

March 1, 2021

Note: This meeting was held by teleconference for the public.

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on March 1, 2021, 2021.

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, April Burke, Jessica Dunne, Stacy Narvesen, Tremayne Reid, Trina Rios and Daniel Sigmon

On the motion of Mrs. Rios and seconded by Mr. Sigmon it was moved to accept the Minutes of the Meeting of February 16, 2021.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

Mayor Cilento welcomed Lauren Staats back from her maternity leave, and congratulated Councilman Reid on the birth of his daughter.

COMMUNITY DEVELOPMENT BLOCK GRANT, 2021

Mayor Cilento introduced the topic of the 2021 Community Development Block Grant and asked Municipal Clerk William Robins to share with the Council and the public information about the program. Dr. Robins read the following statement:

COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION 2021

The Community Development Block Grant program is an important funding tool for implementing community plans. Municipalities can regularly apply for funding for qualifying activities and projects.

The Community Development Block Grant (CDBG) program is federally funded through the United States Department of Housing and Urban Development (HUD). The program awards grants in order to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services. The CDBG program is an important tool in helping local governments tackle the most serious challenges facing their communities.

CDBG funds are to be used for activities that benefit low- and moderate-income persons, Senior Citizens, carry out activities which aid in the prevention or elimination of slums and blight, or address existing conditions that pose a serious and immediate threat to the welfare of the community where other financial resources are not available to meet these needs.

CDBG funds may be used for activities that include, but are not limited to:

- **Acquisition of Real Property**
- **Relocation and Demolition**
- **Rehabilitation of Residential and Non-Residential Structures**
- **Construction of Public Facilities and Improvements, such as Water and Sewer Facilities, Streets, Neighborhood Centers, and the Conversion of Schools for Eligible Purposes**
- **Public Services (within certain limits)**
- **Restore Historic sites**
- **Improve housing for low-income and disabled persons**
- **Repair and rehabilitate Senior related facilities**

It has been determined that the areas in Dunellen that are frequented by Senior Citizens or the services that address the needs of Senior Citizens, and Disabled Persons, as well as low-income residents in general, are geographic specific sites to receive CDBG funds, especially the area including and around the Senior Center in Columbia Park.

In 2020, we applied for and received funds for these activities (as noted):

Cameraing and cleaning of Sewer pipes	\$20,000.00
Senior and Disabled Arts Programmer	\$2,665.00
Code Enforcement	\$8,000.00
Senior Citizen Coordinator	\$6,000.00
Senior Citizen Van Driver	\$1,000.00
Park and Open Space Repair and Landscaping	\$5,000.00
Senior Citizen Building Repair and Upgrade	<u>\$5,000.00</u>
	\$47,665.00

Dunellen's grant amount for 2021 will be \$47,665.00.

We are considering applying for funds for these activities:

Cameraing and cleaning of Sewer pipes	\$20,000.00
Senior and Disabled Arts Programmer	\$2,665.00
Code Enforcement	\$8,000.00
Senior Citizen Coordinator	\$6,000.00
Senior Citizen Van Driver	\$1,000.00
Park and Open Space Repair and Landscaping	\$5,000.00
Senior Citizen Building Repair and Upgrade	<u>\$5,000.00</u>
	\$47,665.00

The purpose of the public hearing is to elicit suggestions for CDBG 2021 allocations from community and civic groups.

Mayor Cilento then opened the meeting to the public for questions. There were no questions. This portion of the meeting was closed.

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

2021-04

The following ordinance is being Introduced for first reading at a meeting of the Governing Body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on March 1, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on March 15, 2021 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk's office for members of the general public who shall request the same.

AN ORDINANCE TO CREATE A NEW CHAPTER ENTITLED, "SALE OF ELECTRONIC SMOKING DEVICES AND ELECTRONIC SMOKING DEVICE PRODUCTS" FOR THE BOROUGH OF DUNELLEN, NEW JERSEY

Section 1. Purpose

The purpose of this ordinance is to license and limit the establishments that sell electronic smoking devices and prevent the sale of electronic smoking devices to those under the age of 21. A portion of the funds collected by licensing of such establishments may be designated by the Mayor and Borough Council for salient purposes such as funding smoking cessation, prevention or control programs by the Dunellen Police Department and/or other organizations deemed appropriate.

Section 2. Definitions

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Borough – the term "Borough" as used herein shall refer to the Borough of Dunellen, its officers, employees and representatives.

Display Window – window in a shop/store displaying or advertising items for sale or otherwise designed to attract customers to the store.

Electronic Smoking Device – an electronic or other powered device that can be used to deliver a product such as or containing nicotine or any other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo, hookah or pipe.

Electronic Smoking Device Product – any product such as or containing nicotine or any other substance designed for consumption through inhalation from an electronic smoking device.

Electronic Smoking Device Establishment – any establishment that sells or offers for sale electronic smoking devices and / or electronic smoking device products designed for consumption through inhalation, regardless of whether the sale of such devices or products is the establishment’s primary purpose.

Sale – shall mean every delivery of electronic smoking devices or electronic smoking device products, whether the same is by direct sale or the solicitation or acceptance of an order, including the exchange, barter, traffic in, keeping and exposing for sale, displaying for sale, delivering for value, peddling and possessing with intent to sell.

Section 3. Licensing Fees

- A. No person shall conduct, maintain or operate an establishment that sells electronic smoking devices without first having obtained a license from the Borough Clerk or his/her designee.
- B. Each person or establishment wishing to sell electronic smoking devices or electronic smoking device products must submit a completed license application on a form obtained from the Borough Clerk’s office, together with the appropriate fee as set forth herein, in order to be considered for an Initial License.
- C. Fees in accordance with the following schedule shall be paid before any license required in this article shall be issued:
 - o Electronic Smoking Device Establishment Initial License: \$750.00
 - o Electronic Smoking Device Establishment Annual Renewal License: \$250.00
- D. Initial or Renewal Licenses issued under the provisions of this ordinance, unless revoked earlier by the Board of Health or Borough Clerk, shall expire annually on the 31st day of December of each year;
- E. The annual license renewal fee must be paid annually by the 31st day of December for the upcoming calendar year, or a renewal license shall not issue and the person or establishment wishing to continue to sell electronic smoking devices or electronic smoking device products shall be prohibited from selling them until such time that the fee is paid and a renewal license is issued;
- F. Licenses are not transferable; and
- G. The license issued by the Borough shall be posted conspicuously in the establishment, in a location and manner visible to all customers and all police officers or other inspectors on behalf of the Borough.
- H. The Borough shall inspect each such establishment prior to the issuance of an Initial License to determine if the applicant satisfies the requirements of this chapter in order to qualify to obtain a license. The Borough shall thereafter conduct random periodic

inspections during normal business hours of the establishment after issuance of an Initial or Renewal license to determine whether the establishment is acting in compliance with the provisions of this Chapter. Such inspections may be conducted by members of the Dunellen Borough Police Department, Health Department, Dunellen Borough Code Enforcement Office and the Dunellen Borough Clerk's Office.

Section 4. Penalties for Sales without license

- A. Any person or establishment found to be selling or offering any electronic smoking device or any electronic smoking device product without having first obtained a valid license issued by the Borough shall pay a fine of \$500.00 for a first such offense. In addition, any such person or establishment found to be selling or offering any electronic smoking device or electronic smoking device product shall be ineligible to sell any such devices or products unless and until a license is obtained from the Borough of Dunellen. For a second or subsequent offense, any person or establishment so violating this section shall be subject to a fine of not less than \$1,000.00 and not exceeding \$2,000.00. In addition, any person or establishment violating this section for a second or more time may be subject to permanent disqualification for obtaining an electronic smoking device license, within the discretion of the Borough Clerk and/or Borough Council.
- B. Each sale shall constitute a separate offense for purposes of this section.

Section 5. Display Regulations

- A. No electronic smoking device, electronic smoking device product or advertisement relating to either an electronic smoking device or electronic smoking device product shall be displayed in such a manner so as to be visible from the exterior of the establishment.

Section 6. Restriction on Sale of Electronic Smoking Device Establishment:

- A. No electronic smoking device establishment shall be located within 500 feet of a school or public park

Section 7. Sale to any persons under the age of twenty-one years old prohibited

- A. No person or electronic smoking device establishment shall sell electronic smoking devices or electronic smoking device products to anyone under the age of twenty-one (21) years old.

Section 8. Penalties for Sale to any persons under the age of twenty-one years old; Display Regulations; or Location violation

- A. Penalties for sale to persons under the age of twenty-one years old. Any person or establishment found to have sold an electronic smoking device or an electronic smoking device product to any person under the age of twenty-one years old shall pay a fine of not

less than \$500.00 for a first such offense. In addition, any person or establishment found to be in violation of this section may have their license revoked for the remainder of the calendar year. Upon conviction for a second or subsequent offense of selling an electronic smoking device or electronic smoking device product to anyone under the age of twenty-one years old, any person or establishment shall be subject to a fine of not less than \$1,000.00 nor more than \$2,000.00. In addition, any person or establishment violating this section for a second or subsequent time shall have their license revoked for the remainder of the calendar year. In addition to the other penalties as set forth herein, any person or establishment found guilty of selling an electronic smoking device or electronic smoking device product for a third or subsequent time shall have their license permanently revoked.

B. Jurisdiction for Enforcement of this section shall be laid in the Municipal Court of the Borough of Dunellen or any other court so designated by the Municipal Court of the Borough of Dunellen.

C. These penalties are in addition to any penalties that may be imposed pursuant to the New Jersey Code of Juvenile Justice, N.J.S.A. §2A:170-51 *et seq.* and N.J.S.A. 2C:33-13.1 *et seq.* or any other statute of the State of New Jersey which pertains to the sale of electronic smoking devices or the consumption of electronic smoking device products.

D. Penalties for Display or Location Violations. Any person or establishment found guilty of the improper display of an electronic smoking device, product or advertisement as set forth in Section 5 of this chapter, or the sale of an electronic smoking device or product at any location in violation of Section 6 of this chapter shall, for a first such offense, be subject to a fine of \$500.00 For a second or subsequent violation of this section, any such person or establishment shall be subject to a fine of not less than \$1000.00 nor more than \$2,000.00. In addition, any person or establishment violating this section for a second or subsequent time shall have their license revoked for the remainder of the calendar year. Any person or establishment found guilty of this section for a third or subsequent time shall have their license permanently revoked.

Section 9. Enforcement

A. Enforcement shall be by the Dunellen Borough Police Department, Health Department and Dunellen Borough Code Enforcement Office.

Terry Albertson of the Dunellen Municipal Alliance made the following statement in support of the ordinance:

I am the Coordinator of the Dunellen Municipal Alliance, a volunteer community-based prevention organization. Our mission is to engage a diverse network of residents dedicated to promoting and supporting alcohol and drug prevention strategies in order to reduce youth substance abuse and create a healthy community.

The use of electronic smoking devices has increased drastically over the past few years. In 2020, 19.6% of high school students and 4.7% of middle school students reported current e-cigarette use.

The use of these devices is especially harmful for teens slowing brain development, affecting memory, concentration, learning, self-control, attention, and mood

We have been working with the Borough Council to come up with an ordinance to protect the youth in our community. This ordinance is something we need, and we support it 100%. We hope you will too.

Mayor Cilento noted that the ordinance seeks to prevent the sale of the devices to minors and imposes a licensing fee on distributors. A portion of the fee could be used to assist the Police or organizations such as the Municipal Alliance in educating the public and minors in the use of these products. He thanked the Municipal Alliance and Councilpersons Rios and Narvesen for their assistance with this ordinance and in working with the Municipal Alliance.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

2021-05

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 March 1, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Municipal Council Chambers, 355 North Avenue, Dunellen, NJ on March 15, 2021 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 at the Municipal 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 VARIOUS ROADWAYS AND A PARKING LOT IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$540,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$514,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF"

Purpose: Improvements to various roadways, as more fully described on a list on file in the office of the Borough Clerk, which list is hereby incorporated by reference as if set forth at length, and the Fire Department parking lot, including all work and materials necessary therefor and incidental thereto.

Appropriation: \$540,000

Bonds/Notes Authorized: \$514,000

Grants Appropriated: N/A

Section 20 Costs: \$50,000

Useful Life: 10 years

Council President Dunne thanked former Council President Bayer for his hard work in bringing this program to Dunellen. It will be a huge asset to our borough. Mayor Cilento also noted that it was he and Mr. Bayer who brought the program to Dunellen and he enjoyed working with him on it.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

2021-06

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 March 1, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Municipal Council Chambers, 355 North Avenue, Dunellen, NJ on March 15, 2021 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 at the Municipal Clerk's Office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: "BOND ORDINANCE PROVIDING FOR THE STABILIZATION AND RESTRUCTURING OF AN EMBANKMENT AND RETAINING WALL IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$420,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF"

Purpose: Stabilization and restructuring of the embankment and retaining wall which abuts the Firehouse parking lot, including all work and materials necessary therefor and incidental thereto.

Appropriation: \$420,000

Bonds/Notes Authorized: \$400,000

Grants Appropriated: N/A

Section 20 Costs: \$40,000

Useful Life: 20 years

Mayor Cilento noted that the mill and pave program includes the Fire House parking lot and that it only makes sense to repair the embankment and that we fix it before we pave the lot.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

03-01-2021: #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: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

03-01-2021: #2

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

Approval is granted for the Municipal Clerk to make application for the 2021 Community Development Block Grant, for the projects and amounts as listed below:

Cameraing and cleaning of Sewer pipes	\$20,000.00
Senior and Disabled Arts Programmer	\$2,665.00
Code Enforcement	\$8,000.00
Senior Citizen Coordinator	\$6,000.00
Senior Citizen Van Driver	\$1,000.00
Park and Open Space Repair and Landscaping	\$5,000.00

Senior Citizen Building Repair
and Upgrade

\$5,000.00
\$47,665.00

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

03-01-2021: #3

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

Mayor Jason F. Cilento is authorized to sign the attached Agreement between the Borough of Dunellen and Extra Duty Solutions for the provision of Off-Duty Police Officer Administrative Services.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

03-01-2021: #4

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

Central Jersey Waterproofing Specialists, LLC., is awarded a contract for the remediation of water infiltration into the Police Station Locker Room, at a cost not to exceed \$2,550.00.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

03-01-2021: #5

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

WHEREAS, NJSA 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the CY 2021 Capital Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, on February 1, 2021, the Borough Council adopted Resolution 02-01-2021: #3 establishing the 2021 Temporary Capital Budget, and

WHEREAS, the Temporary Capital Budget must now be amended for additional capital improvement projects.

NOW THEREFORE BE IT RESOLVED that the attached CY 2021 Temporary Dunellen Capital Budget, as amended, is hereby adopted.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

03-01-2021: 5-A

RESOLUTION OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, NAMING A CONDITIONAL REDEVELOPER FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 70, LOTS 13 AND 13.01 ON THE TAX MAPS OF THE BOROUGH AND AUTHORIZING THE EXECUTION OF A CONDITIONAL REDEVELOPER'S AGREEMENT WITH RESPECT THERETO

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

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the Borough identified and designated various property within the downtown area, including the properties identified as Block 70, Lots 13 and 13.01, commonly known as the South Side Train Station Parking Lot and Borough Library, as set forth on the tax map of the Borough as an "area in need of redevelopment" (together, the "Redevelopment Area") and adopted a redevelopment plan for the Redevelopment Area entitled the "Amended and Restated Dunellen Downtown Redevelopment Plan Phase 1" as amended and supplemented, and as the same may be further amended and supplemented from time to time (the "Redevelopment Plan"); and

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

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

WHEREAS, Mas Development Group (the "Entity") seeks to be designated as the "redeveloper" (as defined in the Redevelopment Law) of the Redevelopment Area, so as to

redevelop the Redevelopment Area in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and

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

WHEREAS, the Borough desires to authorize the execution of a conditional redeveloper's agreement with the Entity (in the form attached hereto as Exhibit A, the "Conditional Redeveloper's Agreement") for the purpose of creating a framework for the negotiation and execution of a Redevelopment Agreement and to memorialize related obligations of the Conditional Redeveloper and Borough set forth therein.

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Entity is hereby designated as the Conditional Redeveloper of the Property pending the execution of a Redevelopment Agreement with the Borough and satisfaction of the obligations set forth in the Conditional Redeveloper's Agreement.

Section 3. The Mayor of the Borough is hereby authorized and directed to execute the Conditional Redeveloper's Agreement, in the form attached hereto as Exhibit A, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's redevelopment counsel, planner and other professionals.

Section 4. This resolution shall take effect immediately.

Mayor Cilento noted that this is a conditional redevelopment agreement between the borough and Mas Development Group for the south side of the Train Station that includes Skinner Plaza and the library building. The agreement says that we have an interested developer and that they want to come to us within 120 days with a concept plan that adheres to our Redevelopment Plan. The agreement contains conditions that protect our interests but allows the developer to examine the property. There will be opportunities for public input. This is a preliminary stage to a longer process.

Municipal Attorney Bruder noted that this agreement is like a MOA (Memorandum of Agreement). It is authorizing this particular redeveloper to begin their work to see if it is feasible from

their end to build out the project that they have in mind. The borough can approve if we are agreeable to the plan. It is a first step that the borough can undertake with a level of confidence and allows us to determine if we like what we are seeing and if we do, we can move ahead to a full agreement. If we do not like what we are seeing, we can ask for modifications or "pull the plug" on project.

Dr. Dunne asked for the timeline within which the developer needs to come to us with a formal plan? 120 days. She also asked if this was non-binding? Mr. Bruder responded that it is binding for the 120 days, at which time the borough will decide whether to move forward.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

03-01-2021: #5-B

RESOLUTION OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, NAMING A CONDITIONAL REDEVELOPER FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 1, LOTS 19, 20 AND 21 ON THE TAX MAPS OF THE BOROUGH AND AUTHORIZING THE EXECUTION OF A CONDITIONAL REDEVELOPER'S AGREEMENT WITH RESPECT THERETO

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

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the Borough identified and designated various property within the downtown area, including the properties identified as Block 1, Lots 19, 20 and 21, commonly known as 120 North Avenue, 124 North Avenue and 126 North Avenue, as set forth on the tax map of the Borough as an "area in need of redevelopment" (collectively, the "Redevelopment Area") and adopted a redevelopment plan for the Redevelopment Area entitled the "Amended and Restated Dunellen Downtown Redevelopment Plan Phase 1" as amended and supplemented, and as the same may be further amended and supplemented from time to time (the "Redevelopment Plan"); and

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

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or

redevelopment work in an area designated as an "area in need of redevelopment" pursuant to *N.J.S.A. 40A:12A-8*; and

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

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

WHEREAS, the Borough desires to authorize the execution of a conditional redeveloper's agreement with the Entity (in the form attached hereto as Exhibit A, the "Conditional Redeveloper's Agreement") for the purpose of creating a framework for the negotiation and execution of a Redevelopment Agreement and to memorialize related obligations of the Conditional Redeveloper and Borough set forth therein.

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The Entity is hereby designated as the Conditional Redeveloper of the Property pending the execution of a Redevelopment Agreement with the Borough and satisfaction of the obligations set forth in the Conditional Redeveloper's Agreement.

Section 3. The Mayor of the Borough is hereby authorized and directed to execute the Conditional Redeveloper's Agreement, in the form attached hereto as Exhibit A, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's redevelopment counsel, planner and other professionals.

Section 4. This resolution shall take effect immediately.

Mayor Cilento noted that this property is across from the Rock Ice Rink. It is private property. The conditional agreement is like the one just considered for Mas Development Group. He understands that this will be a mixed-use development, retail and residential, and our planners will let us know if their project meets our Redevelopment Plan. It is exciting that we do have this much interest in redevelopment in the borough.

03-01-2021: #7

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

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

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

REDEVELOPMENT OF ART COLOR SITE

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
51763	PB176	Professional Services	\$4,464.56
52970	PB176	Professional Services	<u>1,428.00</u>
			\$5,892.56

528 NORTH AVENUE

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
51765	PB177	Professional Services	\$360.00
52973	PB177	Professional Services	<u>315.00</u>
			\$675.00

150 NORTH AVENUE

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
51764	PB178	Professional Services	\$2,655.00
52971	PB178	Professional Services	<u>135.00</u>
			\$2,790.00

440 NORTH AVENUE

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
52972	PB179	Professional Services	\$1,305.00

03-01-2021: #8

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

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

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

ART COLOR REDEVELOPMENT – RAB BONDS

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
178531	PB175	Professional Services - RAB Bonds	\$5,812.50

03-01-2021: #9

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

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

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

150 NORTH AVENUE

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
0275195	PB171	Engineering Review & Report	\$696.50

216-34 NORTH AVENUE

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
0275196	PB172	Site Observation	\$223.75

440 NORTH AVENUE

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
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0275197	PB173	Engineering Review & Report	\$89.50
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100 SOUTH WASHINGTON AVE

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
0275199	PB174	Engineering Review & Report	\$957.50

BRUDNER REDEVELOPMENT - FORCE MAIN

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
0275198	PE18	Construction Observation	\$1,810.75

STORM SEWER BYPASS

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
0275200	PE19	Site Observation	\$129.75

03-01-2021: #10

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
20-24	47	26	ZENYUCH, JOSEPH & LEMONGELLO, GAIL 726 FRONT ST	888.83	5.01	1,400.00	2293.84

TOTAL REFUNDED \$2293.84

03-01-2021: #11

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
19-19	77	4.01	TORRES-FRANCO, RICHARD 239 WALNUT ST	1,201.23	47.59	1,400.00	2648.82

TOTAL REFUNDED \$2648.82

03-01-2021: #12

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
19-11	62	3	HORNE, JAMES & JENNIFER 310 NEW MARKET RD	998.88	47.15	1,100.00	2146.03

TOTAL REFUNDED \$2,146.03

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

Reports:

Mrs. Rios: 1) the Dunellen Arts and Culture Commission is doing a Shamrock Challenge: put a shamrock on your window for the walkers to find. It is just a fun activity. More information on their Facebook page; 2) there is still time to register for the Dunellen Municipal Alliance's Virtual Town Hall in April; 3) there will be another food drive on March 20th from 9:00 am to 11:00 am. Please reach out to the Recreation Director Alexander Miller; 4) please check the Library's Facebook page for hours of operation and activities; 5) the Friends of the Dunellen Library will be hosting their Second Annual Open Air Market, coming soon; 6) the Dunellen Downtown Management Organization is putting together its Business Directory and we will be attending a Grand Opening on Saturday, March 6th, at Easy Mattress on North Avenue.

Mrs. Burke: 1) commended Patrolmen Nierodzik, Rosofsky and Irons for their 29 DWI arrests out of a department total of 48 arrests in 2019 and the department made 51 arrests in 2020; 2) since December 1, 2020, the Police Department has issued a total of 316 summonses for parking on the street during snow events; 3) the Office of Emergency Management has submitted our Emergency

Operation Plans to the State for review; 4) please submit items for *The Dunellen Report*.

Mr. Reid: no report.

Dr. Dunne: 1) the Diversity and Inclusion Committee volunteer applications can be found online; 2) happy Women's History Month; 3) referenced what our Tax Assessor said at the last meeting: that your assessment value does not determine your tax rate; 4) the Finance Committee has been meeting with department heads and reviewing budget submissions. The Committee is trying to keep tax increases to a minimum while maintaining services; 5) reminded everyone to remain vigilant regarding COVID-19. She had a very good experience with the State web site that registers for vaccinations and she received notification to reserve at a vaccination location and she received her first vaccination last Saturday. Even after everyone is vaccinated, please maintain social distancing and wear a mask.

Mr. Sigmon: 1) Spring Tennis begins on April 24th. You can access the registration form on our borough web site and Recreation Facebook page; 2) there is a Recreation Commission meeting tonight where they are working on an Easter Bunny plan for Sunday, March 28th. The Recreation Department will notify everyone later this month.

Mrs. Narvesen: 1) DPW report:

During the last 2 weeks we had 2 more snow events as the crew was plowing and salting.

The DPW crew also cleared most of the sidewalk intersections in town.

The last 3 days the DPW has been tending to potholes, and today the guys were removing asphalt at the intersection of South Avenue and Madison Avenue (they are removing about 2 inches of asphalt, to the concrete base).

Cleaned up downtown.

Our Mechanic has been busy working on the Chief's vehicle, Lieutenant's Car, maintenance on truck 5, set up new steps on the new Mason Truck.

Reminder that March & April is curbside branch & trim limb pick-up (weather permitting, in the event of impending snow please do not leave branches out).

Note: Branches & tree limbs can be dropped off at the DPW yard all year long.

2) She and Dr. Dunne attended the Board of Education meeting. No report for this. Their next meeting is on March 9th at 7:00 pm; 3) the Green Brook Flood Control Commission meets on April 7th at 7:30 pm

Mayor Cilento: Congratulates Neil Piscopo of Boy Scout Troop 129 upon achieving the rank of Eagle Scout. His ceremony will be on April 17th. Mayor and Council are invited.

Covid-19 Update:

Since my last report on 2/16/2021, we have been made aware of twenty-nine more new cases added to Dunellen's cumulative total of 663; averaging 2 cases per day. Dunellen's cumulative death total remains at eleven. Dunellen and Middlesex County's cumulative totals can be found at www.discovermiddlesex.com/total-cumulative-cases/ New Jersey COVID-19 Information Hub at: www.covid19.nj.gov. To sign up for the COVID-19 vaccination: <https://covid19.nj.gov/pages/vaccine>

The state went live with its Vaccination Helpline. The number is (855) 568-0545. Middlesex County has also set up a Call Center at (732) 745-3100. If you know someone who does not have access to the Internet or a computer, please assist them with signing up for the vaccine and/or making a phone call to the above contact information.

Middlesex County is looking for volunteers to assist with COVID-19 vaccination in medical and non-medical roles. For more information, please visit www.middlesexcountynj.gov/covid19. If you are in need of assistance due to a mental health crisis because of the impact of COVID-19, please text the crisis line by texting “NJ” to 741741, call the family helpline at 1-800-843-5437 or call the mental health line at 1-866-202-4357.

Our numbers are rising and we must remain vigilant in our efforts to prevent further spread of COVID-19. Please remember to continue to practice social distancing, wearing of a mask and when it is your time to get a vaccine, please consider doing so.

Dunellen Station (Art Color) Development Update:

Our engineers are reviewing material submittals and shop drawings in anticipation of construction beginning this spring.

Capital Improvement Projects:

South Madison Avenue – Our engineers have met with the gas company and are meeting with the water company this week to coordinate utility relocations for storm sewer improvements. Once these improvements are completed and the weather breaks, mill and pave will begin. Our estimated timeline is by spring the project will be completed.

South Madison Avenue Culvert - We had a pre-construction meeting for the South Madison Avenue Culvert project on January 12th. The project also received a notice to proceed starting March 1st. On February 25th test pits were dug to locate underground utilities. We hope the actual work will begin in late spring and be completed by end of summer. The School District has been fully informed and adequate preparations have been made for school children, pedestrians, and traffic flow.

County Mill & Pave Program – Tonight the Borough introduced a bond ordinance to pay for the county mill & pave program that will fund the milling and paving of South Avenue, Madison Avenue (between South Avenue and North Avenue), Grove Street (between Prospect Ave and South Ave), South Madison Avenue (between Walnut Street and South Avenue), Pulaski Street (south side), High Street, Lehigh Street and Fire Department parking lot.

Fire Department Embankment – Tonight the Borough introduced a bond ordinance to repair the Fire Dept embankment along the Bonygutt Brook being that we are planning to pave the Fire Department parking lot and the embankment is in disrepair.

Downtown Visual Preference Survey Results:

In November 2020, the Borough of Dunellen worked with our Municipal Planner, DMR Architects, in developing and issuing the survey to residents, business-owners and visitors to better understand the community's preferences as we continue to welcome the redevelopment of Dunellen's downtown. As part of the process, we hosted a virtual public engagement session on February 25, 2021 to present the findings of the survey. Following this session, the Borough of Dunellen will work on a strategic plan on enhancing our redevelopment plan to reflect the community's vision. You may view the February 25th presentation on the Borough of Dunellen Social Media YouTube Channel here: <https://youtu.be/vvqyQJUWa08>

NJ Board of Public Utilities Regarding the Public Hearings on Optimum (Altice USA):
In September 2020, I, along with the mayors of Piscataway Township, Robbinsville Township, Green Brook Township and Hamilton Township, wrote a strongly worded letter to the New Jersey Board of Public Utilities (BPU) detailing our grievances with Optimum (Altice USA) and the shabby treatment this company has displayed toward its customers. We requested an investigation into the behavior exhibited by Altice. I am pleased to share with you that the BPU has heard our calls for relief and announced in February that they will hold a public hearing about Altice's poor service and unfair consumer pricing. Members of the public who wish to submit comments for the March 16th public hearing on the "Operations of Altice USA in New Jersey" investigation can do so by emailing board.secretary@bpu.nj.gov in PDF or Word format and must contain in the subject the caption "Docket No. CX21020139" or submitting comments through the Board's External Access Portal. Directions for e-filing can be found on the Board's website at: <https://www.bpu.state.nj.us/>

Dunellen Updates with Mayor Cilento:

As Mayor, I will be enhancing my communication with the public by the introduction of a regular video series called *Dunellen Updates with Mayor Cilento*. I will use this platform to update the public on borough hall matters, redevelopment efforts, meetings with the business community, as well as bringing on Council Members and department heads from time to time to discuss the various areas of our municipal government. The purpose of this supplemental form of communication is to educate and communicate to the public topics of the day here in Dunellen. Although this will be an added way of communication, I ask the public to not substitute this video series for Council meetings, where vital Council discussion and decision-making occurs. Your input and involvement in Council meetings is an important part of our municipal government and I encourage you to participate in them. You may watch the video series on the Dunellen Borough website (www.dunellen-nj.gov) under Messages from the Mayor section or via Mayor Jason F. Cilento's YouTube Channel here: <https://www.youtube.com/channel/UCaJZZjyYNnZRQOGQOvDYv1g>

Public Comments:

No one from the public spoke.

Mayor Cilento stated: at this time, we are going into an Executive Session where members of the public are excluded. We will return into regular session afterward, but no business will be conducted, and no action will be taken.

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

03-01-2021: #13

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

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

Whereas, there exists such a circumstance; and

Whereas, the Governing Body wishes to enter into Executive Session for the purpose of discussing matters concerning contract negotiations; and

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

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

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

03-01-2021: #14

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

The Dunellen Borough Council will return to Regular Session.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

03-01-2021: #15

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

The Dunellen Borough Council Meeting of March 1, 2021 is adjourned.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon
