

July 3, 2023

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

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

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

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

Absent: Joseph Paltjon

On the motion of Mr. Sigmon and seconded by Mrs. Albertson it was moved to accept the Minutes of the Meeting of June 19, 2023.

Yes: Albertson, Dunne, Rios and Sigmon
Abstain: VanDermark (due to his absence)

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

2023-16

**BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX**

**ORDINANCE ADDRESSING PROCEDURES TO THE
DUNELLEN PLANNING BOARD**

The following ordinance was Introduced for first reading on June 19, 2023. It is now being furthered considered for public hearing and adoption on July 3, 2023, at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Copies of this ordinance have been posted on the Municipal Bulletin Board and have been available at the Office of the Borough Clerk for any interested members of the public.

WHEREAS, the Borough of Dunellen currently maintains ordinances in Chapter 115A relating to Land Development within the Borough;

WHEREAS, the Dunellen Planning Board is responsible for hearing and approving land development applications pursuant to the ordinances in Chapter 115A;

WHEREAS, the ordinances in Chapter 115A contain procedures for applicants to submit materials to the Dunellen Planning Board; and

WHEREAS, the Dunellen Planning Board seeks to streamline and simplify the ordinances in Chapter 115A and to allow for electronic submission of application materials.

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

Section 1. Chapter 115A of the General Ordinances, titled “Land Development,” is hereby amended as follows:

Chapter 115A Land Development

§ 115A-2 Purpose.

A. The purpose of this chapter shall be to provide rules, regulations and standards to guide land subdivision and site development in the Borough of Dunellen in order to promote the public health, safety, convenience and general welfare of the municipality. It shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services.

B. It shall also be a purpose of this chapter to ensure that any new development gives due consideration to the physical, visual and spatial characteristics of the existing streetscape, neighborhood and district in which such is located and the Borough generally, and to ensure that the physical, visual and spatial characteristics of any proposed development shall not be so markedly incongruous with the same characteristics of the existing streetscape, neighborhood and district in which such is located, and the Borough generally, so as to materially detract from the real property value of the adjacent or nearby properties.

115A-2.1 Electronic and paper submission of documents.

A. Unless otherwise specifically provided herein, all documents required to be submitted under the Land Development Ordinance shall be submitted electronically in the manner prescribed by the Planning Board Secretary or designee. The prescribed manner shall be set forth on the Borough’s website for public dissemination.

B. One (1) official hard copy, one (1) courtesy hard copy of any new application and any signed and sealed plans shall be submitted to the Planning Board Secretary in addition to electronic submission.

C. The Planning Board Secretary may require hard copies in addition to the requirements contained in Ordinance in his or her discretion.

§ 115A-5 Filing of sketch plat and preliminary or final site plan.

A. General procedures.

(1) Sketch plats and preliminary and final site plans, together with an application, shall be filed with the Zoning Official of the Borough of Dunellen. At the time of filing the application, the developer shall pay all fees and submit the application, maps and other documents in the form and manner required by this chapter and the Board's rules and regulations.

(2) The Board shall review the sketch plat and preliminary or final site plan application, which are filed, with the assistance of the Borough Planner, Borough Engineer, Zoning Official and Board Attorney to make a determination as to whether or not the application is complete. If the application is determined to be complete, the Administrative Officer shall have the application scheduled for hearing at the next available meeting. The administrative officer shall notify the developer that the application is complete and of the date of the hearing. If the application is incomplete, the applicant shall be notified in writing of the deficiencies in said application. If the application is complete, the developer shall file the required number of copies of plans or maps within the time prescribed by the Board.

(3) The Board shall adopt rules and regulations setting forth the form of application and a checklist with the information necessary to be shown on sketch plats and preliminary final site plans. The requirements for sketch plats and preliminary site plans set forth in the Board's rules and regulations shall not be in conflict with this chapter.

B. Minor subdivisions. The Board or designated Subdivision Committee shall classify the application. If classified as a minor subdivision, the minor subdivision shall be approved or denied within 45 days of the date of submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Failure of the Board to act within the period prescribed may constitute minor subdivision approval, and a certificate of the administrative officer as to the failure of the Board to act may be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement of other evidence of approval herein required and may be so accepted by the county recording officer for purposes of filing subdivision plats.

§ 115A-6 Preliminary and final subdivision plans.

A. Preliminary and final subdivision plans, together with an application, shall be filed with the Zoning Official of the Borough of Dunellen. At the time of filing the application, the developer shall pay all fees and submit the application, maps and other documents in the form and manner required by this chapter.

B. The Board shall review the application and preliminary or final subdivision, which are filed, with the assistance of the Borough Planner, Borough Engineer, Zoning Official and Board Attorney to make a determination as to whether or not the application is complete. If the application is determined to be complete, the Administrative Officer shall have the application scheduled for hearing at the next available meeting. The Administrative Officer shall notify the developer that the application is complete and the date of the hearing. If the application is incomplete, the applicant shall be notified in writing of the deficiencies in said application. If the application is complete, the developer shall file the required number of copies of plans or maps within the time prescribed by the Board.

C. The Board shall adopt rules and regulations setting forth the form of application and a checklist with the information necessary to be shown on sketch plats and preliminary final site plans.

D. The requirements of preliminary and final subdivision plans set forth in the Board's rules and regulations shall not be in conflict with this chapter.

E. The developer shall submit the required number of plans and such other information as is required in § 115A-12 of this chapter and by the rules and regulations of the Board.

§ 115A-8 Submission of final plat or final site plan for major subdivisions.

A. The final plat shall be submitted to the Construction Official for final approval within three years from the date of preliminary approval. The Board shall act upon the completed application for final plat within 45 days after the date of submission for final approval (or 95 days in the case of a subdivision involving more than 10 lots), and a certificate of the administrative officer as to the failure of the Board to act shall be issued on request of the applicant, and it may be sufficient in lieu of the written endorsement or other evidence of approval herein required and may be so accepted by the County Recording Officer for purposes of filing subdivision plats.

B. Whenever review or approval of the application by the County Board is required by applicable law, statute, regulations or ordinance, in the case of a subdivision or a site plan, the municipal Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board in its failure to report thereon within the required time period.

C. An applicant shall submit three translucent reproducible Mylar or equivalent copy, 1 black-on-white print and a copy of the application form to the Board. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications as required by resolution of the Board.

D. The final plat shall be accompanied by a statement by the Borough Engineer that he is in receipt of a map showing all utilities or extensions thereof in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one or both of the following:

- (1) Installed all improvements in accordance with the requirements of these regulations.
- (2) A performance guaranty has been posted with the Borough in sufficient amount to ensure the completion of all required improvements.

E. Upon final approval, copies of the final plat shall be filed by the Board with the following:

- (1) Borough Clerk.

- (2) Borough Engineer.
- (3) Construction Official.
- (4) Tax Assessor.
- (5) County Planning Board.
- (6) Official issuing certificate for approved lots.

F. The final plat, after final approval, shall be filed by the subdivider with the County Recording Officer within 95 days from the date of such approval. If any final plat is not filed within this period, the approval shall expire. The Board may, for good cause, extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat.

G. No plat shall be accepted for filing by the county recording officer unless it has been duly approved by the Board and signed by the Chairman and Secretary of the Board and Borough Engineer.

§ 115A-13 Details of preliminary and final site plans.

A site plan, as herein required, shall be submitted to the Construction Official. The preliminary and final site plans shall be drawn, show or be accompanied by the following:

- A. A minimum scale of 50 feet to the inch, except where otherwise authorized by the Board. All distances shall be in feet and decimals of a foot, and all bearings shall be given to the nearest 10 seconds.
- B. The names of all owners of record of all adjacent properties and any property directly across from any official street and the block and parcel number of the property and a key map showing general location of the site to adjacent properties.
- C. Existing zoning district boundaries, boundaries of the property, setback lines and lines of existing streets, lots, reservations, easements and areas dedicated to public use, where applicable.
- D. A copy of the deed and any covenants or deed restrictions that exist or are intended to cover all or any part of the tract.
- E. Location of existing buildings and all other physical structures, such as walls, fences, culverts, bridges and roadways, with spot elevations of such features. The outline of such structures shall be indicated by a dashed line.
- F. Location of all sanitary and storm drainage structures and utility lines, whether existing or proposed, publicly or privately owned.

G. Existing and proposed contours with intervals of one foot where slopes are 10% or less and five feet where slopes are more than 10%, referred to a datum as required by the Borough Engineer. Control elevations shall be shown.

H. Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant existing features, including flood hazard boundaries.

I. Title, date, North arrow, scale, name and address of record owner and name, address and New Jersey professional license number and seal of the engineer, architect or land surveyor preparing the site development plan, to appear in a box at the lower right-hand corner of the site plan which shall contain the date of revisions.

J. A survey prepared by a surveyor licensed in the State of New Jersey, which survey shall show the boundaries of the parcel and the limits of all proposed streets, easements and any other property to be dedicated to public use, and all existing and proposed monuments.

K. The proposed use or uses of land and buildings and existing and proposed location of buildings and elevations of all proposed buildings.

L. All proposed means of vehicular access and egress to and from the site onto public streets, showing the location and dimension of driveways and curb cuts.

M. The location and design of any off-street parking areas or loading areas, showing size and location of bays, aisles and barriers.

N. The location of all proposed waterlines, valves and hydrants and of all sewer lines or alternative means of water supply or sewerage disposal and treatment in conformance with the applicable standards of the Borough and the New Jersey Department of Environmental Protection (NJDEP).

O. The proposed location, direction of illumination, type and shielding of proposed outdoor lighting.

P. All proposed landscaping, including a planting plan, showing type, size and quantity of proposed plantings.

Section 2. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Section 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this Ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

Section 4. Effective Date.

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

Public: no one from the public spoke.
No one from the Council spoke.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

2023-17

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 June 19, 2023. It is now being presented for Second Reading, Public Hearing and Adoption at a meeting of said governing body being held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on July 3, 2023 at 7:00 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk’s Office for the members of the general public who have requested same.

An Ordinance of the Borough of Dunellen Adding a New Chapter 110 to the Borough Code Entitled “Barbershops, Beauty Parlors and Nail Salons.”

Section 110-1. Short title.

Section 110-2. Definitions.

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

BARBER — Any person who is licensed to engage in any of the practices encompassed in barbering.

BARBERING — Anyone or combination of the following practices when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public:

- A. Shaving or trimming of the beard, mustache or other facial hair;
- B. Shampooing, cutting, arranging, relaxing or styling of the hair;
- C. Singeing or dyeing of the hair;

D. Applying cosmetic preparations, antiseptics, tonics, lotions or creams to the hair, scalp, face or neck:

E. Massaging, cleansing or stimulating the face, neck or scalp with or without cosmetic preparations, either by hand, mechanical or electrical appliances: or

F. Cutting, fitting, coloring or styling of hairpieces or wigs, to the extent that the services are performed while the wig is being worn by a person.

BARBERSHOP — Any establishment engaged in the practice of barbering for the public.

DESIGNEE — Any person designated by the Health Officer to act for him/her in the performance of his/her duties.

DISINFECTANT — An Environmental Protection Agency (EPA) or New Jersey Department of Environmental Protection registered product with demonstrated bactericidal, virucidal and fungicidal activity used in accordance with manufacturer's instruction.

HAIRDRESSER/COSMETICIAN or COSMETOLOGIST-HAIRSTYLIST — Any person who is licensed to engage in the practices encompassed in cosmetology and hairstyling.

HAIRDRESSING AND COSMETOLOGY — Anyone or combination of the practices as outlined in N.J.S.A. 45:5B-3(j) when done on the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or when done without payment for the general public.

HAIRDRESSING OR COSMETOLOGY SHOP/SALON — Any establishment engaged in the practice of hairdressing, cosmetology, or barbering for the public.

HEALTH OFFICER — The Health Officer of the Borough of Dunellen or his/her duly authorized representative.

NAIL SALON/SHOP — Any establishment engaged in the practice of cutting, shaping, polishing or enhancing the appearance of the nails of the hands or feet, including, but not limited to the application and removal of sculptured or artificial nails.

NAIL TECHNICIAN — A person who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including but not limited to the application and removal of sculptured or artificial nails.

OPERATOR — A person who owns, leases, or manages a shop/salon, or any licensed person performing barbering, hairdressing, cosmetology, manicuring or waxing.

OWNER — A person who owns a shop/salon establishment and is responsible for upholding the regulations of this chapter in all areas of the establishment.

PERSON — An individual, firm, partnership, company, corporation, trustee, association or any public or private entity.

PERSON IN CHARGE — The individual present in a barbershop or hairdressing and/or cosmetology salon/shop or nail salon/shop that is the apparent supervisor of the barbershop or hairdressing and/or cosmetology shop/salon or nail salon/shop at the time of inspection. If no individual claims to be a supervisor, then any employee present is deemed to be the person in charge for the purposes of this chapter.

SANITARY CONDITIONS — Safe and clean shop/salon conditions that prevent the spread of communicable diseases and protect the public's health and welfare.

WAXING — The temporary removal of superfluous hair from the hair follicle on any area of the human body through the use of a physical (wax) depilatory or by tweezing.

WORKING AREA — A separate room with more than one workstation, or a private room set aside to serve one customer at a time.

WORKSTATION — A chair, countertop and floor space set aside for the purpose of serving a customer, including floor space for the operator to stand while serving the customer.

Section 110-3. License required; requirements for issuance.

- A. No person shall maintain or operate any barbershop, hairdressing, cosmetology salon/shop or nail salon/shop without having a valid license issued by the Municipal Clerk's Office after inspection by the Health Officer. Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a license.
- B. Every barbershop, hairdressing, cosmetology salon/shop or nail salon/shop must comply with local planning and zoning regulations and all other applicable ordinances before being issued a license.
- C. All licenses are valid for one year or a portion thereof and are renewable on January 1st of each year.
- D. The application fee for a license, new or renewal, shall be \$75 each for a one-year period beginning January 1st and ending the last day of December. License application fees are nonrefundable. All licenses issued during the course of the year shall expire on the last day of the following December. All applications for the renewal of licenses and the fees thereof must be received by the Clerk's Office no later than December 1st of the year in which the current license shall expire.
- E. No license shall be issued or renewed until a completed application has been submitted, the license fee has been paid and the applicant's barbershop or hairdressing and/or cosmetology salon/shop or nail salon/shop meets the requirements set forth in this chapter and all other applicable state and local regulations.
- F. Licenses shall be valid until the last day of December of each year as noted on the license unless suspended by the Health Officer or until such time as the facility changes owners, closes or goes out of business.
- G. Licenses shall not be transferable from person to person or from location to location. Any planned change in ownership of a facility must be reported promptly to the Municipal Clerk's Office and such changes must be approved by the Municipal Clerk and Health Officer prior to the issuance of an operating license.
- H. Licenses must be displayed in a prominent location within the establishment where patrons can observe it.
- I. All applications for the renewal of licenses and the fees thereof that are not received by December 31 of the year following that during which the current license expires shall be subject to a late fee of \$75.00 per month or part thereof.

Section 110-4. Annual inspections.

- A. The Health Officer shall promulgate such rules and procedures as are necessary to ensure compliance with this chapter.

B. At least once a year, the Health Officer or his/her designee shall inspect each barbershop, hairdressing and/or cosmetology shop/salon and nail salon/shop and shall make as many additional inspections as are necessary for the enforcement of this chapter.

C. The Health Officer or his/her designee, after proper identification, shall be permitted to enter, during normal operating hours, any portion of any barbershop or hairdressing and/or cosmetology shop/salon or nail salon/ shop for the purpose of making inspections to determine compliance with this chapter.

D. In the event that the Health Officer or his/her designee finds unsanitary conditions in the operation of a barbershop or hairdressing and/or cosmetology shop/salon or nail salon/shop, or if a violation or multiple violations occur, the Health Officer or his/her designee may immediately issue a written notice to the license holder, or person in charge, citing such conditions, specifying the corrective action to be taken and time frame within which such action shall be taken. If corrective action is not made in the allotted time, the licensee may be fined or his or her license suspended.

Section 110-5. Sanitation.

A. General cleanliness. Each shop/salon shall be maintained to provide a safe and sanitary environment. All facilities

shall be kept clean, sanitary and in good repair.

B. Disinfection of reusable equipment:

(1) After each use on a patron, any tool or part thereof which comes into contact with the head, face, neck, hands or feet of the patron, such as razors, scissors, tweezers, combs and parts of vibrating trimmers, shall be thoroughly cleaned and disinfected.

(2) After each use on a patron, all electrical and nonelectrical instruments shall be thoroughly cleaned to remove foreign matter, treated with an approved disinfectant and stored in a protected manner until next use.

(3) Disinfectants shall be changed in accordance with the manufacturer's instructions to ensure complete disinfection. No sediment from the item being disinfected shall be allowed to remain in the bottom of the disinfection container.

C. Disposable and single-use equipment:

(1) Disposable or single-use articles shall be disposed of in a waste receptacle after use on each patron unless stored in a separate closed clean container labeled with the patron's name and used only on that patron.

(2) All disposable or single-use articles that come into contact with blood and/or body fluids shall be enclosed in sealable plastic bags prior to being placed in the waste receptacle.

(3) All sharp or pointed articles shall be disposed of in a punctureproof container.

D. Sanitation of foot spas and water baths:

(1) An antimicrobial additive shall be placed in each foot spa or water bath during use.

(2) After each patron, the shop/salon shall drain all water and debris, properly disinfect and dry the foot spa or water bath.

(3) At the end of each day, the shop/salon shall remove and immerse any filter in disinfectant and flush the foot spa or water bath with low-sudsing soap and water, and then disinfect and air dry the foot spa or water bath.

E. Towels:

(1) Clean, properly laundered or disposable towels shall be used for each patron.

(2) All linens and towels shall be deposited in a covered cleanable receptacle after use by a patron.

(3) Clean towels and linens shall be stored off the floor in a clean, protected location.

F. Cosmetics:

(1) When only a portion of a cream, liquid, powder or other cosmetic preparation is to be removed from the container, it shall be removed in such a way as not to contaminate the remaining portion.

(2) Multi-use of cosmetic applicators is prohibited. This includes the use of lipsticks, powder puffs, makeup brushes and sponges which are not disposable.

(3) Lotions and powders shall be dispensed from a sanitary self-dispensing container.

G. Operators:

(1) Operators shall thoroughly wash their hands with soap and water immediately after using the toilet, eating or smoking. Before serving each customer, operators shall thoroughly wash their hands with soap or hand disinfectant.

(2) No operator shall remove warts or moles or treat any disease of a patron, nor perform any medical procedure such as an injection, nor dispense any medical device.

(3) All operators shall have an exclusion policy for people with a communicable disease that may be transmitted through the services of a barber, hairdresser, cosmetologist, or nail technician.

(4) No individual shall perform procedures requiring licensure by the New Jersey State Board of Cosmetology without possessing such a valid license.

(5) No individual shall perform procedures requiring licensure by the New Jersey State Board of Cosmetology without having such license visible and present on

site.

H. Water and plumbing:

(1) Every shop/salon must have an approved water supply with sufficient hot and cold running water under pressure.

- (2) All plumbing fixtures must be protected against back-siphonage or backflow.
- (3) Plumbing fixtures shall be clean and free from defects.

I. Toilet and sink facilities:

- (1) Each shop/salon shall provide adequate toilet and hand-washing facilities for patrons and employees.
- (2) Toilet and hand-washing facilities shall be in working condition at all times and kept clean and sanitary.
- (3) Each hand-washing sink shall have a soap dispenser and disposable towels or an air dryer for hand drying.
- (4) Handwashing signs stating "Wash Hands Before Resuming Work" or words of similar meaning shall be posted conspicuously in all toilet rooms and at each separate lavatory facility in the establishment.

J. Lighting and ventilation:

- (1) Lighting shall be sufficient to provide adequate illumination in the work area.
- (2) The shop/salon shall be properly and adequately ventilated to remove excess heat, vapors, and odors.
- (3) Windows and doors shall be effectively screened against insects, rodents and other vermin. Insect and vermin entry must be otherwise precluded at all times.

K. Floors, walls and ceilings: Floors, walls and ceilings shall be kept clean and in good repair.

Section 110-6. Suspension of license.

A. Failure to comply with the provisions of this chapter and applicable state regulations shall be grounds for suspension of any license issued under the provisions of this chapter.

B. The Health Officer may suspend, without warning, prior notice or hearing, any license to operate a barbershop or hairdressing and/or cosmetology shop/salon or nail salon/shop if the operation constitutes an imminent hazard to public health, including, but not limited to, any one of the following:

- (1) There is an outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to consumers.
- (2) There is an absence of potable water, supplied under pressure, in a quantity which, in the opinion of the Health Officer, is capable of meeting the needs of the facility.
- (3) There is a sewage backup into the facility.
- (4) An unlicensed individual is performing procedures requiring licensure by the New Jersey State Board of Cosmetology.

C. Suspension shall be effective immediately upon delivery of the written order to the license holder or person in charge of the facility by the Health Officer or his/her designee. When a license is suspended, all barbershop, hairdressing and/or cosmetology shop or nail salon/shop operations shall cease immediately and shall not resume until written approval to resume has been issued by the Health Officer. The Health Officer or his/her designee shall remove a suspended license from the premises.

D. When a license is to be suspended, the holder of a license, or the person in charge, shall be notified in writing of the suspension, and an opportunity for a hearing will be provided if a written request for hearing is filed with the Health Officer by the holder of the license within two business days of receipt. If no written request for a hearing is filed within two business days of receipt of notice, the suspension is sustained. The Health Officer may end the suspension at any time by giving written notice to the license holder if reasons for suspension no longer exist.

E. Upon receiving a request for a hearing, the Health Officer shall schedule a hearing with the Municipal Clerk not later than 10 business days from the date of actual receipt of the request to afford the owner the opportunity to present evidence and argument on all facts or issues involved and to examine the merits of such suspension.

F. The Municipal Clerk shall examine the merits of such suspension and render a decision in writing to vacate, modify, or affirm such suspension within 10 business days of the date of the hearing held under this section.

G. Whenever a license has been suspended, the holder of the suspended license may make written request for license reinstatement. Within 10 business days following receipt of a written request, including a statement signed by the applicant that, in his or her opinion, the conditions causing the suspension have been corrected, the Health Officer or his/her designee shall make a reinspection. If the Health Officer or his/her designee determines that the applicant has complied with the requirements of this chapter, the license shall be reinstated and returned to the license holder.

Section 110-7. Variations.

No variation from any of the provisions of this chapter shall be permitted except as elsewhere provided herein.

Section 110-8. Review by Municipal Clerk.

Any person aggrieved by any administrative decision of the Health Officer pursuant to this chapter, including the denial of a license, the refusal to renew a license, or the suspension of a license, shall have an absolute right to appeal such decision to the Municipal Clerk. For such appeal, the Health Officer shall present evidence supporting the decision made by the Health Officer, and the aggrieved party shall present evidence opposing the decision of the Health Officer. After hearing all the evidence presented to it, the Municipal Clerk shall then affirm, reverse or modify the decision of the Health Officer. On all appeals, the decision of the Municipal Clerk shall be final.

Section 110-9. Violations and penalties.

A. Whenever additional inspections are necessitated by reason of classification of a barbershop, beauty parlor or nail salon as unsatisfactory (beyond one initial inspection), the license holder shall reimburse the Borough for the cost of each such inspection.

B. There shall be a fee of \$35.00 for each inspection as set forth in Subsection A.

C. For any violation of any provision of this chapter, the following shall apply:

- (1) For any violation of any provision of this chapter, the Health Officer or his/her designee or any other law enforcement officer shall issue a summons and complaint, in usual form, returnable in the Municipal Court of the Borough of Dunellen or such other court as may be permitted by law.
- (2) Upon conviction, any person who violates any provision of this chapter shall be subject to a fine of not less than \$50 nor more than \$1,000 for the first offense, and a fine of not less than \$50 nor more than \$1,000 and imprisonment for 90 days for the second and subsequent offenses, or the maximum penalties otherwise permitted by law.
- (3) In addition to any other penalties imposed, upon conviction, any person who violates any provision of this chapter may have its license suspended.

D. Each day (consisting of a twenty-four-hour period beginning at 12:01 a.m.) during which a continuing violation of this chapter subsists shall constitute a separate violation and shall incur the penalties set forth herein, at the discretion of the Health Officer or his/her designee.

Public: Homer Mosley, 113 Pearl Place, asked if this limits the number of such shops or the distance between shops? No, it does not. Mayor Cilento noted that it regulates health and safety. No one from the Council spoke.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

2023-18

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on June 19, 2023. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held at the Dunellen Borough Council Chambers, in the Borough on July 3, 2023 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance have been available at no cost and during regular business hours at the Clerk's Office for the members of the general public who have requested the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO KLINE PLACE IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$450,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose(s): Road improvements to Kline Place, including all work and materials necessary therefor and incidental thereto.

Appropriation: \$800,000

Bonds/Notes Authorized: \$450,000

Grants (if any) Appropriated: \$556,530 New Jersey Department of Transportation grant

Section 20 Costs: \$300,000

Useful Life: 20 years

Public: no one from the public spoke.

No one from the Council spoke.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

2023-19

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on June 19, 2023. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held at the Dunellen Borough Council Chambers, in the Borough on July 3, 2023 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance have been available at no cost and during regular business hours at the Clerk's Office for the members of the general public who have requested the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR SEWER IMPROVEMENTS TO KLINE PLACE IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$700,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

Purpose(s): Various sewer improvements to Kline Place, including all work and materials necessary therefor and incidental thereto.

Appropriation: \$700,000

Bonds/Notes Authorized: \$700,000

Grants (if any) Appropriated: \$0

Section 20 Costs: \$200,000

Useful Life: 40 years

Public: no one from the public spoke.

No one from the Council spoke.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

Ordinance 2023-20

Borough of Dunellen

The following revision and amendment to the Dunellen Downtown Redevelopment Plan was Introduced for first reading on June 19, 2023. It was reviewed by the Dunellen Planning Board on June 26, 2023. It is now being presented for Public Hearing and Adoption on July 3, 2023 at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey, or at an appropriate time thereafter subject to Dunellen Planning Board review. Notice will be given in advance of the date for the Public Hearing and Adoption. Copies of this ordinance will be posted on the Municipal Bulletin Board and will be 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, June 7, 2021, February 7, 2022 and July 5, 2022.

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

Whereas, on June 19, 2023, the Dunellen Borough Council introduced for first reading Ordinance 2023-20, an Amended and Restated Dunellen Downtown Redevelopment Plan, Phase I; and

Whereas, the entirety of this Amended Ordinance is contained in the attached document.

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

1. Document-Wide: Reference to Maps 1 through 3 are removed throughout the document
2. Document-Wide: The portion of the Redevelopment Plan previously known as the “Remaining Parcels” is now known as “Downtown Core”
3. Section 4.1 – The tax lots comprising the “Downtown Core” area is amended
4. Section 4.1 – The tax lots comprising the “Transition” area is amended
5. Section 4.1 – The tax lots for the new “Front Street Transition Area” and “Flex Transition Area” are established.
6. Sections 6.7 and 6.8 – The new Front Street and Flex Transition Areas are described.

7. Section 7.4 - “Definitions” are provided for uses not defined in the Borough Code.
8. Section 7.5.1, “Standards Applicable to the Entire Redevelopment Area” are established, including:
 - Permitting municipal facilities, non-municipal emergency response facilities, accessory uses including solar installations;
 - Minimum unit sizes;
 - Front and rear yard setbacks;
 - Building materials;
 - Landscape requirements;
 - Requirements for lighting, walkways, and trash receptacles;
 - Affordable housing set-asides;
 - Workforce housing provision.
9. Section 7.5.2 through 7.5.8 establishes the permitted uses and specific standards for Redevelopment Sites 1 through 3, the Downtown Core, Transition Area, Front Street Transition, and Flex Transition. Permitted uses include new and clarified commercial uses.
10. Section 8.3., is added to encourage use of “Green and Biophilic Design” with an emphasis on reducing stormwater runoff.
11. Section 8.4 consolidates Street Tree standards for Washington Avenue and Route 28.
12. Section 8.8, “Storage, Service and Loading Areas”, is amended to encourage designation of loading and staging areas for deliveries and moving activities.
13. Section 8.10, “Screening of Exterior Mechanical Equipment” is amended to account for rooftop solar.
14. Section 8.14, “Transit Supportive Parking Requirements” is amended as follows:
 - Paragraph 6 is added to permit solar canopies over parking areas
 - Paragraph 8 reduces the bicycle parking discount from 30% to 10% off of the required parking and clarifies other language.
15. Exhibits 1 and 2 were added to provide the Redevelopment Area map and street furnishing specifications.

For the complete text of the Introduced ordinance, go to:

<https://cms1.revize.com/revize/dunellennj/redevelopment/index.php>

Mayor Cilento reviewed the major changes and new opportunities these changes are making for the betterment of our downtown.

Public: no one from the public spoke.

Dr. Dunne asked about language such as "strongly encourage" directed to developers and inquired how much this is actually attended to? Mayor Cilento responded that the language in a particular section makes plain what the borough wants to do and gives us an opportunity to bring the concepts into the negotiations when we formulate our redevelopment agreements.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

ORDINANCE 2023-21

BOROUGH OF DUNELLEN

The following DUNELLEN SALARY ORDINANCE was Introduced for first reading on June 19, 2023. It is now being further considered for public hearing and adoption on July 3, 2023, at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Copies of this ordinance have been posted on the Municipal Bulletin Board and have been available at the Office of the Borough Clerk for any interested members of the public.

The following are base salaries, without longevity or benefits:

Step	Minimum	Maximum
11	\$120,000.00	\$190,000.00
10	\$75,000.00	\$150,000.00
9	\$50,000.00	\$90,000.00
8	\$20,000.00	\$70,000.00
7	\$40,000.00	\$65,000.00
6	\$30,000.00	\$60,000.00
5	\$25,000.00	\$40,000.00
4	\$15,000.00	\$30,000.00
3	\$8,000.00	\$25,000.00
2	\$2,000.00	\$20,000.00
1	\$1,000.00	\$5,000.00

Full-Time Positions	Step
Chief of Police	11
Administrator	9
Municipal Clerk	9

Court Administrator	9
Human Resources Manager	9
Construction Manager	9
Tax Collector	9
DPW Supervisor	8
Recreation Director	8
Supervisor, Accounts & Payroll	8
Technical Assistant to the Construction Official	7
Administrative Assistant, Interdepartmental	7
Finance/Payroll Clerk	7
Deputy Municipal Clerk	6
Deputy Registrar	6
Deputy Court Administrator	6
Tax Office Assistant	6
Police Department Administrative Assistant	6
Violations Clerk, Municipal Court	6
Registrar	5
Clerk's Office Admin. Assistant	5

Part-Time Salary Positions

Municipal Attorney	9
Municipal Judge	7
Recreation Administrative Assistant	6
Construction Code Official	5
Chief Financial Officer	5
Public Works Manager	5
Tax Collector	4
Municipal Prosecutor	4
Tax Assessor	3
Sewer Inspector	3
Property Maintenance/Code Enforcement	3
Public Defender	2
Office of Emergency Management	2
Sub Code Official (Electrical, Fire, Plumbing)	2
Zoning Officer	2
Public Information Officer	2
Grant Writer	2
Planning Board Secretary	2
Planning Board Recording Secretary	2
Qualified Purchasing Agent	2
Sign Ordinance Enforcement Officer	1

Part Time – Hourly

	<u>Minimum</u>	<u>Maximum</u>
Sewer Inspector - Additional Hourly	\$30.00	\$48.00
Substitute Deputy Clerk (Court)	\$25.00	\$35.00
Planning Board Finance Clerk	\$25.00	\$35.00

Interpreter	\$20.00	\$30.00
Tax Assessor Assistant	\$20.00	\$30.00
Planning Board Assistant	\$20.00	\$30.00
Head School Crossing Guard	\$20.00	\$30.00
Acting Recreation Director	\$20.00	\$25.00
Recreation Administrative Assistant	\$20.00	\$25.00
Tax Clerk	\$20.00	\$25.00
Construction Office Assistant	\$20.00	\$25.00
Police Administrative Assistant	\$20.00	\$25.00
Senior Citizen Van Driver	\$20.00	\$25.00
School Crossing Guard	\$18.00	\$25.00
Clerk's Administrative Assistant	\$18.00	\$25.00
Violations Clerk (Court)	\$18.00	\$25.00
Laborer	\$18.00	\$25.00
Janitor	\$18.00	\$25.00
Recreation Department part-time	\$15.00	\$20.00

Part-Time - Monthly/Meeting

Elected Officials

Mayor	\$5,000 annually
Council President	\$2,800 annually
Council Member	\$2,500 annually

Public: no one from the public spoke.
 No one from Council spoke.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #1

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

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

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #2

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

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

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

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

Bus Stops:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Repealer Clause:

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

Dr. Dunne asked whether NJ Transit would deal with the signage? Yes. Mr. VanDermark raised some questions about one of the locations and this resolution was tabled in order to investigate.

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

07-03-2023: #3

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

John Shimko is hired to conduct an Adult Education class on woodshop on behalf of the Dunellen Arts and Culture Commission, at a rate of \$45.00 per hour, for approximately 18 hours, an amount not to exceed \$810.00.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #4

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

Nina Volk is hired as an Arts Camp Instructor on behalf of the Dunellen Arts and Culture Commission, from August 14 through August 18, and August 21 through 25, for approximately 40 hours, at a rate of \$35.00 per hour.

Furthermore, Melanie Salome Montoya Bavona is hired as an Assistant Arts Camp Instructor for approximately 20 hours per week for a total of 40 hours, at a rate of \$15.00 per hour.

Funds for both instructors are to be taken from fees collected, and charged to T-03-56-286-87-000.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

Resolution 07-03-2023: #5 was removed.

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

07-03-2023: #6

**RESOLUTION OF THE BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
APPROVING REDEVELOPMENT AGREEMENT BY AND BETWEEN BOROUGH OF
DUNELLEN AND 1879 MORRIS ASSOCIATES, LLC**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended from time to time (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land in a municipality constitute areas in need of redevelopment or rehabilitation, and to adopt a redevelopment plan for such areas, pursuant to which redevelopment projects are to be undertaken; and

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

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

WHEREAS, Redeveloper is the owner of, or is under contract to acquire, certain properties designated on the Borough’s tax maps as Block 66, Lot 17 and 17.01, more commonly known as 435 North Avenue and 441 North Avenue, respectively (collectively, the “Property”); and

WHEREAS, Redeveloper proposes to construct a mixed-use building with approximately 4,200 square feet of commercial space, forty-eight (48) one-bedroom residential units, twelve (12) two-bedroom residential units, and two (2) three-bedroom residential units, which shall include nine (9) residential Affordable Units, with amenity spaces and related improvements (collectively the “Project”) on the Property; and

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

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

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

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

necessary to implement the Redevelopment Agreement in accordance with the Redevelopment Plan.

Hyun Seo Lee (Jerry) from Windels, Marx, gave an overview of the project. It is a mixed-use development, with nine affordable housing units. There will be a financial agreement as well as adequate parking spaces. The address is 435-441 North Avenue and more information including the redevelopment agreement and a concept plan can be found on the Borough's website: https://www.dunellen-nj.gov/redevelopment/435-441_north_avenue.php

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #7

Resolution 04-03-2023: #7 is amended to reflect a higher cost of materials:

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

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

WHEREAS, quotes have been received from the following:

Tito Painting, LLC., Dunellen, NJ \$4,900.00

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

Tito Painting, LLC., is hereby awarded a contract to paint the Gazebo in Washington Memorial Park at a cost not to exceed \$4,900.00.

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

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #8

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 Feng Nian (Frank) Liang as a Probationary Firefighter, in the Dunellen Fire Department, said probation period to be one year, effective 3 July 2023.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #9

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

WHEREAS, K Hovnanian (“The Nell”) has per the Redevelopment Agreement made land tax payments for May 1, 2023 and August 1, 2023, in the amount of \$32,172.70; and

WHEREAS, per the Redevelopment Agreement, K Hovnanian was not obligated to make those payments.

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

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

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #10

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

The attached job description for the newly created position of Code Enforcement Officer II is hereby approved.

Mayor Cilento commented that a big part of this position will be to assist the Code Enforcer in monitoring the Sign Ordinance. The position will be advertised.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #11

WHEREAS, by Resolution 10-21-2029: #3, the Borough of Dunellen entered into a Financial Agreement whereby by both Tax-exempt and Taxable Redevelopment Area Bonds (RABs) were issued on behalf of Prism Partners, the Developer of Dunellen Stations, for the projects known as The Nell and The Crossings, and

WHEREAS, a fee payment schedule for repayment on the Tax-Exempt RABs has been prepared by NW Financial, the Borough’s Redevelopment Financial Advisor, with quarterly Debt Service and Trustee Fee payments to be made to US Bank, the Custodian of the Funds, according to the fee schedule below; and

WHEREAS, Debt Service and Trustee Fees are to be paid out of the proceeds of Payment in Lieu of Taxes (PILOT) fees that the Borough has or expects to receive.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to prepare wires for the Custodian of the Funds to be disbursed per the following table; and

BE IT FURTHER RESOLVED, that future Debt Service and Trustee Fee payments follow the attached schedule, with payment being made approximately 2 weeks prior to the due date.

Payment Date	The Nell		The Crossings		Total Due
	Debt Service	Trustee Fee	Debt Service	Trustee Fee	
1/15/23	25,399		999		63,333
4/15/23	23,750		750		59,375
7/15/23	23,750		35,625		59,375
10/15/23	23,750	1,200	35,625	1,800	62,375
1/15/24	23,750		35,625		59,375

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #12

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

The attached contract of employment with Alexander Miller, Superintendent of Parks, Recreation and Public Works, is approved.

Mayor Cilento informed the Council that Mr. Miller has recently received his Superintendent of Public Works certification from the State of New Jersey.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #13

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

The attached contract of employment with Dawn Hutchison, Tax Collector, is approved.

Mayor Cilento noted that Dawn is coming to us from South Plainfield. She is currently our part-time Tax Collector and she has really turned that office around. She will also be working closely with our CFO and our Finance Department. Gail in the Tax Office will also be cross-trained.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #14

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

Brian R. Clancy, Esq., is appointed Alternate Dunellen Municipal Prosecutor. If Brian Clancy were to serve as a substitute and alternate Municipal Prosecutor, he is to be compensated by the primary Municipal Prosecutor for whom he is substituting. This appointment is effective as of July 3, 2023 through December 31, 2023.

Mayor Cilento noted that Mr. Clancy is well qualified and has a law enforcement background. He will serve as a substitute prosecutor.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #15

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

Olga Tapia is hired to create a mural on the Madison Avenue New Jersey Transit underpass on behalf of the Dunellen Arts and Culture Commission, at an amount not to exceed the following:

labor:	\$3,200.00
provision of equipment:	\$3,700.57
	<hr/>
Total:	\$6,900.57

Funds for this hire and project are to be taken from the Dunellen Arts and Culture Commission trust fund and from applicable grants.

Dr. Dunne asked about colorized versions of the proposed murals. Council will be sent copies.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #16

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

WHEREAS, the Borough of Dunellen has been working with the Borough of Middlesex on the sharing of services and equipment; and

WHEREAS, it is desirable at this time to enter into an agreement between the Borough of Dunellen and the Borough of Middlesex in order to purchase a sewer vacuum and high pressure jet rodder; and

WHEREAS, pursuant to the authority provided by the Municipal Interlocal Services Act, NJSA 40:8A-1, *et. seq.*, the Borough of Dunellen is authorized to enter into an agreement with the Borough of Middlesex for the purpose of sharing a sewer vacuum and high pressure jet rodder.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Dunellen, County of Middlesex and State of New Jersey as follows:

1. Pursuant to the authority provided by the Interlocal Services Act, 40:8A-1, *et. seq.*, the Borough of Dunellen hereby determines that it is in the public interest to enter into an Interlocal Services Agreement with the Borough of Middlesex for the purpose of purchasing a sewer vacuum and high pressure jet rodder.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute and attest on behalf of the Borough of Dunellen an Interlocal Agreement for said purpose, which agreement shall be in a form approved by the Borough Attorney and a separate agreement with a company agreed upon by both the Borough of Dunellen and the Borough of Middlesex to purchase this sewer vacuum and high pressure jet rodder.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

07-03-2023: #16-A

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

WHEREAS, Mayor Jason F. Cilento and the Borough Council of the Borough of Dunellen, New Jersey supports the Dunellen School District's application to Sustainable Jersey for their Trees for Schools grant program; and

WHEREAS, in partnership with the Dunellen School District, the Borough of Dunellen and its governing body seek to plant various native and decorative tree species in parks in which the Borough owns and the School District shares including Columbia Park, Gavornik Park, Morecraft Park and Washington Memorial Park; and

WHEREAS, the Mayor and council of the Borough of Dunellen understand that the application also includes School District's properties of Dunellen High School and John P. Faber Elementary School and we fully endorse and applaud their School District in planting more trees on their grounds.

NOW THEREFORE BE IT RESOLVED, BY THE Mayor and Council of the Borough of Dunellen, as well as the Dunellen Shade Tree Commission, that we do support this initiative to ensure more native species are planted throughout Dunellen and on public properties.

Mayor Cilento commented that this resolution is in support of a grant being applied for by the Dunellen School District.

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

CONSENT AGENDA:

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

07-03-2023: #17

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

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

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

Now therefore be it resolved that the Governing Body authorize the issuance of an Instant Raffle License to the Veterans of Foreign Wars Post #5479.

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

07-03-2023: #18

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 US BANK CUST FOR PROPCAP 8

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
20-25	48	15	Howard Jackson 821 Front St	1,762.47	150.65	1,400.00	3313.12

TOTAL REFUNDED \$3313.12

07-03-2023: #19

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 PRO CAP 8 FBO FIRSTRUST BANK

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
22-02	8	22	KIMBLE, KEN & CHERYL 220 FIRST ST	\$1049.63	\$ 17.85	\$2100.00	\$3,167.48

TOTAL REFUNDED \$3,167.48

07-03-2023: #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 US BANK CUST FOR PROCAP 8

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
22-21	77	4.02	STICKLE, PATRICIA& YAVERSKI, MARY 1892 W 4 TH ST	\$803.59	18.20	\$1,700.00	\$2521.79

TOTAL REFUNDED \$2521.79

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

Reports:

Mrs. Albertson: 1) Fire Department -- annual mailing for support has been mailed. Please support the Fire Department as every little bit helps, thank you; 2) the Friends of the Dunellen Public Library. The next Open-Air Market is July 16th and we are having a Patriotic bicycle parade for children; 3) American Legion Post 119 -- July 12th is the Freedom Cruise Car Show at the Legion from 5-8 pm. Hot dogs and Hamburgers will be available for purchase. The Legion is hosting Friday night dinners from 5pm until food runs out. This week they will have sausage and peppers, pasta salad, rolls and salad as well as dessert. This is open to the public. Donations are appreciated. There will be a Pig Roast on July 22nd from 1 to 6 pm. \$30 for adults, age 15 - 20 \$15, 7- 14 \$10, 6 and under are free; 4) as we celebrate the birth of our nation, I wish you all a happy 4th of July.

Mrs. Rios: 1) There is a lot to do at the library this summer! In addition to regular weekly programs, we have some special summer reading programs coming up. "Stage a Story" will be returning with "Miss Spiders Tea Party" at 10:30 am on Tuesday July 11th and "Boogie Woogie Babies" will visit Musical Storytime on Thursday, July 13th at 10:30 am. Then, on July 18th at 1 pm, Shakespeare NJ will visit the library with a "Speak the Speech" workshop for students grade 4th through 6th. Registration is required for these events, please contact the Dunellen Public Library for more information; 2) Board of Education will be meeting on July 25 at 7 pm. The Dunellen School District is pleased to share with you information about two programs that are available to provide food over the summer to students who qualify for free or reduced lunch. The first program is the Summer Pandemic Electronic Benefits Transfer (P-EBT) program for 2023. This program is designed to help you purchase food for your child(ren) who were eligible for free or reduced-price school meals. The deadline to apply is Friday, July 14, 2023. The second program is the United States Department of Agriculture's (USDA) Summer Food Service Program which provides free meals when school is out. If you have any questions about either of these programs, please feel free to call Ms. Eileen Sanok at 732-400-5900 x1010; 3) Lastly, with School out, please keep an eye out for children on bikes. Children crossing the street and bouncing balls crossing the road. Have a great summer.

Mr. VanDermark: Buildings and Grounds – Outside lighting at Borough Hall was completed, and the wiring for all the gooseneck lights was replaced. Also, a new light was installed between the Police Department side door and the Borough Hall's main entrance. The Gazebo in Washington Memorial Park was painted. This is part of the 2022 Capital Improvement Plan that Mayor Cilento and Alexander Miller have been working on.

Dr. Dunne: 1) Recreation -- Summer Camp is in action. At this time, we have 31 children registered. Summer Camp runs till August 11th. We have half day and full day options. Camp has a science program, trips to Patriots Game, Runaway Rapids, mini golf and much more. If anyone is interested, they can email Julie Grof at jgrof@dunellenborough.com. Fall Soccer registration will be opening up this week for PK to 8th grade. Last year we had a record turnout of 193 children in the program. Keep your eye out for more soccer information. The Recreation Department looks forward to helping our Police Department on National Night Out on August 1st; 2) Jogging Club -- Jogging club is growing! Our next run is on this coming Sunday at 8 am in Washington Park. Registration is required, but the program is free! We are ordering t-shirts, so if you want in on the inaugural t-shirt order, come join us soon; 3) Shade Tree Commission -- as always, if you are interested in having a tree planted, please contact the DSTC. The next meeting will be on September 13th at 7 pm in the Senior Center; 4) The Parking Authority will hold its next meeting on July 12th at 7 pm at the Parking Authority building on Front Street.

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

- Lawn maintenance at all Borough properties and parks.
- Street sweeping as scheduled.
- Catch basin cleaning throughout the town.
- Paved the intersection at Maple & Oak Parkway, where the old concrete swale was located.
- Cleared the waterways of debris from the multiple storms.
- Ran multiple roll-off loads to the dump.

Serviced the mower, sand pro, and one of the dump trucks.

Mayor Cilento:

Jim Brennan: Recognized by the Governor's Office as only one of two Lifetime Volunteer honorees. We will formally recognize Jim at the August 7th Council meeting. Jim has served over 30 years on the Dunellen Parks and Recreation Commission. We all thank him for his service. Jim's picture is in the banner in Columbia Park (as well as Alexander Miller, Kelly Seader and Laura Ruskuski). It is our small way of thanking our volunteers.

Pulaski Street Culvert Project: This past week, the contractor hired by Middlesex County performed test pits (elevation of sewer mains and laterals) on Pulaski Street in preparation for the project. They anticipate starting this month.

Road Improvement Projects: We are waiting to hear from the concrete contractor on a start date for our concrete repairs and new ADA compliant ramps. We are expecting this work to be done in July - prior to the Mill & Pave Projects.

Walks and Talks with the Mayor: The next Walks and Talks with the Mayor will be on Saturday, August 5th at 9:30 am at Columbia Park.

ESL Partnership with Middlesex County College, School District & Dunellen: Partnership between Middlesex County College, Middlesex County College Foundation, Dunellen School District and Dunellen to help with English as a second language courses to be located at one of the school facilities and fully funded through the Middlesex County College Foundation. The program is a 40-hour course on learning the English language. We are looking to coordinate this effort with the Dunellen Public Library's efforts for their "Conversation Hour."

I wish everyone a happy Fourth of July. Remember that the holiday is more than fireworks. It's about our independence and remembering our military men and women who have made the sacrifices to protect our freedoms.

Department Heads:

John Bruder, Esq., informed the Council of his and Dawn Guttschall's (Tax Assessor) successful defense of seven tax appeals. He will keep the Council apprised of upcoming State Tax Appeals.

Mr. Miller updated the Council on the Firehouse rebuild project.

Homer Mosley, Dunellen Office of Emergency Management:

On June 21, 2023, three members of our OEM/CERT (Office of Emergency Management and Community Emergency Response Team) staff graduated from the 2023 Middlesex County Sheriff's Civilian Academy after completing 8 weeks of training at the Middlesex County Fire Academy in Sayreville. The members were Homer Mosley, OEM Director, Georgette Mosley, OEM Staff, and Chris Mueller, OEM Staff and SAR Coordinator (Search and Rescue). By attending the Academy, Dunellen OEM hopes to strengthen our relationship with the Sheriff's Office as another town resource.

Dunellen OEM applied for a FEMA preparatory grant to receive a Shelter Cache which is a training kit consisting of cots, blankets and other Shelter supplies and documents that will be used to train Dunellen Citizens to set up and staff emergency evacuation shelters.

Mayor Cilento thanked sister agencies and mutual aide who helped our Fire Department, Police Department and Rescue Squad respond to a recent fire in Dunellen.

He also explained that a recent mailing has gone out to residents with tax inserts. Please keep in mind that these are estimates as the State has not yet concluded their Budget. There is a budgetary letter with an infographic included that helps explain the Budget. Do not take that number you read and multiply it by 4. Go to the website on the Finance Department page where there are documents that help you understand the process. Also, with the tax inserts we did something different this year by providing a form called "All About Me" that has spaces for useful personal information and can be posted on your refrigerator.

Public Portion:

Homer Mosley, 113 Pearl Place, asked about construction vehicles that are being parked on Pearl Place. Mayor Cilento suggested that he contact Code Enforcement.

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

07-03-2023: #21

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

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

Yes: Albertson, Dunne, Rios, Sigmon and VanDermark

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

<https://www.youtube.com/watch?v=FQ5RaPSx3qQ&t=1394s>