

January 13, 2020

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on January 13, 2020.

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, Kenneth Bayer, April Burke, Trina Rios, Daniel Sigmon and Stacy Narvesen

Absent: Jessica Dunne

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On the motion of Mrs. Burke and seconded by Mrs. Narvesen it was moved to accept the Minutes of December 16, 2019:

Yes: Bayer, Burke and Narvesen

Abstain: Rios and Sigmon, not yet being on the Council

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On the motion of Mrs. Narvesen and seconded by Mrs. Burke it was moved to accept the Minutes of January 1, 2020:

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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At this point, a Proclamation Celebrating Arbor Day in April 2020 was read:

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and  
Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and  
Whereas, Arbor Day is now observed throughout the nation and the world, and  
Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and  
Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and  
Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and  
Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Jason F. Cilento, Mayor of the City of Dunellen, NJ, do hereby proclaim Friday, April 24, 2020, as Arbor Day in the City of Dunellen, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 13<sup>th</sup> day of January, 2020  
Mayor Jason F. Cilento

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

**ORDINANCE 2020-01**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 45 OF THE  
CODE OF THE BOROUGH OF DUNELLEN ENTITLED “OFFICERS AND  
EMPLOYEES”**

**Chapter 45  
OFFICERS AND EMPLOYEES  
ARTICLE VI  
DEPUTY MUNICIPAL CLERK**

**Section 45-24. Position Created.**

There is hereby established the office of Deputy Municipal Clerk for the Borough of Dunellen.

**Section 45-25. Term of Appointment.**

The Deputy Municipal Clerk shall be appointed for a term of one year commencing January 1 and terminating December 31 in each year or the unexpired portion thereof.

**Section 45-26. Powers and Duties of the Deputy Municipal Clerk.**

The Deputy Municipal Clerk shall perform the duties and functions as set forth in N.J.S.A. 40A:9-133(e) and such other duties as may be assigned by the Municipal Clerk. During the absence or disability of the Municipal Clerk, the Deputy Municipal Clerk shall have all the powers of the Municipal Clerk and shall perform the functions and duties of such office.

**Section 45-27. Compensation.**

The compensation to be paid to the Deputy Municipal Clerk shall be as the Governing Body from time to time provide for in the annual salary Ordinance and implementing Resolution.

**Section 45-28. Severability.**

If any section, subsection, paragraph, sentence, clause, phrase, or word contained in this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect and to this end the provisions of this ordinance are hereby declared to be severable.

**Section 45-29. Repealer.**

All other ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 45-30. Effective Date.**

This ordinance shall take effect upon passage and publication as required by law.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**ORDINANCE 2020-02**

**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 January 13, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Council Chambers, in the Borough on February 3, 2020 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$640,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$608,000 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 vehicles and equipment, including, but not limited to, a sport utility vehicle, lights and a crime reporting system and further including all related costs and expenditures incidental thereto.	\$51,000	\$48,450	5 years

<p>b) Various improvements, including, but not limited to, repairs to the Old Dispatch Office, including furniture, carpets, painting and file cabinets, and the acquisition of furniture for the Police Department, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.</p>	\$8,000	\$7,600	5 years
<p>c) The acquisition of equipment, including, but not limited to, traffic speed signs, tasers and an alcotest machine and further including all related costs and expenditures incidental thereto.</p>	\$46,000	\$43,700	10 years
<p>d) The acquisition of vehicles, including, but not limited to, a roll-off truck and dump truck and further including all related costs and expenditures incidental thereto.</p>	\$220,000	\$209,000	5 years
<p>e) The acquisition of equipment, including, but not limited to, a line striper, ballfield groomer and lawnmowers and further including all related costs and expenditures incidental thereto.</p>	\$47,000	\$44,650	15 years
<p>f) The acquisition of equipment, including, but not limited to, an electronic sign and further including all</p>	\$12,000	\$11,400	10 years

related costs and expenditures incidental thereto.

g) Various improvements, including, but not limited to, repairs to the roof at the Fire Department and further including all work and materials necessary therefor and incidental thereto.

\$16,000

\$15,200

15 years

h) The acquisition of information technology equipment, including, but not limited to, computers, peripherals and software and further including all related costs and expenditures incidental thereto.

\$102,000

\$96,900

5 years

i) Various improvements, including, but not limited to, the acquisition of an electronic sign in Washington Park and striping of parking spaces and crosswalks near Washington Park, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

\$22,000

\$20,900

10 years

j) The acquisition of equipment, including, but not limited to, a shed for storage of documents and bleachers and further including all related costs and expenditures incidental thereto.

\$18,000

\$17,100

15 years

k) Various improvements, including, but not limited to, improvements to the roof and gutters at the library and further including all work and materials necessary therefor and incidental thereto.	\$44,000	\$41,800	15 years
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l) Various improvements, including, but not limited to, paving of the firehouse parking lot and replacement of a retaining wall and further including all work and materials necessary therefor and incidental thereto.	<u>\$54,000</u>	<u>\$51,300</u>	10 years
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TOTAL:	<u>\$640,000</u>	<u>\$608,000</u>	
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Appropriation: \$640,000  
 Bonds/Notes Authorized: \$608,000  
 Grants Appropriated: N/A  
 Section 20 Costs: \$30,000  
 Useful Life: 8 years

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**ORDINANCE 2020-03**

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 January 13, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Council Chambers, in the Borough on February 3, 2020 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the

general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO SOUTH MADISON AVENUE IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$363,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose: Improvements to South Madison Avenue, including, but not limited to, asphalt pavement milling, concrete milling, concrete base repairs, removal and replacement of curbs, construction of ADA curb ramps, casting adjustments to grade, traffic stripes and markings and the construction of hot mix asphalt surface and leveler course, including all work and materials necessary therefor and incidental thereto and further including all permit, design and other costs and expenditures incidental thereto

Appropriation: \$800,000

Bonds/Notes Authorized: \$363,000

Grant Appropriated: A grant in the amount of \$583,316 from the State of New Jersey Department of Transportation

Section 20 Costs: \$120,000

Useful Life: 10 years

Mayor Cilento inquired as to the timeline for this project. Mr. Robins indicated that it could be Summer 2020.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #1**

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

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

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #2**

**A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION PILOT REDEVELOPMENT BONDS OF THE BOROUGH OF DUNELLEN IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 (ARTCOLOR PROJECT)**

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

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

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

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

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

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

**WHEREAS**, pursuant to Resolution 05-01-2017: #5 adopted on May 1, 2017 (“**Resolution 05-01-2017: #5**”), the Borough and the Entity entered into that certain Redevelopment Agreement, dated as of July 13, 2017 by and between the Borough and the Entity (as amended by that certain First Amendment to Redevelopment Agreement dated as of August 5, 2019 and as the same may be further amended from time to time, the “**Redevelopment Agreement**”), which Redevelopment



Agreement provides for, *inter alia*, a mixed-use redevelopment project at the Redevelopment Area consisting of 10,000 to 15,000 square feet of retail/commercial space, 252 rental housing units, of which 194 will be market-rate rental housing units and 58 will be low-income and moderate-income housing units, and 130 fee-simple, for-sale residential units, as well as infrastructure improvements and related remediation (collectively, and as more fully set forth in the Redevelopment Agreement, the “**Project**”), which Project is consistent with the Redevelopment Plan; and

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

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

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

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

**WHEREAS**, in order to assist in financing a portion of the costs of the Project, the Borough has determined to issue the Bonds to finance a portion of the costs of the Project in accordance with the terms and provisions of the Indenture of Trust (as defined herein), the First Supplemental Indenture (as defined herein), this resolution, the Financial Agreement and the Pledge Agreement (as defined herein); and

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

**WHEREAS**, to defray some of the costs of the Project thereby making the Project viable, the Borough will issue the hereinafter defined Bonds in one or more series, on a tax-exempt and/or

federally taxable basis in an aggregate principal amount not to exceed \$10,000,000 pursuant to the Bond Financing Law; and

**WHEREAS**, (i) pursuant to the Financial Agreement, the Entity will pay to the Borough the Annual Service Charge and (ii) pursuant to a Pledge and Assignment Agreement (the “**Pledge Agreement**”), between the Borough and the Trustee named in the hereinafter defined Indenture (the “**Trustee**”), the Borough will assign all of its right, title and interest in and to the Pledged Annual Service Charge to the Trustee; and

**WHEREAS**, the Borough, in furtherance of the purposes of the Redevelopment Law and the Bond Financing Law and to assist in financing the cost of the Project, proposes to issue its Special Obligation PILOT Redevelopment Bonds (Art Color Project), in one or more series, on a tax-exempt and/or federally taxable basis (the “**Bonds**”), to be secured by a pledge of the Pledged Annual Service Charge payable under the Financial Agreement, pursuant to an Indenture of Trust by and between the Borough and the Trustee (the “**Indenture of Trust**”) and a First Supplemental Indenture of Trust by and between the Borough and the Trustee (as the same may be amended and supplemented from time to time, the “**First Supplemental Indenture**” and, together with the Indenture of Trust, the “**Indenture**”), which pledge and assignment are hereby declared to further secure the payment of the principal of and interest on the Bonds; and

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

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

**WHEREAS**, in order to perfect the designation of the Redevelopment Area to include Lot 2, the Borough authorized and directed the Borough Planning Board to conduct an investigation to determine whether Lot 2 qualifies for designation as an area in need of non-condemnation redevelopment pursuant to the Redevelopment Law; and

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

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

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

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

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

**Section 1. Determination to Issue.** To accomplish the purposes and objectives of the Redevelopment Law and the Bond Financing Law, the Borough hereby determines to finance the Project. In order to finance the Project, the Bonds are hereby authorized to be issued in the aggregate principal amount not to exceed \$10,000,000. The Bonds shall be issued in one or more series, on a tax-exempt and/or taxable basis. The Bonds shall bear interest at a rate or rates per annum set forth in the Indenture and will be payable on the interest payment dates set forth in the Indenture, through maturity or prior redemption. The Bonds shall be dated their date of delivery. The Bonds shall be issued in the form, shall mature, shall be subject to redemption prior to maturity and shall have such other details and provisions as are prescribed by the Indenture.

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

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

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

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

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

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

**Section 7. Incidental Action.** The Authorized Officers are hereby authorized to execute and deliver such other papers, instruments, certificates, opinions, affidavits, documents and agreements, and to take such other action as may be necessary or appropriate in order to carry out the purposes of this resolution, including effectuating the execution and delivery of the Indenture, the Contract of Purchase, and the Pledge Agreement and the issuance and sale of the Bonds, all in accordance with the foregoing sections hereof. The Authorized Officers are hereby authorized to appoint a Trustee for the Bonds.

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

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

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #3**

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

WHEREAS, Keith Irons has successfully completed his one-year probationary period in the Dunellen Police Department.

NOW, THEREFORE, BE IT RESOLVED, that Keith Irons is appointed as a full-time member of the Dunellen Police Department as of December 3, 2019, salary as determined by the current PBA contract.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #4**

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

WHEREAS, Patrick Barry has successfully completed his one-year probationary period in the Dunellen Police Department.

NOW, THEREFORE, BE IT RESOLVED, that Patrick Barry is appointed as a full-time member of the Dunellen Police Department as of January 1, 2020, salary as determined by the current PBA contract.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #5**

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

The salary for Michael Rossi, Dunellen Plumbing Subcode Officer, is set at \$12,470 for 2020, effective January 1, 2020.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #6**

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

Travis Lamberson is hired as Dunellen Fire Subcode Officer, effective January 1, 2020, at a salary of \$8,000.00.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #7**

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

John McManus is hired as Dunellen Electrical Subcode Officer, effective January 1, 2020, at a salary of \$10,000.00.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #8**

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

Michael Mullin is hired as Dunellen Zoning Officer, effective January 1, 2020, at a salary of \$8,000.00.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #9**

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

Daniel Cole Sigmon and Roger Dornbierer are appointed as Dunellen Borough liaisons to the Middlesex County Housing & Community Development Agency.

Mr. Robins noted that two representatives from the borough are appointed as part of our Application for the 2020 Community Development Block Grant.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #10**

**RESOLUTION APPROVING THE AWARD OF  
RISK MANAGEMENT CONSULTANT CONTRACT**

**WHEREAS**, the Borough of Dunellen has joined the Central Jersey Joint Insurance Fund, following a detailed analysis; and

**WHEREAS**, the bylaws of said Funds require that each Governing Body appoint a Risk Management Consultant to perform various professional services as detailed in the bylaws; and

**WHEREAS**, the Board of Fund Commissioners established a fee equal to six percent (6%) of the Municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Governing Body; and

**WHEREAS**, Acrisure, LLC., (“Risk Management Consultant”) is qualified to provide the various professional Risk Management services as detailed in the bylaws and its response was deemed the most advantageous to the Borough, price and other factors considered; and

**NOW THEREFORE**, be it resolved that the Borough of Dunellen does hereby appoint Acrisure, LLC., as its Risk Management Consultant in accordance with the Fund's bylaws, effective January 1, 2020; and

**BE IT FURTHER** resolved that the Governing Body is hereby authorized and directed to execute the Risk Management Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A:11-5 (1) (a) (i).

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #11**

Borough of Dunellen

Resolution: Authorizing a request to extend NJDOT FY 2018 Municipal Aid Grant – Grove Street

WHEREAS, that the Borough of Dunellen is the recipient of the FY 2018 Municipal Aid grant in the amount of \$225,000.00 for the Grove Street rehabilitation project pursuant to a letter dated April 30, 2018, and

WHEREAS, due to the mitigating circumstances mentioned in the attached letter(s) from the Borough Engineer, there is a need to respectfully request an extension of time to award the construction contract.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the borough hereby officially requests an extension of time for the award of the construction contract.

**Mayor Cilento inquired how long the extension will be. Mr. Robins replied probably for one-year and that CME is actively investigating the problems attendant to the sewer under Grove Street/Gertrude Terrace and are developing plans to remedy.**

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #12**

RESOLUTION OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-20 IN THE AMOUNT OF \$50,000 TO FUND SEWER MAIN REPAIRS ON WEST 4<sup>TH</sup> STREET

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. The Borough of Dunellen, in the County of Middlesex, New Jersey (the "Borough") hereby authorizes and approves an emergency temporary appropriation pursuant to N.J.S.A. 40A:4-20 in the amount of \$50,000 to fund sewer main repairs on West 4<sup>th</sup> Street, including all work and materials necessary therefor and incidental thereto.

Section 2. The emergency temporary appropriation provided for herein is necessary in order to meet a pressing need for public expenditures to protect or promote the public health, safety, morals or welfare of the inhabitants of the Borough.

Section 3. As required by N.J.S.A. 40A:4-20, the chief financial officer of the Borough shall send a certified copy of this resolution to the Director of the Division of Local Government Services.



Section 4. The emergency temporary appropriation shall be provided for by adoption of a bond ordinance prior to the adoption of the 2020 Borough budget, and if not so adopted, by provision in the 2020 Borough budget.

Section 5. This resolution shall take effect immediately.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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

**01-13-2020: #12-A**

**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 sewer main repair on West Fourth Street; and

WHEREAS, this sewer repair, if left unattended, would have affected the public health, safety and welfare of the residents of Dunellen; and

WHEREAS, the nature of this emergency rendered 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 to Sewer Repair for repair of the broken sewer main on West Fourth Street; and

BE IT FURTHER RESOLVED, that P&A Construction, Inc., be awarded a contract to repair the broken sewer main, at a cost not to exceed \$41,806.86.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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CONSENT AGENDA:

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

**01-13-2020: #13**

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

The Municipal Clerk is hereby authorized to issue a Limousine License for CY 2020 to:

Ambitrans, LLC.  
634 Bound Brook Road  
Dunellen, NJ

All fees and requirements of said license have been met.

**01-13-2020: #14**

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

The following establishments be issued an Amusement Games License by the Municipal Clerk as they have met the requirements and paid the proper fee:

American Legion Post #119  
Columbian Club of Dunellen  
Avellino's Italian Restaurant  
Eight on the Break  
Maggie Murray's Pub House  
Columbian Club  
N. Avenue Liquors  
Veterans of Foreign Wars  
Zupko's Tavern

**01-13-2020: #15**

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

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

WHEREAS, the cost of this service for 6 laptop computers is \$40.00 each per month, for a total yearly amount of \$2,880.00; and

WHEREAS, by Resolution 09-25-2006: #10, this contract was extended through June 30, 2008; and  
WHEREAS, by Resolution 11-03-2008: #7, this contract was extended through June 30, 2009; and  
WHEREAS, by Resolution 07-06-2009: #9, this contract was extended through June 30, 2010; and  
WHEREAS, by Resolution 09-07-2010: #7, this contract was extended through December 31, 2010; and  
WHEREAS, by Resolution 01-10-2011: #5, this contract was extended through December 31, 2011; and  
WHEREAS, by Resolution 02-06-2012: #7, this contract was extended through December 31, 2012; and  
WHEREAS, by Resolution 02-04-2013: #15, this contract was extended through December 31, 2013; and  
WHEREAS, by Resolution 02-03-2014: #16, this contract was extended through December 31, 2014; and  
WHEREAS, by Resolution 02-02-2015: #12, this contract was extended through December 31, 2015; and  
WHEREAS, by Resolution 01-11-2016: #3, this contract was extended through December 31, 2016; and  
WHEREAS, by Resolution 01-09-2017: \$3, this contract was extended through December 31, 2017; and  
WHEREAS, by Resolution 01-22-2018: #2, this contract was extended through December 31, 2018; and  
WHEREAS, by Resolution 01-14-2019: #3, this contract was extended through December 31, 2019; and

WHEREAS, it is advisable and necessary to extend that time period until December 31, 2020, with the cost of this service for 6 laptop computers being \$40.00 each month, and for a term from January 1, 2020 to December 31, 2020, for an amount not to exceed \$2,880.00 plus \$100.00 over usage for a total of \$2,980.00 per year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the agreement entered in to by Resolution 09-12-2005: #14 be extended to December 31, 2020 at an amount not to exceed \$2,980.00.

This appropriation is to be charged to Account #9-01-25-240-000-202

**01-13-2020: #16**

WHEREAS, the following properties were sold in tax sale on December 17, 2019; and

WHEREAS, the mortgage banks and or taxpayers have tendered funds to stay out of the tax sale on December 17, 2019; and

WHEREAS, said action took place within 10 days of the tax sale and the tax sale certificates were not executed.

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

That the proper borough officers be and they are hereby authorized and directed to refund the following:

<b>Block</b>	<b>Lot</b>	<b>Name</b>	<b>Amount</b>
76	16	Herrera, Luis & Pereyra, Livardo 135 New Market Rd	
		<b>Total Amount to be Refunded</b>	\$1,308.12
		Check payable and Mail to: US Bank Cust for Pro Cap 8 US Bank Corp Trust – TLSG 50 South 16 <sup>th</sup> St. Suite#2050 Philadelphia PA 19102	

**01-13-2020: #17**

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

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

The Treasurer is hereby authorized to issue the following checks to NW Financial Group, LLC., from the “528 North Avenue, LLC” Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the account:

<u>NW Financial Group Invoice Number</u>	<u>Invoice Date</u>	<u>Amount</u>
26189	Nov./Dec. 2019	\$790.00
	Total	<u>\$790.00</u>

**01-13-2020: #18**

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

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

The Treasurer is hereby authorized to issue the following checks to CME Associates from the “528 North Avenue, LLC.” for engineering work done for the redevelopment.

<u>CME Associates</u>	<u>Amount</u>
0252393	\$253.50
Total:	<u>\$253.50</u>

**01-13-2020: #19**

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

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

The Treasurer is hereby authorized to issue the following checks to CME Associates from the “Galway Properties” Escrow Account for engineering work done for the Dunellen Planning Board:

<u>CME Associates</u>	<u>Amount</u>
0252394	\$773.75
Total:	<u>\$773.75</u>

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

Mayor Cilento asked for a moment of silence for the residents who have been displaced by the recent fires in Bound Brook. He extended a thank you to the emergency services agencies who assisted.

Reports:

Mrs. Rios: no report.

Mrs. Burke: 1) congratulated Patrolmen Barry and Irons on their completion of the probationary period in the Dunellen Police Department; 2) and congratulated the newly installed officers in the Dunellen Fire Department.

Mr. Bayer: no report.

Dr. Dunne: she provided the Municipal Clerk with a report which he read to Council: 1) first, I apologize to the Council and residents for not being able to attend tonight's meeting, but I am traveling for work. I will do my best to mitigate my work travel schedule against the Council meeting dates, but in some instances, like today, it's just not possible. If anyone has any questions or concerns, please contact me directly; 2) there have been some concerns about the current method of reporting potholes. I am looking into a few ways that other municipalities do this, including reporting via the website, and will be discussing with both the DPW and Social Media committees; 3) last week, Mayor Cilento and I attended a Complete Streets Training Course down in Vineland, NJ. As he is there tonight, he will provide a report from the course and how we will plan and implement a Complete Streets Policy here in Dunellen. I look forward to working with him and other members of the community on this exciting program.

Mr. Sigmon: no report.

Mrs. Narvesen: 1) Sunday, January 5<sup>th</sup> was the Annual Senior Party. There were sixty-five seniors attending and the Recreation Commission received many compliments on their assistance as did the Council for its support; 2) Saturday morning Recreation basketball is underway with 74 participants; 3) work in Columbia Park is progressing, though dependent on the cooperation of the weather; 4) the Board of Education met for its reorganization on January 7<sup>th</sup>. Their next meeting is January 28<sup>th</sup> at the High School; 5) the next meeting of the Green Brook Flood Control Commission is on February 5<sup>th</sup> at 7:30 pm in the Green Brook Municipal Building.

Mayor Cilento: 1) first, myself and other borough officials will be meeting with Green Brook Mayor Patrick Boccio and some of his officials, including their Business Administrator, on February 11th to discuss potential shared services. Topics of discussion on the matter are still

premature at this time and I will be consulting with Council following the meeting. Also, we will be meeting with School District over the coming weeks to finalize a comprehensive shared service agreement for parks and facilities. I will be reporting back to the Council once there is a more finalized plan; 2) regarding our Capital Projects and Infrastructure improvements, I had an initial meeting with the borough engineers, CME, about topics ranging from infrastructure, parks and redevelopment. Some of the updates on the parks: 1. Columbia Park Synthetic Turf Field Improvements, Construction Status: a. Preparation of liner, underdrains and stone for Turf field approximately 75% complete; b. Liner, stone, underdrains and Hot Mix Asphalt surface completed for high jump area; c. Storm drain pipe installed under the track to discharge manhole and the main drainage header pipe encircling the field complete; d. Installation of embedded equipment for the long jump and pole vault events in progress. As to the schedule, the Contractor anticipates working through the Winter, subject to the weather not being too severe, with completion of the turf field by mid-March and replacement of the track surface in March or April as permitted by weather conditions. 2. We went over the West 4<sup>th</sup> Street Sewer issue. Saw cutting of road is scheduled for Tuesday, 1/14 and improvements will begin on Wednesday, 1/15, weather permitting. 3. Railroad Avenue Sewer issue, CME plans to meet with NJ Transit on Tuesday, 1/14, to discuss the project. 4. Washington Avenue and North Avenue Streetscape Projects, improvements are complete and we are proceeding with project closeouts. We also discussed the Grove Street Road Improvement project as well as the South Madison Avenue Roadway Improvements project. 5. As to the Art Color Redevelopment, a meeting is tentatively scheduled for Friday 1/17 with the applicant's utility engineer to discuss the remaining issues with the pump station and force main designs. We understand the site plans will be re-submitted within the next two weeks for resolution compliance review.

On the streetscape project and light poles, six (6) lights are currently burnt out, or otherwise not working, within the Streetscape jobs. PSEG has advised these will be fixed by Wednesday. Further, one light on North Avenue has been taken out completely by a truck. PSEG was made aware of this incident weeks ago and say the repair materials will be in stock soon. They do not have a schedule as of today. I plan to hold a comprehensive meeting with CME, our auditors, the CFO, and Borough Administrator on a road/sewer/sidewalk program so the town can be better positioned on fixing sewers and sidewalks as we work on road improvement projects. We need to understand the total impact financially on the borough and how we can create a plan that doesn't strain the taxpayer, but also seeks to fix aging sewers, roads and sidewalks.

On another front, Councilwoman Jessica Dunne and I attended a NJDOT Complete Streets seminar on Thursday, January 9<sup>th</sup> in Vineland, NJ. It was educational in explaining what a complete street design is and its benefits to a town. Also discussed the Complete Streets Guidelines and Policies the borough may consider adopting and over time implementing. Some of the questions I am seeking answers to are: as we plan the South Madison Avenue Roadway Improvement project, are we able to ask CME to consider adding into the project inexpensive traffic calming measures? I am also requesting that as we do South Madison Avenue, and are working with Middlesex County on the South Madison Avenue Culvert project near the Firehouse, can we look at the retaining wall by fire house and also repaving the fire house parking lot?

A topic that greatly interests me is the Mayor's Traffic and Pedestrian Safety Task Force. I will be asking the Council to provide consent for this task force so they could study and advise the Mayor & Borough Council about the Complete Streets program and if it is a viable option for seeking funds to enhance pedestrian safety in Dunellen. I will be seeking consent on this task force for the February 3<sup>rd</sup> Council meeting. I will request two council members assist me on this and ask

if they could reach out to me via email about their interest. I'll select members of the public and other municipal agencies such as school district, planning board and police to assist in the task force.

An update on the Cablevision/Altice Franchise Agreement: We are placing pressure on Altice to finalize negotiation on the franchise agreement. I have been informed that they are waiting on Trenton before they can move forward. So, once that begins to move forward again, I will update the Borough Council. There is an assumption that the franchise agreement is an exclusive one, meaning that Cablevision is the only provider permitted in Dunellen. This is not so. Other Internet providers are welcome to inquire about establishing a presence in Dunellen. To date, none has. Under the Agreement with Altice we hope to receive some monies for equipment and live streaming of Council Meetings.

The Dunellen Arts & Culture Commission has received a \$3,500.00 grant from Middlesex County Arts & History for a summer arts camp and a \$300.00 history grant to take historical photos and digitalize them. DACC met with Tess Hansen – art curator out of Plainfield--about assisting DACC on a public arts strategy – more info to follow. DACC is working with Dunellen High School art students and Larry Roibal for a practicum project in borough hall – murals along the stairway to the Recreation Office and removable paintings for the Council Chambers behind the dais. A copy of the proposed mural is in Councilpersons' packets.

Residents of Park Place have requested that we consider making Park Place a one-way street toward First Street. Former Mayor Seader and I spoke with the residents along that street and they are ecstatic that we are considering this option. It was also requested by the residents if we could place the diagonal parking all the way down towards First Street. I do believe this will ease traffic and parking issues with the church and funeral home.

In other news, former Mayor John Gibney touched up the "Welcome to Dunellen" sign along North Washington Avenue – it was noted that the "125 years" is now outdated. He said he could take them down and add another saying, possibly a sign recognizing our Sister City in Italy, or the phrase "Miracle Mile."

I have an Application for a "Complete Count" grant regarding the 2020 Census. If Council is in agreement, I will work with Bill to make the application and possibly receive some Federal and State monies to assist in the Census undertaking worker training in Dunellen.

I am going to meet with Committees and Commissions or attend their meetings to discuss their missions and their creating obtainable goals. I do believe they should try to formulate a strategy and to try to fulfill it. Though I will be glad to speak with Council-member committees, this is specifically for volunteer committees. I would like to emphasize the importance of social media and we must make sure that all agencies are adhering to the social media policy.

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## **PUBLIC PORTION**

No one from the public spoke.

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

**01-13-2020: #20**

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

The Dunellen Borough Council Meeting of January 13, 2020 is adjourned.

Yes: Bayer, Burke, Narvesen, Rios and Sigmon

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