**Redevelopment Area**"); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Borough Council adopted by ordinance on May 16, 2016, the Restated and Amended Dunellen Downtown Redevelopment Plan, Phase 1, and subsequently amended by ordinance on November 6, 2017, September 4, 2018, October 1, 2018 and June 7, 2021 (the “**Redevelopment Plan**”) for the Redevelopment Area; and

**WHEREAS**, 150 North Urban Renewal LLC (the “**Entity**”) is the owner of certain parcels within the Redevelopment Area commonly known as 150 North Avenue and identified on the Borough’s official tax map as Block 1, Lot 14 (the “**Property**”); and

**WHEREAS**, on May 17, 2021, the Borough Council passed a resolution authorizing the execution and delivery of that certain Redevelopment Agreement (the “**Redevelopment Agreement**”), which sets forth the respective obligations for the Borough and the Entity (as successor to its affiliate, Communipaw Associates LLC) with respect to the redevelopment of the Property in accordance with the Redevelopment Plan; and

**WHEREAS**, the Redevelopment Agreement provides for, *inter alia*, the construction of a three-story, mixed-use commercial/residential project consisting of approximately 1,578 square feet of ground floor commercial space, fourteen (14) rental residential units (two of which shall be Affordable Units) and related improvements (collectively, the “**Project**”); and

**WHEREAS**, the Project as set forth in the Redevelopment Agreement conforms to the Redevelopment Plan and the master plan of the Borough; and

**WHEREAS**, pursuant to the Act, improvements to property located within an area in need of redevelopment may qualify for long term tax exemptions under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “**LTTE Law**”); and

**WHEREAS**, the Entity is authorized to do business as an urban renewal entity under the laws of the State of New Jersey pursuant to the provisions of the LTTE Law; and

**WHEREAS**, despite the Entity’s substantial investment of equity and borrowed funds, such amounts are insufficient to pay for all of the costs associated with the development and construction of the Project; and

**WHEREAS**, the provisions of the Act and such other statutes as may be sources of relevant authority, if any, authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by the Entity to Borough as set forth in such laws; and

**WHEREAS**, in order to enhance the economic viability of and opportunity for a successful project, the Entity has submitted an application for the approval of a long term tax exemption for the Project (the “**Exemption Application**”), attached hereto as Exhibit A, and a form of financial agreement (the “**Financial Agreement**”), attached hereto as Exhibit B, to the Borough, all in accordance with the LTTE Law; and

**WHEREAS**, the mayor of the Borough has provided his recommendations with respect to the Exemption Application to the Borough Council; and

**WHEREAS**, upon review of the proposed Project, the Exemption Application and the Financial Agreement, the Borough has made the following findings with respect to the Project pursuant to N.J.S.A. 40A:20-11:

1. The development and construction of the Project, including infrastructure improvements as set forth in the Redevelopment Agreement and the Redevelopment Plan will be beneficial to the overall community; will achieve the goals and objectives of the Redevelopment Plan; will help revitalize the Property; will improve the quality of life for the community; will serve as a catalyst for further private investment in areas surrounding the Property; will facilitate the remediation of environmental contamination and the revitalization and productive reuse of land currently in a blighted, stagnant, unproductive and fallow condition; will enhance the economic development of the Borough by alleviating existing blight conditions of the Property; and will further Redevelopment Plan objectives and contribute to the economic growth of the Borough in general and specifically the Property;
2. The Project will result in the creation of two (2) units of affordable housing;
3. The aforesaid benefits of the Project exceed the cost, if any, associated with granting the tax exemption provided by the Financial Agreement;
4. The Financial Agreement is a material inducement to the Entity to undertake the Project in the Borough and facilitate the redevelopment of the Property; and

**WHEREAS**, the Borough is agreeable to granting a long term tax exemption to the Entity for the Project and, in connection therewith, the Borough and the Entity will utilize the Act and such other statutes as may be sources of relevant authority, if any, to facilitate financing of the Project; and

**WHEREAS**, in accordance with the provisions of the Act and the LTTE Law, the Borough desires to approve the Project, the Exemption Application and the Financial Agreement.

**NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH 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 Exemption Application submitted by the Entity is hereby approved in accordance with Section 8 of the LTTE Law.

Section 3. The Mayor, in consultation with counsel to the Borough, is hereby authorized to execute the Financial Agreement following the execution thereof by the Entity and prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate, with such execution to occur only simultaneous with the full execution of a redevelopment agreement for the Project.

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

Section 5. An exemption from taxation as set forth in the Financial Agreement is hereby granted to the Entity, with respect to the Project for the term set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) thirty (30) years from the Annual Service Charge Start Date, as said term is defined in the Financial Agreement, and only so long as the Entity remains subject to and in compliance with the Financial Agreement and the LTTE Law.

Section 6. The executed copy of the Financial Agreement shall be certified by and filed with the Office of the Borough Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law. Further, the Borough Clerk shall, within ten (10) days of the later of (i) the effective date of this Ordinance, or (ii) execution of the Financial Agreement, transmit certificated copies of this Ordinance and the Financial Agreement to the chief financial officer of, and legal counsel for, Middlesex County, New Jersey.

Section 7. The Project shall conform with all federal, state and Borough laws, ordinances, regulations, the Redevelopment Plan and the Redevelopment Agreement relating to its construction and use.

Section 8. The Entity shall, in the operation of the Project, comply with all laws so that no person of race, religious principles, color, national origin or ancestry will be subject to discrimination.

Section 9. Without limiting the terms of the Financial Agreement, the Entity shall submit Auditor's Reports to the Borough in accordance with Article V of the Financial Agreement.

Section 10. This ordinance shall take effect in accordance with all applicable laws.

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

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

## ORDINANCE 2022-06

### BOROUGH OF DUNELLEN

#### 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 February 7, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held February 22, 2022 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 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 RECONSTRUCTION OF THE BOROUGH FIRE STATION AND THE ACQUISITION OF FIRE TRUCKS AND EQUIPMENT IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$7,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,700,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purposes:

| <u>Purpose</u>                                                                                                                   | <u>Appropriation &amp; Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds &amp; Notes</u> | <u>Period of Usefulness</u> |
|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------|-----------------------------|
| a) The acquisition of fire trucks, apparatus and equipment, including all related costs and expenditures incidental thereto.     | \$4,100,000                               | \$3,074,000                                          | 10 years                    |
| b) Renovation of the Borough fire station, including all work and materials necessary therefor and incidental thereto.           | \$3,350,000                               | \$2,514,000                                          | 15 years                    |
| c) The acquisition of furnishings for the Borough fire station, including all related costs and expenditures incidental thereto. | \$150,000                                 | \$112,000                                            | 5 years                     |
| <b>TOTAL:</b>                                                                                                                    | <u>\$7,600,000</u>                        | <u>\$5,700,000</u>                                   |                             |

Appropriation: \$7,600,000



Bonds/Notes Authorized: \$5,700,000

Grants Appropriated: N/A

Section 20 Costs: \$500,000

Useful Life: 12.10 years

Dr. Robins stated that this bond contains monies to bring the Fire Department to fully functioning status. It is based upon estimates presented by Chief Scott and includes gear, equipment and vehicles. It incorporates monies that will be received (or have already been received) from insurance.

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

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

## ORDINANCE 2022-07

### BOROUGH OF DUNELLEN

#### 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 February 7, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held February 22, 2022 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 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 SEWER UTILITY REPAIRS TO RAILROAD AVENUE IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

Purpose: Sewer utility repairs to Railroad Avenue, as well as within Block 67, Lot 3 between Grove Street and South Avenue, including, but not limited to, excavation, trench protection, bypass pumping, bedding, backfilling, dewatering and restoration and further including all work and materials necessary therefor and incidental thereto

Appropriation: \$400,000

Bonds/Notes Authorized: \$400,000

Grant Appropriated: N/A

Section 20 Costs: \$80,000  
Useful Life: 20 years

Dr. Robins stated that this bond is for the repair of sewer collapes under Railroad Avenue and under the Knights of Columbus parking lot. It is based upon construction estimates provided by our engineers.

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

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

### **Ordinance 2022-01**

This ordinance is an amended Dunellen Sign Ordinance. For the text of this ordinance, go to: <https://cms1.revize.com/revize/dunellenj/ordinances/index.php>

Public portion: no one from the public spoke.

Mr. VanDermark asked about murals. Mayor Cilento responded that murals will be part of a separate ordinance.

Gabe Bailer, DMR Architects, who assisted in drafting this revised ordinance, noted that it is intended to be more efficient, more concise, and easier to enforce.

Mrs. Rios noted that the revised ordinance permits no election signs on borough property. She thinks these should be permitted, given their visibility and central location at, for example, Washington Park. Mr. Bruder suggested that Council might adopt this ordinance and then amend it later.

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

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

### **ORDINANCE 2022-02**

#### **BOROUGH OF DUNELLEN**

The following Amendment to Dunellen Municipal Code, Chapter 115, Zoning, was Introduced for first reading on January 10, 2022. It was reviewed and approved by the Dunellen Planning Board at its meeting held on January 24, 2022. It is now being presented for Public Hearing and Adoption on February 7, 2022 at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Notice has been given in advance of the date for the Public

Hearing and Adoption. 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 115, Zoning, is amended to read as follows:

115-7. Definitions.

#### BREW PUB

A brewpub means an establishment licensed as a restricted brewery by the State under N.J.S.A. 33:1-10, where malt alcoholic beverages are brewed and manufactured, served and consumed on the premises, and which is operated in conjunction with a restaurant use that possesses a plenary retail consumption license. Such uses shall be used principally for the purpose of providing meals to its customers with adequate kitchen and dining room facilities immediately adjoining licensed brewery facilities. A brewpub may provide outdoor seating in accordance with Chapter 237 “Sidewalk Cafes” of the Dunellen Code.

#### CIDER AND MEADERY

A cider and meadery shall mean an establishment licensed by the State as a cider and meadery under N.J.S.A. 33:1-10, producing hard cider and/or mead, including the sale and distribution of the product to licensed wholesalers and retailers, and including the retail sale of the product at retail to consumers on the licensed premises for consumption on or off the premises, and the offering of samples for consumption on the premises. A cider and meadery may provide outdoor seating in accordance with Chapter 237 “Sidewalk Cafes” of the Dunellen Code.

#### CRAFT BREWERY

A craft brewery shall mean an establishment licensed by the State as a limited brewery under N.J.S.A. 33:1-10, to manufacture malt alcoholic beverages to sell and distribute the products to licensed wholesalers and retailers. The craft brewery may sell and serve the product at retail to consumers on the licensed premises for consumption on the premises but only in connection with tours of the brewery, or for consumption off premises, and to offer samples for sampling purposes only pursuant to an annual permit issued by the State. A craft brewery shall not sell food or operate a restaurant on the licensed premises. A craft brewery may provide outdoor seating in accordance with Chapter 237 “Sidewalk Cafes” of the Dunellen Code.

#### CRAFT DISTILLERY

A craft distillery shall mean an establishment licensed by the State as a craft distillery under N.J.S.A. 33:1-10, to manufacture distilled alcoholic beverages to rectify, blend, treat and mix distilled alcoholic beverages, and to sell and distribute the products to licensed wholesalers and retailers. The distillery may sell the product at retail to consumers on the licensed premises for consumption off the premises or, in connection with a tour of the distillery, the retail sale or

offering of samples for consumption on the premises. A craft distillery may provide outdoor seating in accordance with Chapter 237 “Sidewalk Cafes” of the Dunellen Code.

## WINERY SALESROOM

A winery salesroom shall mean an establishment licensed by the State as a winery sales room under N.J.S.A 33:1-15, that is owned and operated by the holder of a plenary winery license or out of state winery license issued by the State under N.J.S.A. 33:1-10, where wine produced by the licensee is sold at retail in original packages for consumption on or off the premises, and for the offering of samples. A winery salesroom may provide outdoor seating in accordance with Chapter 237 “Sidewalk Cafes” of the Dunellen Code.

Public portion: Nikesh Patel, 245 Third Street, inquired if this includes cannabis dispensaries? Mayor Cilento responded that this is a separate effort under consideration by the Cannabis Task Force.

Dr. Dunne asked whether craft breweries can have a restaurant on premises. Mr. Bailer responded that under NJ State law they cannot.

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

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

### **Ordinance 2022-04**

#### **Borough of Dunellen**

The following revision and amendment to the Dunellen Downtown Redevelopment Plan is being Introduced for first reading on January 10, 2022. It was reviewed and approved by the Dunellen Planning Board, with comments noted by the Dunellen Borough Council, at its meeting held on January 24, 2022. It will now be presented for Public Hearing and Adoption on February 7, 2022 at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Notice has been given in advance of the date for the Public Hearing and Adoption. 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.

This ordinance amends the Dunellen Downtown Redevelopment Plan, Phase One, that was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, November 2014, February 2016, November 2017, September 4, 2018, October 1, 2018 and June 7, 2021.

The following contains sections being modified and reflect the amended versions for:

#### **7.4.1 Site #1. Train Station North (Block 69/All Lots)**

**Principal Permitted Uses:**

**Commercial/Residential** - This land use designation contemplates a mixed-use development that may include commercial uses on the ground floor and office commercial and residential uses on the upper floors. The commercial uses to be limited to the ground floor include personal and business service establishments, offices, restaurants, craft breweries, craft distilleries, winery salesrooms, brewpubs, and cider and meadery establishments. Office uses also may be permitted on the upper floors.

**Building Requirements:**

2. Building height requirements. The maximum building height shall be three (3) stories.

3. Minimum unit size:

a. Studio unit – 500 sf exclusive of balconies or other outdoor seating areas.

b. One (1) bedroom unit – 700 sf inclusive of balconies or other outdoor seating areas.

c. Two (2) bedroom unit – 800 sf inclusive of balconies or other outdoor seating areas.

d. Three (3) bedroom unit – 1,000 sf inclusive of balconies or other outdoor seating areas.

**7.4.2 Site #2. Train Station South (Block 70/Lot 13 and 13.01)**

**Principal Permitted Uses:**

**Commercial/ Parking Garage.** This land use designation contemplates a mixed-use development that may include commercial uses on the ground floor or outer edge of a parking deck, possibly mixed with residential units. The commercial uses to be primarily on the ground floor include personal and business service establishments, offices, public uses, coffee shops, craft breweries, craft distilleries, winery salesrooms, brewpubs and cider and meadery establishments and restaurants. The parking deck should be designed and utilized as shared parking for the downtown commercial district as well as for commuters utilizing the train and buses.

**Building Requirements:**

1. Building height requirements. The maximum building height shall be three stories.

2. Minimum unit size:

- a. Studio unit – 500 sf exclusive of balconies or other outdoor seating areas.
- b. One (1) bedroom unit – 700 sf inclusive of balconies or other outdoor seating areas.
- c. Two (2) bedroom unit – 800 sf inclusive of balconies or other outdoor seating areas.
- d. Three (3) bedroom unit – 1,000 sf inclusive of balconies or other outdoor seating areas.

**7.4.3 Site #3. South Washington Avenue (Block 85/Lot 1)**

**Principal Permitted Uses:**

**Commercial/Retail/Residential/Recreational.** This land use designation contemplates a mixed-use development not exceeding four (4) stories that may include residential, commercial/retail, office, craft breweries, craft distilleries, winery salesrooms, brewpubs and cider and meadery establishments and recreational uses. Only retail and commercial uses shall be permitted on the ground floor of a building(s) ("First Floor Commercial/Retail") that immediately fronts or faces South Washington Avenue. Office and residential uses shall be permitted on the floors above the ground floor of said buildings. Residential development shall be permitted on all floors in any building that does not immediately front on South Washington Avenue, with the maximum number of residential units in all buildings not to exceed 382 in number. The residential development may include an activity center and other typical uses and structures accessory to residential uses. To facilitate this mixed-use development, the property may be subdivided into two or more parcels but shall be subject to a unified development plan. Notwithstanding any subdivision of the property, density shall be calculated based upon the total land area in the unified plan. Ground Floor Commercial/Retail uses may include (but is not limited to) personal and business service establishments, restaurants, retail stores, bakeries, delicatessens, drug stores, beauty parlors, food stores and supermarkets, all of which may include drive-through facilities. Any residential development may be for sale or rental, or a combination thereof, at the option of the developer, except as may be otherwise provided in a redevelopment agreement.

**7.4.4 Remainder Properties Designated as Next Phase(s) Redevelopment Areas**

**Principal Permitted Uses:**

**Commercial/Residential.** This land use designation contemplates a mixed-use development that may include commercial uses on the ground floor and office commercial and residential uses on the upper floors. The commercial uses to be limited to the ground floor include personal and business service establishments, offices, restaurants, craft breweries, craft distilleries, winery salesrooms, brewpubs and cider and meadery establishments. Office uses

also may be permitted on the upper floors.

**Building Requirements:**

1. Building height requirements. The maximum building height shall be three stories.
  
2. Minimum Unit Size:
  - a. Studio unit – 500 sf exclusive of balconies or other outdoor seating areas.
  - b. One (1) bedroom unit – 700 sf inclusive of balconies or other outdoor seating areas.
  - c. Two (2) bedroom unit – 800 sf inclusive of balconies or other outdoor seating areas.
  - d. Three (3) bedroom unit – 1,000 sf inclusive of balconies or other outdoor seating areas.

**8.12 Transit Supportive Architectural Design Guidelines**

Transit supportive architectural design guidelines are important for insuring, among other goals, appropriate building massing, orientation, scale, entries, windows, facades and roofs. Buildings fronting on a public street shall be designed to have attractive, finished appearances from all public spaces and shall comply with the following guidelines.

1. Facades
  - a. Buildings should have a well-defined front facade with primary entrances facing the street.
  - b. Buildings should be aligned so that the dominant lines of their facades parallel the line of the street and create a well-defined edge.
  - c. The primary façade(s) (viewable by the public from streets and parking lots) of buildings of 60 feet or greater in width should be articulated into smaller increments through the following or similar techniques:
    1. Stepping back or extending forward abut compatible materials.
    2. Division into storefronts with separate display windows and entrances.
    3. Arcades, awnings, window bays, balconies or similar ornamental features.
    4. Variation in rooflines to reinforce the articulation of the primary façade.
    5. Use of different buildings materials that are contextual to the building façade.

### 8.13 Transit Supportive Parking Requirements

Parking standards within the transit village district should reflect proximity to highfrequency transit service, pedestrian-friendly built forms, and mix of uses.

1. For new and rehabilitated sites under 20,000 sf there will be no on-site parking requirements for restaurants, commercial, retail, personal service establishment uses, theaters, bars, and nightclubs.
2. For new and rehabilitated sites, the on-site parking requirements for residential uses are as follows:
  - a. Studio unit – one (1) parking space per unit
  - b. One (1) bedroom unit – one (1) parking space per unit
  - c. Two (2) bedroom units – one and half (1.5) parking space per unit
  - d. Three (3) bedroom units – one and three quarters (1.75) parking space per unit
19. All applications are required to comply State regulation P.L. 2021, c.171 *An ordinance authorizing and encouraging electric vehicle supply/service equipment (EVSE) and make ready parking spaces*. For new and rehabilitated sites, each application involving a multiple dwelling with five or more units of dwelling space the developer or owner, as applicable, shall:
  - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
  - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
  - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
  - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.

Each application involving a parking lot or garage not covered in 8.13.19 shall:

- a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
- b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.



- c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
- d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
- e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
- f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to Section 8.13.

A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.

All parking spaces calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.

Additional installation of EVSE and Make-Ready parking spaces above what is required above may be encouraged, but shall not be required in development projects.

Public portion: no member of the public spoke.

Mr. Bailer noted that the Planning Board had commented that the square footage included balconies and this ordinance now reflects that comment and makes it clear that it does not include balconies, a non-substantial change that does not call for re-introduction of the ordinance.

Nikesh Patel, 245 Third Street, asked if this was related to PILOTs, Payments in Lieu of Taxes. Mayor Cilento replied that it is not related. This ordinance is part of the Redevelopment Plan. When PILOTs occur, they are part of redevelopment agreements between the Borough and a developer.

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

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

**02-07-2022: #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, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

**02-07-2022: #2**

**Resolution by the Borough of Dunellen, New Jersey, Authorizing an Application to the Complete Streets Technical Assistance Program**

**WHEREAS**, the New Jersey Department of Transportation Complete Streets Design Guide defines complete streets as follows: “Complete Streets are streets designed for all users, all modes of transportation, and all ability levels. They balance the needs of drivers, pedestrians, bicyclists, transit riders, emergency responders, and goods movement based on the local context”; and

**WHEREAS**, while the primary benefit of complete streets is improved safety, particularly for people who walk or bike who are the most vulnerable users of the street, there are other positive outcomes. Complete streets create better places to live, work, and do business. They can help improve the health of a community by encouraging people to walk and bike, bolster the local economy by generating foot traffic in business districts and provide greater mobility options for residents and visitors; and

**WHEREAS**, through the North Jersey Transportation Planning Authority’s FY2022 *Complete Streets Technical Assistance Program*, Sustainable Jersey will coordinate and the Voorhees Transportation Center at Rutgers University will provide planning-level technical assistance services to municipalities for a specific project related to advancing a complete streets initiative in their communities; and

**WHEREAS**, although no direct funding is provided, selected municipalities will receive free direct technical assistance services to complete a specific task related to advancing a complete streets initiative in their communities; and

**WHEREAS**, the specific task the Borough of Dunellen is applying for will be the Complete and Green Streets for All Guidance to further assist in the development of a Complete Streets Policy so the Borough may better align itself with the 2020 NJDOT Complete and Green Streets for All Policy; and

**WHEREAS**, the Mayor of the Borough of Dunellen created the Mayor’s Traffic & Pedestrian Safety Task Force in 2020 and appoints various stakeholders in the Borough of Dunellen to advise the Mayor and Borough Council on traffic and pedestrian safety measures, as well as seek to make the Borough of Dunellen a Complete Streets municipality, and will oversee the 2022 technical assistance initiative if granted.

**THEREFORE, BE IT RESOLVED** the Borough Council of the Borough of Dunellen, New Jersey authorizes Mayor Jason F. Cilento to submit an application to the *Complete Streets Technical Assistance Program* to receive free direct technical assistance services to complete a specific task related to advancing complete streets, and also commits pertinent municipal staff to coordinate and collaborate with Sustainable Jersey, Voorhees Transportation Center and the North Jersey Transportation Planning Authority to support the successful and timely delivery of technical assistance services.

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

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

**02-07-2022: #3**

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

DMR Architects, Hasbrouck Heights, NJ, is awarded a contract to perform a full building code analysis to determine building elements or systems needing upgrades or installations in the Dunellen Fire House which was destroyed by a fire on October 12, 2021. This analysis is to be funded through monies received from insurance reimbursements and the cost of which is not to exceed \$5,000.00.

Mayor Cilento stated that this is for the architects to ensure that the new Fire House is up to Code, and they will be working with the contractors and the Construction Official.

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

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

**02-07-2022: #4**

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

Permission is granted to the Dunellen Fire Company to conduct a street fair on Sunday, September 25, 2022, on North Avenue between Washington Avenue and Madison Avenue between the hours

of 6:00 am and 5:00 pm. The Fire Company will obtain all necessary permissions from the New Jersey Department of Transportation.

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

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

**02-07-2022: #5**

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

WHEREAS, there is a need for the purchase and installation of a digital sign in Washington Memorial Park; and

The following quotes were received:

|                              |             |
|------------------------------|-------------|
| D-Strategies, Somerville, NJ | \$15,066.00 |
| EM Signs, Newton, NJ         | \$21,143.74 |

NOW, THEREFORE, BE IT RESOLVED, that a contract be awarded to D-Strategies for the purchase and installation of a digital sign in Washington Memorial Park, at a cost not to exceed \$15,066.00. This purchase is to be funded from the following account: C-04-20-002-000-609.

Dr. Dunne noted that last year we put this on hold in order to make it part of a Council discussion. She wondered why that is not occurring? She presented the issue as one of priorities, commenting that there were other expenses that would appear to have higher priorities, such as leaking roofs or Fire Department expenditures.

Mr. VanDermark commented that funds for the sign were part of an earlier bond ordinance.

Mr. Paltjon noted that this sign does not necessarily take away from other expenditures.

Dr. Dunne responded that just because the bonds are there, we are not obligated to spend from them.

Mayor Cilento noted that the expenditure was considered important when their bond was adopted.

Dr. Dunne replied that circumstances have changed since then.

Both Mr. Sigmon and Mayor Cilento inquired why it was not purchased two years ago, after the bond was adopted? Dr. Dunne responded that the purchase was advanced but that she held that it would be part of a larger package, a general discussion on outstanding bond items, to weigh all of them. This discussion did

not happen. Mayor Cilento questioned why it did not occur last year then?

Mayor Cilento stated that the current sign is in disrepair and a new sign will provide the opportunity for a greater number of notices and public announcements. He asked Mr. Olsen if there would be a concern if Council moved on this? Mr. Olsen responded that other items needed action, but that does not mean that we cannot move forward with this as well.

Mayor Cilento: "So, there is room for us to move on this, as well as the other priority items that will be reviewed by the Finance Committee this year?" "Yes."

Yes: Albertson, Paltjon, Rios, Sigmon and VanDermark

No: Dunne

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

**02-07-2022: #6**

**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 Justin A. Troulis as a Probationary Firefighter, in the Dunellen Fire Department, said probation period to be one-year, effective 7 February 2022.

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

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

**02-07-2022: #7**

**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 Luka Genao as an Associate Member of the Dunellen Fire Department, said membership effective as of February 7, 2022.

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

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

**02-07-2022: #8**

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

Resolution 09-20-2021: #2 is amended as follows:

WHEREAS, there is a need for improvements and repairs to the Maurer House, 500 Mountainview Terrace; and

The following quotes were received:

|                                              |            |
|----------------------------------------------|------------|
| Myers Conditioning, Dunellen, NJ             | \$9,500.00 |
| John Haas Construction, LLC, Green Brook, NJ | \$9,850.00 |

NOW, THEREFORE, BE IT RESOLVED, that a contract be awarded to Myers Conditioning for repairs and improvements to the Maurer House, for an amount not to exceed \$9,500.00.

Mr. VanDermark asked what kind of repairs were done? Dr. Robins responded that it was carpentry work. The work for repairs came in \$1,000 higher, so we are amending the award resolution. The Maurer House is self-funding, and the Maurer House Committee raises all the money

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

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

**02-07-2022: #9**

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

**Resolution 01-01-2022: #30 is amended as follows:**

The officially elected 2022 Line Officers and Executive Officers for the Dunellen Fire Department are as follows:

LINE OFFICERS

Chief Jonathan Scott  
Deputy Chief Rich Feyrer  
Captain Sue Connelly  
Captain Brian Kriete  
Lieutenant William Scott  
Lieutenant Brian Cashin

EXECUTIVE OFFICERS

President Jeremy Lowder  
Vice President William Scott  
Treasurer Sue Connelly  
Corresponding Secretary Brian Kriete  
Statistical Secretary Chris Garnecki  
Sergeant-at-Arms Rich Feyrer  
Historian Jack Green

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

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

**02-07-2022: #10**

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

Whereas, NJS A 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the CY 2022 Dunellen Capital Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

Now therefore be it resolved that the attached CY 2022 Temporary Dunellen Capital Budget is hereby adopted.

Mr. Olsen noted that included in this capital budget are the bond ordinances for the Fire House and for the sewer repairs. Dr. Dunne asked for clarification on the columns in the document (insurance column and bond column) and asked how close we are to our debt ceiling? Mr. Olsen did not have an exact figure but stated that we are below it. Dr. Dunne asked how much we were to get back from the insurance? Mr. Olsen did not know as these claims are still being reviewed by the insurance company. We know for the vehicles, but not for all the rest.

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

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

**02-07-2022: #11**

**RESOLUTION OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR AN EMERGENCY APPROPRIATION IN THE AMOUNT OF \$261,000 PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:4-48 TO PROVIDE FOR REPAIRS TO A SECTION OF A SANITARY SEWER MAIN ON GERTRUDE TERRACE**

**WHEREAS**, an emergency has arisen requiring the appropriation of funds of the Borough of Dunellen, in the County of Middlesex, New Jersey (the "Borough"), in the amount of \$261,000 to provide for repairs to a section of a sanitary sewer main on Railroad Avenue and within Block 67, Lot 3 between Grove Street and South Avenue; and

**WHEREAS**, the total amount of emergency appropriations created, including the appropriation to be created by this resolution, is \$261,000, and 3% of the total current and utility operating appropriations in the budget for CY 2022 is \$221,476.53; and

**WHEREAS**, the foregoing emergency appropriation, together with prior emergency appropriations, does not exceed 3% of the total operating appropriations (including utility operation appropriations) in the budget for CY 2022.

**NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

Section 1. An emergency appropriation is hereby made for repairs to the sanitary sewer main on Railroad Avenue and within Block 67, Lot 3 between Grove Street and South Avenue.

Section 2. Said emergency appropriation shall be provided in full pursuant to a bond ordinance entitled, "BOND ORDINANCE PROVIDING FOR SEWER UTILITY REPAIRS TO RAILROAD AVENUE IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF"

Section 3. An emergency note not in excess of \$261,000 is hereby authorized to be issued pursuant to N.J.S.A. 40A:4-51.

Section 4. The emergency note authorized herein, if issued, shall be executed by the Mayor and the Chief Financial Officer of the Borough and attested by the Borough Clerk.



Section 5. The Chief Financial Officer of the Borough is hereby delegated the authority to sell and award the note, if any, and such note, if issued, may be renewed from time to time by the Chief Financial Officer, provided that any such renewals shall be payable on or before December 31, 2022.

Section 6. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.

Section 7. This resolution shall take effect immediately.

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

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

**02-07-2022: #12**

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

WHEREAS, an emergency has arisen with respect to the need for sanitary sewer repair under Railroad Avenue as well as within Block 67, Lot 3 between Grove Street and South Avenue; and

WHEREAS, these sanitary sewer lines, if left unattended, will affect the public health, safety and welfare of the residents of Dunellen; and

WHEREAS, the nature of this emergency renders it impossible to adhere to the normal requirements of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that in accordance with NJSA 40A:4-48, an Emergency Appropriation be made for sanitary sewer repair under Railroad Avenue as well as within Block 67, Lot 3 between Grove Street and South Avenue; and

BE IT FURTHER RESOLVED, that Stilo Paving and Excavating be awarded a contract to repair the sanitary system under Railroad Avenue for a cost not to exceed \$155,000.00 and the sanitary line within Block 67, Lot 3 between Grove Street and South Avenue, at a cost not to exceed \$76,000.00, for a total not to exceed \$231,000.00.

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

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

**02-07-2022: #13**

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

Whereas, there exists a need for emergency repair to the sanitary sewer under Railroad Avenue as well as within Block 67, Lot 3 between Grove Street and South Avenue; and

Whereas, the Local Public Contracts Law (NJSA 40A:11-1 et. seq.) requires that the resolution authorizing the award of the contract for Professional Services without competitive bidding must be publicly advertised.

Now therefore be it resolved by the Governing Body of the Borough of Dunellen as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for:
  - a) Construction Phase Services at a cost not to exceed \$30,000.00.
2. The total cost of this Agreement shall not exceed \$30,000.00.
3. This contract is awarded without competitive bidding as a Professional Service under the provisions of the Local Public Contract Law because the services rendered are professional services of a recognized profession whose practice is regulated by law.
4. A copy of this resolution shall be published in *The Courier* as required by law within ten days of its passage.

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

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Municipal Attorney John Bruder suggested that the appropriate order for the next three resolutions should be 13-B, 13-C, 13-A.

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

**02-07-2022: #13-B**

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

WHEREAS, 216 North Avenue Associates, LLC., has agreed to pay a portion of the landscaping fees owed to the Borough of Dunellen for the installation of a streetlamp on North Avenue; and

WHEREAS, the cost of this streetlamp improvement is \$5,462.80.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the payment by 216 North Avenue Associates, LLC., fully and completely satisfies its obligation to the Borough of Dunellen for the streetlamp improvement.

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

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

**02-07-2022: #13-C**

**RESOLUTION AUTHORIZING THE BOROUGH OF DUNELLEN TO APPLY THE CASH BOND POSTED BY PRIMAX PROPERTIES LLC ON THE 216-234 NORTH AVENUE PROJECT TO REIMBURSE THE BOROUGH FOR COSTS INCURRED TO INSTALL STREET LIGHTS, AND TO RETURN ANY REMAINING BALANCE TO PRIMAX PROPERTIES, INC. LLC.**

**WHEREAS**, Advanced Auto Parts / Primax Properties, LLC, as owner of certain Property in the Borough of Dunellen located at Lot 17.01, Bl. 2 (more commonly referred to as 216-234 North Avenue and hereinafter referred to as “the Property”), applied for and received site plan and variance approval to construct two buildings on the subject property. Said approval, granted by Resolution of the Dunellen Planning Board on or around April 24, 2006, obligated the property owner applicant to comply with various requirements in the development of the property and to post a performance bond with the Borough; and

**WHEREAS**, Advanced Auto Parts / Primax Properties LLC (hereinafter “Primax”), subsequently and timely posted a performance guarantee with the Borough, 10% of which was a cash bond and the balance being in the form of a bond supplied by a surety company; and

**WHEREAS**, the purpose of the performance bond was to ensure Primax’s fulfillment of its obligations as required by the site plan and variance approval documents; and

**WHEREAS**, after construction of one of the buildings on Lot 16.01, Primax sold its interest in Lot 17.01 to 216 North Avenue Associates, LLC; and

**WHEREAS**, prior and subsequent to selling its interest in the lot, Primax failed to perform all of the requirements of the Resolution of Approval, including but not necessarily limited to installation of three decorative streetlights along the site frontage and, accordingly, the Borough

maintained that portion of the performance bond sufficient to complete the repairs should that become necessary, in order to protect the interests of the Borough in maintaining a safe and aesthetic development area consistent with the site plan as approved; and

**WHEREAS**, when the streetlights were not timely installed and repeated efforts by the Borough to compel Primax and its successor in partial interest, 216 North Avenue Associates, LLC were unsuccessful, the Borough was compelled to cause those lights to be installed, at a cost to the Borough of \$16,388.39; and

**WHEREAS**, the Borough has sought reimbursement of that cost incurred from the former property owner, Primax; and

**WHEREAS**, in failing to install the streetlights as required, Primax has left the Borough with no recourse but to apply the cash bond posted by Primax towards the cost of the streetlights installation incurred by the Borough; and

**WHEREAS**, the subsequent purchaser of the property, 216 North Avenue Associates, LLC has agreed to reimburse the Borough for the costs of one of those streetlights, in the amount of \$5,462.80, leaving the remaining balance owed to the Borough to be \$10,925.59; and

**WHEREAS**, the Borough having determined that Primax's two-thirds share would properly be taken from the cash bond which it posted with the Borough to ensure performance and to pay for any outstanding obligations of Primax, with the balance of any cash bond funds returned to Primax upon Primax's acceptance of the proposed resolution; and

**WHEREAS**, the Borough having placed Primax Properties, Inc. on notice of the above proposed resolution, via certified mail from Municipal Counsel, which certified mail was received by Primax on December 28, 2021, and said notice advising Primax that unless it objected in writing within twenty-one (21) days, that the Borough would exercise the proposed resolution; and

**WHEREAS**, more than one month has elapsed since Primax was notified by certified mail and Primax having failed to object in writing or otherwise contact the Borough or its representatives as to the proposed resolution;

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1) The Borough of Dunellen is hereby authorized to apply the cash portion of the performance bond posted by Advanced Auto Parts / Primax Properties, LLC towards two-thirds of the cost of the streetlights installation incurred by the Borough as a result of Primax failing to fulfill its obligations as required in the Site Plan Approval. Said amount of the cash bond posted by Primax to be applied as set forth above equals \$10,925.59; and

2) The Borough shall return the balance of any portion of the cash bond posted by Primax to Primax after the Borough has withdrawn the \$10,925.59 amount from the cash bond posted by Primax and applied it towards the debt incurred by the Borough for the installation of the streetlights.

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

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

**02-07-2022: #13-A**

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

WHEREAS, 216 North Avenue Associates, LLC., did provide performance guarantees for a development on Block 2, Lot 17.01, in the amounts of:

|                               |             |
|-------------------------------|-------------|
| 10% Cash Portion              | \$1,882.08  |
| 90% Bond Portion              | \$16,398.72 |
| Total Performance Guarantees: | \$18,220.80 |

WHEREAS, all improvements have been completed, and it is the recommendation of CME Associates, the Borough's engineer, that the performance guarantees be released, subject to the

posting of a maintenance guarantee in the amount of \$2,733.12 and the payment of all outstanding escrow fees, if any.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the Cash and Bond Portions of the Performance Guarantees provided by 216 North Avenue Associates, LLC., be released once a Maintenance Guarantee in the amount of \$2,733.12 is provided.

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

**FIRE DEPARTMENT CONSENT AGENDA:**

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

**02-07-2022: #14**

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

Contracts are awarded to Wireless Communications and Electronics of Metuchen, NJ, for the purchase of the following items:

|                                                                            |              |
|----------------------------------------------------------------------------|--------------|
| Panasonic Toughbook 55 and accessories<br>NJ State NASPO contract # #89980 | \$5,402.88   |
| David Clark Intercomm System for 4 positions and<br>Pump Panel Headsets,   | \$8,879.69   |
| Radio Communications Equipment and Accessories<br>NJ State contract #83909 | \$299,248.15 |
| Radio Communications Equipment and Accessories<br>NJ State contract #83909 | \$10,834.75  |
| Uninterrupted Power Supply and cabinet                                     | \$3,596.86   |

For a total amount not to exceed \$327,962.33.

**02-07-2022: #15**

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

A contract is awarded to Continental Fire & Safety of Hamilton, NJ, for the purchase of a Bullard #NXTBundle Thermal Imager Package, at a cost not to exceed \$8,811.13. This is purchased under NJ State Contract #17-FLEET-00816.

**02-07-2022: #16**

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

A contract is awarded to New Jersey Fire Equipment Company of Green Brook, NJ, for the purchase of Air-Paks and accessory equipment, at a cost not to exceed \$263,494.03. This is purchased under NJ State Contract #17-FLEET-00819.

**02-07-2022: #17**

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

A contract is awarded to Knox Company of Phoenix, AZ, for the purchase of five Knox Boxes with licenses, at a cost not to exceed \$5,815.87.

**02-07-2022: #18**

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

A contract is awarded to Absolute Fire Protection Co., Inc., for the removal of amkus reels pumps and tools and other equipment from Fire Department vehicles, at a cost not to exceed \$4,200.00.

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

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**CONSENT AGENDA:**

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

**02-07-2021: #19**

WHEREAS, the Tax Assessor granted total exemption of property taxes as of January 1<sup>st</sup> in 2022 for the following properties, due to a 100 % disabled veteran, and

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

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

That the proper municipal officers be and they are hereby authorized to cancel 1<sup>st</sup> half 2022 property taxes and forward as follows:

| <b>Block</b> | <b>Lot</b> | <b>Name</b>                                                                              | <b>Amount</b> |
|--------------|------------|------------------------------------------------------------------------------------------|---------------|
| 83           | 4          | Collado, Edwin<br>244 Columbia St                                                        | \$4947.94     |
|              |            | No Refund Required:<br><br>Cancel property taxes 1 <sup>st</sup> half 2022, and forward. |               |
|              |            |                                                                                          |               |

**02-07-2021: #20**

**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 Violet Potter

| <b>TSC</b> | <b>Block</b> | <b>Lot</b> | <b>Owner/Address</b>                              | <b>Principal</b> | <b>Interest</b> | <b>Premium</b> | <b>Total</b> |
|------------|--------------|------------|---------------------------------------------------|------------------|-----------------|----------------|--------------|
| 21-16      | 80           | 1          | Souffrant, Louis &<br>Rachelle<br>203 Penfield Pl | \$ 893.50        | \$ 2.66         | \$3,000.00     | \$3,896.16   |

**TOTAL REFUNDED \$ 3,896.16**

**02-07-2021: #21**

**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 Violet Potter

| <b>TSC</b> | <b>Block</b> | <b>Lot</b> | <b>Owner/Address</b>         | <b>Principal</b> | <b>Interest</b> | <b>Premium</b> | <b>Total</b> |
|------------|--------------|------------|------------------------------|------------------|-----------------|----------------|--------------|
| 21-10      | 43           | 12         | Hazel Ashby<br>747 Second St | \$ 693.06        | 2.66            | \$2,000.00     | \$2,695.72   |

**TOTAL REFUNDED \$ 2,695.72**



**02-07-2021: #22**

**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 Violet Potter

| <b>TSC</b> | <b>Block</b> | <b>Lot</b> | <b>Owner/Address</b>                                  | <b>Principal</b> | <b>Interest</b> | <b>Premium</b> | <b>Total</b> |
|------------|--------------|------------|-------------------------------------------------------|------------------|-----------------|----------------|--------------|
| 21-09      | 35           | 31         | MIRANDA, DAVID &<br>BAQUERO, CRISTINA<br>522 FRONT ST | \$ 894.29        | \$ 2.66         | \$3,000.00     | \$3,896.95   |

**TOTAL REFUNDED \$ 3.896.95**

**02-07-2022: # 23**

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

The Treasurer is hereby authorized to issue checks to King Moench Hirniak & Mehta LLP, from the Dunellen Planning Board Escrow Account(s) listed below, for legal work towards the following application(s):

**GENERAL REDEVELOPMENT**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u> |
|-------------|--------------------|-----------------------|---------------|
| 92539       | 21-                | Professional Services | \$932.00      |

**390 NORTH AVENUE**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u>   |
|-------------|--------------------|-----------------------|-----------------|
| 92153       | PB000254           | Professional Services | \$784.00        |
| 92180       | PB000254           | Professional Services | <u>\$640.00</u> |
|             |                    |                       | \$1,424.00      |

**440 NORTH AVENUE**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u> |
|-------------|--------------------|-----------------------|---------------|
| 92539       | PB000256           | Professional Services | \$16.00       |

**528 NORTH AVENUE**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u> |
|-------------|--------------------|-----------------------|---------------|
| 92457       | PB000257           | Professional Services | \$464.00      |

**545 FOURTH STREET**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u> |
|-------------|--------------------|-----------------------|---------------|
| 92458       | PB000258           | Professional Services | \$320.00      |

**370 – 372 NORTH AVENUE**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u> |
|-------------|--------------------|-----------------------|---------------|
| 92455       | PB000259           | Professional Services | \$48.00       |

**DUNELLEN STATIONS –PRISM**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u>   |
|-------------|--------------------|-----------------------|-----------------|
| 92377       | PE000098           | Professional Services | \$1,360.00      |
| 92459       | PE000098           | Professional Services | <u>\$144.00</u> |
|             |                    |                       | \$1,504.00      |

**02-07-2022: #24**

**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 checks to Windels Marx Lane & Mittendorf, LLP, from the Dunellen Planning Board Escrow Account(s) listed below, for legal work towards the following application(s):

**100 S. WASHINGTON AVENUE (PRISM & KHOVNANIAN [split])**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u>   |
|-------------|--------------------|-----------------------|-----------------|
| 70145       |                    | Professional Services | \$2,434.90      |
| 71893       |                    | Professional Services | <u>2,553.09</u> |
|             |                    |                       | \$4,987.99      |

**528 NORTH AVENUE (KATZ)**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u>   |
|-------------|--------------------|-----------------------|-----------------|
| 71894       |                    | Professional Services | \$357.00        |
| 70149       | PB000247           | Professional Services | <u>\$132.00</u> |
|             |                    |                       | \$489.00        |

**745 BOUND BROOK ROAD**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u> |
|-------------|--------------------|-----------------------|---------------|
| 71895       |                    | Professional Services | \$225.00      |

**02-07-2022: #25**

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

The Treasurer is hereby authorized to issue checks to CME Associates, from the Dunellen Planning Board Escrow Account(s) listed below, for legal work towards the following application(s):

**SOUTH SIDE TRAIN STATION PARKING LOT & LIBRARY**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u> | <u>Amount</u> |
|-------------|--------------------|----------------|---------------|
| 292765      |                    | Engineering    | \$686.00      |
| 296615      |                    | Engineering    | <u>358.00</u> |
|             |                    |                | \$1,044.00    |

**545 FOURTH STREET (SWITZER)**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>               | <u>Amount</u>   |
|-------------|--------------------|------------------------------|-----------------|
| 296614      | PB000251           | Resolution Compliance Review | \$268.50        |
| 295348      | PB000251           | Engineering                  | \$179.00        |
| 293642      | PB000248           | Engineering                  | <u>\$714.75</u> |
|             |                    |                              | \$1,162.25      |

**150 NORTH AVENUE (COMMUNIPAW)**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>               | <u>Amount</u> |
|-------------|--------------------|------------------------------|---------------|
| 297879      |                    | Resolution Compliance Review | \$276.00      |

**216-34 NORTH AVENUE (VILLANI)**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>               | <u>Amount</u> |
|-------------|--------------------|------------------------------|---------------|
| 297880      | PB000260           | Resolution Compliance Review | \$184.00      |

**745 BOUND BROOK ROAD (SRV)**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>               | <u>Amount</u>   |
|-------------|--------------------|------------------------------|-----------------|
| 297881      | PE000099           | Resolution Compliance Review | \$230.00        |
| 295349      | PE000097           | Engineering                  | <u>\$268.50</u> |
|             |                    |                              | \$498.50        |

**ADVANCE AUTO PARTS**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>           | <u>Amount</u> |
|-------------|--------------------|--------------------------|---------------|
| 293641      |                    | Construction Observation | \$179.00      |

**528 NORTH AVENUE**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>               | <u>Amount</u> |
|-------------|--------------------|------------------------------|---------------|
| 295347      | PB000252           | Resolution Compliance Review | \$134.25      |

**BRUDNER REDEVELOPMENT (FORCE MAIN)**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u> | <u>Amount</u>     |
|-------------|--------------------|----------------|-------------------|
| 296616      | PE000094           | Engineering    | \$2,790.95        |
| 295350      | PE000094           | Engineering    | \$4,075.50        |
| 297882      | PE000100           | Engineering    | <u>\$8,532.50</u> |
|             |                    |                | \$15,398.95       |

**100 SOUTH WASHINGTON AVENUE (PRISM ASSOCIATES)**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>   | <u>Amount</u>     |
|-------------|--------------------|------------------|-------------------|
| 297883      | PE000101           | Engineering      | \$3,124.50        |
| 295351      | PE000095           | Site Observation | <u>\$3,236.00</u> |
|             |                    |                  | \$6,360.50        |

**100 SOUTH WASHINGTON AVENUE (KHOVNANIAN)**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u>     |
|-------------|--------------------|-----------------------|-------------------|
| 297883      | PE000086           | Professional Services | \$7,296.50        |
| 297884      | PE000102           | Engineering           | \$6,355.00        |
| 295352      | PE000096           | Site Observation      | \$4,514.00        |
| 296617      | PE000096           | Site Observation      | <u>\$2,712.50</u> |
|             |                    |                       | \$20,879.00       |

**390 NORTH AVENUE**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u>     |
|-------------|--------------------|-----------------------|-------------------|
| 285032      | PB000253           | Professional Services | \$626.00          |
| 286833      | PB000253           | Professional Services | \$356.50          |
| 289875      | PB000253           | Professional Services | \$134.25          |
| 288573      | PB000253           | Professional Services | <u>\$1,190.50</u> |
|             |                    |                       | \$2,307.25        |

**02-07-2022: #26**

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

The Treasurer is hereby authorized to issue checks to NW Financial Group, LLC, from the Dunellen Planning Board Escrow Account(s) listed below, for legal work towards the following application(s):

**150 NORTH AVENUE**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u> |
|-------------|--------------------|-----------------------|---------------|
| 28602       | PE000093           | Professional Services | \$380.00      |

**02-07-2022: #27**

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

The Treasurer is hereby authorized to issue checks to John E. Bruder, from the Dunellen Planning Board Escrow Account(s) listed below, for legal work towards the following application(s):

**216 – 234 NORTH AVENUE**

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u>        | <u>Amount</u> |
|-------------|--------------------|-----------------------|---------------|
| NO #        | PB000255           | Professional Services | \$7.38        |

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

\_\_\_\_\_  
Reports:

Mr. VanDermark: 1) the Recreation Basketball program started on January 22, after a two-week delayed start, due to the School being remote in early January. There was a great turnout, and he

wants to thank the coaches and volunteers. Spring sports baseball, softball, tennis, and Track info/registration will be out within the next few weeks, along with Summer Camp. The Recreation commission will be laying out the 2022 Recreation Program events in their upcoming meeting on February 14<sup>th</sup>. I will inform everyone of the schedule at the next meeting.

The Annual Senior luncheon that was scheduled for January 30<sup>th</sup> will be rescheduled for a date in May (the date will be confirmed in March, we will keep everyone updated).

Mrs. Rios: 1) The Dunellen Downtown Management Organization celebrated Rome Pizza's 55<sup>th</sup> Anniversary and the Mayor and Council has proclaimed February 5<sup>th</sup> to be Rome Pizza Day; 2) just a few more weeks to enjoy the window scenes on downtown storefronts. They will be cleaned soon; 3) the Municipal Alliance will be starting again with several programs with the School District; 4) the Dunellen Public Library will be having a program with Elijah's Promise. The schedule of events can be found on the Library's Facebook page. There will also be jazz events, virtual story times, a celebration of the Lunar New Year and Black History Month.

Mrs. Albertson: 1) Fire Department -- I attended the Monthly meeting last week. Among the items discussed were bringing back the Street Fair and the possibility of doing other fundraisers. As you can see from the items we approved tonight replacements are being ordered for radios, airpaks, and other necessary items destroyed by the fire. We continue to meet to work on replacement and repairs for the fire trucks, rebuilding the fire house and financing and insurance information. I'd like to remind everyone if there is a fire hydrant in front of your house, please clear around it. There should be a 3 foot clear away zone. Clear snow and ice all around the fire hydrant to allow firefighters to work, clear a path from the hydrant to the street. Thank you, this can save precious time that is needed to put out a fire; 2) Social Media Committee -- Councilman Sigmon and I have been working with Mr. Robins on changes to the Social Media Policy. We are looking into ways to report posts that do not follow the social media policy online rather than calling or emailing the Borough office. Along with Mayor Cilento we have been looking into programs that will help residents engage with the Borough electronically to report issues, fill out forms and find information efficiently. Until that time we have created a Google form, which we hope to have available shortly. We are also looking into whether a social media archiving solution is covered by the software bond; 3) our Borough website has been updated and it is now ADA compliant; 4) Diversity and Inclusion -- we look forward to our next week's meeting with the committee. We will be finalizing our vision, mission, and goals as we begin planning some community events. We hope to have at least 2 programs and 1 fund raising event this year to promote and celebrate the diversity of our community.

Dr. Dunne: 1) Board of Education -- discussion about trying to keep students safe while trying to participate in spring activities. As of January 18<sup>th</sup>: vaccination rates: HS: 55%, LMS: 44%, Faber: 15%. Spring Musical Willy Wonka will be April 7-9 at Dunellen High School. Councilman Paltjon and I met with the BOE President & Vice President to ensure that our lines of communication are open; 2) the Police Committee will be meeting on Tuesday. PD has brought in more revenue in 2021 from road jobs than ever before, but this is causing wear and tear on our vehicles. There are currently 3 vehicles out; 3) she asked Dr. Robins for an update on the computers. He replied with a status report as of today; 4) she noted the ongoing leak in the Police Department.

Dr. Dunne read the following statement on Black History Month:

I want to thank Mayor and Council for recognizing Black History Month with a proclamation, but I also feel like we've fallen short of the mark of striving towards equity here in Dunellen.

The theme for Black History Month for 2022 is Black Health & Wellness. American healthcare has often underserved the Black & African-American community and as the COVID-19 pandemic has recently shown, there remains a widespread disparity of access to quality healthcare which negatively impacts outcomes for Blacks and other minorities. Perhaps the pandemic is a view into what healthcare looks like for our Black and African-American neighbors. They are 2.5x more likely than whites to be hospitalized from COVID-19 and almost twice as more likely to die as a result. Race and ethnicity are risk markers for other underlying conditions that affect health, including socioeconomic status, access to health care, and exposure to the virus related to occupation, e.g., frontline, essential, and critical infrastructure workers.

We should seek to acknowledge the challenges, both historically and in modern times, where our community has failed to provide equitable access for all our Black and African-American friends and neighbors. Perhaps we should start at the level of representation. Despite African-Americans comprising almost 10% of our population, this is neither reflected in our elected officials nor in our appointments to Committees, Commissions and Task Forces. I would hope that we can acknowledge that representation matters and strive to do better.

Mayor Cilento commented that representation matters, and we are all in agreement on that. As mayor, he is very proud of his record of appointing the most diverse committees, commissions, boards and authorities in history. There is more work to be done, but people also need to apply. He implores people to "step up to the plate" and get involved.

Mayor Cilento also asked for clarification regarding the regular meetings Dr. Dunne would be having with the Board of Education/School District and whether this was the same or in addition to those meeting held in the past? She replied that this was an introductory meeting for herself and Mr. Paltjon. There is nothing structured as of yet, and she will be glad to discuss meeting with him. He understands why the two liaisons would also want to meet with the Board.

Mr. Sigmon: 1) Department of Public Works crews have been maintaining daily cleaning of the downtown and all our Borough Properties and Parks.

- Assisted PSE&G with a large tree on Madison Avenue.

- Removed 4 dead borough trees.

- Tree Trimmed low branches on multiple streets throughout the Borough.

- Salted Borough lots and streets prior to the snow fall on the night of January 16th.

- Plowed and salted the streets and Borough properties from January 28th-29th snow storm.

- Salted the streets on February 4th, when the rain changed over to freezing rain.

- Cleaned out 11 catch basins and also repaired 5 catch basins. The crew will continue to inspect, clean, and repair catch basins throughout the winter.

- Storm Stream clean up on Bache Place, just to touch on this project, this is a project that Mayor Cilento met and discussed with Alex Miller on trying to improve our water flow

with our streams, brooks, and culverts. Mayor Cilento will explain more in a few minutes.

Mechanic: serviced multiple DPW trucks, for snowplow maintenance.

Also worked on the Police Charger, Cars #503, #505, and #507.

2) the first meeting of the Green Brook Flood Control Commission was filled with positive momentum, fueled by the recent investment of \$496,000,000 which could result in an earlier completion than previously estimated. He and Councilwoman Albertson will provide more specific details as they become available.

Dr. Dunne asked about matching funds? Mr. Sigmon thought they might now have sufficient funds. Mayor Cilento publicly thanked Congresswoman Bonnie Watson Coleman for assisting with the funding. He has sent a thank you letter, and he appreciates all the efforts by councilpersons and mayors.

Mr. Paltjon:

- 1) Buildings and Grounds Report: we are in the process of putting together a report for 2022. This report will be based off of our 2021 report along with following up on issues and concerns from the past few years. As we go through this list, we are setting them up in categories based on priority and repairs that need to be addressed as soon possible before they create additional issues and/or further expensive repair; 2) Board of Education Report: as Councilmember Jess mentioned in her report, we had a Virtual Meeting with BOE President Dr. Gendrano and Vice President Mrs. Howard. We are looking to bring back these types of meetings that were initiated prior to Covid, in which we can have a rotation of both Borough Council and Board Members with the Mayor and Board of Education President acting as constants for each meeting. At the Board of Education meeting on Tuesday February 1<sup>st</sup>, it was great to see the mayor and some fellow Council Members in attendance. Superintendent Mosley gave a Big Thanks to the Thompson Family for their instrument donations to the Music Department. He also gave a detailed report of the results from the Start Strong Test results. The BOE has awarded a bid to McCauley Construction Company for DHS renovations and alterations, and they have hired an agency to assist them in finding a replacement for Superintendent Mosley; 3) PARSA Report: PARSA will be videoing our Sewer Lines of all the Streets that will be paved this year from either American Water Projects, PSE&G Projects, County Mill & Pave and DOT Projects. One of the first streets that will be videoed will be Kline Place. I will keep everyone posted as to their reports and any updates as to which streets that they will be doing next.

Mayor Cilento:

He thanked the Police Department for issuing summonses to vehicles parked on streets during snowstorms. These vehicles prevent the DPW from effectively cleaning/plowing the streets.

There were also over thirty summonses for failure to remove snow from sidewalks.

Future Council meeting will have discussions on vehicle repairs in driveways and on downtown murals (this by the Bloustein School at Rutgers).

Fire Department timeline: we will have a better understanding of the timeline once the asbestos abatement is completed.

People have questions on the recent tax assessments. His February “Message from the Mayor” will address many of these concerns. We are in a 5-year program to bring 100% of the town into fair market value. The goal is to have all people pay their fair share of taxes.

Covid-19 Update:

Since my last report on 1/10/2022, we have been made aware of 294 more new cases added to Dunellen’s cumulative total of 1,757 since March 2020; six of these new cases have been within the last 24 hours. Dunellen’s cumulative death total is fifteen.

Dunellen and Middlesex County’s cumulative totals can be found at [www.discovermiddlesex.com/total-cumulative-cases/](http://www.discovermiddlesex.com/total-cumulative-cases/)

COVID-19 Vaccination Statistics from New Jersey Dashboard ([https://www.nj.gov/health/cd/topics/covid2019\\_dashboard.shtml](https://www.nj.gov/health/cd/topics/covid2019_dashboard.shtml)):

**At Least One Dose**  
**Dunellen Borough**  
Middlesex County

|                |     |
|----------------|-----|
| All Ages:      | 73% |
| 12 through 17: | 70% |
| 12 and over:   | 86% |
| 18 and over:   | 87% |
| 30 and over:   | 88% |
| 65 and over:   | 97% |

**Vaccine Courses Complete**  
**Dunellen Borough**  
Middlesex County

|                |     |
|----------------|-----|
| All Ages:      | 63% |
| 12 through 17: | 61% |
| 12 and over:   | 74% |
| 18 and over:   | 75% |
| 30 and over:   | 77% |
| 65 and over:   | 86% |

New Jersey COVID-19 Information Hub at: [www.covid19.nj.gov](http://www.covid19.nj.gov).



The Borough of Dunellen hosted a COVID-19 testing clinic on January 20<sup>th</sup>. There were 83 participants who took tests and 14.5% of these individuals tested positive. These numbers not only reflect Dunellen residents but also residents of Middlesex County as all county residents were able to participate. In addition, the Borough of Dunellen hosted a vaccine clinic on February 2<sup>nd</sup> in which 25 individuals participated. Thank you to Middlesex County, Dunellen Public Library, Dunellen OEM, Alex Miller and Council President Trina Rios for assisting me the day of to ensure the clinics ran smoothly.

If you are in need of assistance due to a mental health crisis because of the impact of COVID-19, please text the crisis line by texting “NJ” to 741741, call the family helpline at 1-800-843-5437 or call the mental health line at 1-866-202-4357.

### **Capital Improvements:**

1. CME Associates is scheduling the Lincoln Avenue Road Improvement bid for late February/early March.
2. South Madison Flashers have been reactivated. CME Associates is coordinating with the manufacturer’s representative as to why the batteries lost their charge.
3. CME Associates is preparing budget numbers for the Kline Place Roadway Improvement project. They will submit once the sanitary sewer has been televised by PARSA.
4. CME Associates is preparing budget figures for sanitary sewer improvements on Pulaski Street and Railroad Avenue.
5. Middlesex County will be conducting asphalt core testing this week for the roads we applied for in the county mill and pave program.

### **New Jersey American Water Project:**

NJAW is investing 5+ million dollars in their 2022 Borough Project. This project will be water main replacements and is currently in its 5<sup>th</sup> week of the project. The NJAW is now replacing the water mains on 4th Street from Third Street to Washington Avenue. (This water main was installed in the 1920’s).

- Note: If NJAW crew is working in front of your driveway and you cannot get in or out, please let one of the crew members know and they will help you get in or out of your driveway.
- Phase one of NJAW Project will include water main replacements, new water services to each home, and fire hydrant replacements. This phase is expected to be completed by the end of April.
- If anyone has any issues with their water in this project, they can contact Mike Rinaldo (Construction inspector 908-205-3471).
- All NJAW information can be found on the Borough website.

### **Storm Stream Cleaning Project:**

In 2021, I met with our DPW Manager Alex Miller, and we discussed storm water flow in our brooks, streams, and culverts.

In fall of 2021, Alex Miller met with the Middlesex County Mosquito Commission along with the Green Brook and Middlesex DPW to discuss clearing up blockages along the Green Brook Brook. The county took video footage of the brook to identify where we have blockages. Within the next few weeks all four parties involved will meet and put together a plan to clear the blockages.

**Storm Drain Streams:** These are streams in the Borough that are created by catch basins. Throughout the winter our DPW crew will be clearing storm drain streams where they have the ability to access them. They will clear out any decaying vegetation (such as leaves) and deepen/widen the stream where needed to help the water flow. These streams are water drainage run off, not brooks, and therefore we do have the capacity to clean them up a bit. Two weeks ago, the DPW crew worked on the stream off of Bache Place; they excavated about 75% of the stream (that is all they had access to). This will help the water flow on our common rainy day(s).

**Culverts:** Our culverts took on a lot of silt from Hurricane Ida, so we have filed a claim with FEMA to clean out our Culverts. If accepted, this will assist in cleaning these culverts and areas of the brooks leading up to the culverts and help the water flow better. This will create an improved situation for our DPW to better maintain them moving forward. NJDEP regulations limit what we can do in the brooks in terms of widening, etc.

#### **Mayors' Alliance for a Clean Green Brook Watery/LRWP March Clean-up:**

In partnership with the Lower Raritan Watershed Project, the Mayor's Alliance for a Clean Green Brook Waterway will host another clean-up project from 10am-Noon on March 19<sup>th</sup>. The LRWP will be issuing a registration link in the coming days, and we will share it on our website and social media platforms.

#### **MVC Mobile Unit:**

Happy to announce in partnership with New Jersey Motor Vehicle and our Legislative District 22 representatives, Dunellen will be teaming up to host a MVC Mobile Unit again at the Dunellen Train Station on Thursday, March 24<sup>th</sup> from 10AM -12PM, and Tuesday, August 23<sup>rd</sup> from 10AM – 12PM. Thanks to my good friend Assemblywoman Linda Carter for working with my office to set these events up. These events are good for constituent services and for bringing State agencies to our municipality.

#### **NJDOT Transit Village Grant for the Washington Avenue Beautification Improvements Project:**

The Borough of Dunellen has successfully applied for a New Jersey Department of Transportation FY 2022 Transit Village Grant. The borough will receive \$255,000.00 for the addition of decorative light poles, extending the existing light poles further along North Washington Avenue between Front Street and First Street and along South Washington Avenue from North Avenue to Columbia Street.

He noted that the Transit Village grants are possible because in 2012 we were designated a Transit Village. Much credit for bringing this about goes to former Council President Kenneth Baudendistel and Mayor Seader.

Fire Chief Jonathan Scott thanked Mayor and Council and support personnel for their efforts in attending to the aftermath of the Fire House fire.

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Public Comment

Homer Mosley, 113 Pearl Place, brought to Council attention two large trucks parked on the street in his neighborhood and asked that they be looked into. Lt. Beenders asked if Mr. Mosley had called Dispatch. Mr. VanDermark has already spoken to one of the owners.

Crystal Lantz, 398 South Madison Avenue, expressed a concern about traffic safety at the intersection of Walnut Street and South Madison Avenue. She has noted that during Faber School drop-off times, cars going west on South Madison Avenue and turning right onto Walnut Street are often backed-up. Vehicles back in that line will go into the opposite lane and cut forward to pass the other waiting cars. This is a dangerous situation. She recommends a four-way stop at this intersection. Mayor Cilento thanked her for her concern and informed her of the Mayor's Traffic and Safety Taskforce and invited her to become a part of it.

Nikesh Patel, 245 Third Street: 1) thanked the Mayor and Council for trying to control the COVID-19 outbreak by hosting clinics and through virtual meetings. He asked for additional materials on the website including resources that combat misinformation; 2) he believes we have made great advances with diversity and inclusion, especially since Mayor Cilento has taken office. However, he asks what we are doing about municipal departments and noted that the Police Department is entirely middle-aged white male. He asked about statistics regarding applications. Mayor Cilento replied that he believes there are three minorities on the force, but he does not have those statistics on applications. Dr. Dunne commented that she has had conversations with Chief Smith about increasing diversity in the Dunellen Police Department. There are a number of challenges with recruiting such as no separate locker room for female officers. Mr. VanDermark noted that there are arrangements that could be made regarding locker room facilities. He would like it part of the agenda for future Police Committee meetings.

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

**02-07-2022: #28**

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

The Dunellen Borough Council Meeting of February 7, 2022 is adjourned.

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

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

<https://www.youtube.com/watch?v=y6hUt1UoNhI>