

November 7, 2022

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

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

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

Deputy Municipal Clerk Lauren Staats read the Sunshine Statement and called the Roll.

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

Arthur Thibault, Esq., served as Municipal Attorney for this meeting.

On the motion of Mrs. Rios and seconded by Mr. Sigmon it was moved to accept the Minutes of the Meeting of October 17, 2022.

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

At this point, the following statement on Dunellen's Land Acknowledgement Regarding Indigenous Peoples was read:

DUNELLEN ACKNOWLEDGEMENT REGARDING INDIGENOUS PEOPLES

The land upon which the Borough of Dunellen stands is part of the traditional territory of the Lenni-Lenape, called "Lenapehoking." The Lenape People lived in harmony with one another upon this territory for thousands of years. During the colonial era and early federal period, many were removed west and north, but some also remain among the three continuing historical tribal communities of the region: The Nanticoke Lenni-Lenape Tribal Nation; the Ramapough Lenape Nation; and the Powhatan Renape Nation. We acknowledge the Lenni-Lenape as among the original people of the land in this region and we acknowledge their continuing relationship with this territory. In our acknowledgement of the continued presence of Lenape people in this region, we affirm the aspiration of the great Lenape Chief Tamanend, that there be harmony between the indigenous people of this land and the descendants of the immigrants to this land, "as long as the rivers and creeks flow, and the sun, moon, and stars shine."

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

Ordinance 2022-28

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 November 7, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Dunellen Borough Council Chambers, in the Borough on November 21, 2022 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE REAPPROPRIATING \$330,700 FROM VARIOUS BOND ORDINANCES IN ORDER TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

Purpose: To reappropriate (i) \$175,500, including \$175,140 from proceeds of obligations and \$360 from the Capital Improvement Fund described in the chart below and (ii) \$155,200 from Bond Ordinance #2005-21, finally adopted November 21, 2005, to provide for various capital improvements, all as set forth on a list on file in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto.

<u>Bond Ordinance Number</u>	<u>Improvement Description and Date of Adoption</u>	<u>Amount to be Reappropriated</u>
Bond Ordinance #2006-18	Sanitary sewer force main repair at Green Brook, sanitary sewer force main replacement, improvements to Gallagher Pump Station and Washington Avenue Ejector Station and removal of abandoned force main from Green Brook, all said improvements to include all costs, equipment and/or improvements necessary therefore or related thereto, finally adopted September 26, 2006.	\$9,400

Section 3(1) of Bond Ordinance #2012-11	Narrow band radio replacement for Police, Fire, Public Works, Rescue Squad and Emergency Management Departments, including all costs, improvements, equipment and/or appurtenances necessary therefor and related thereto, finally adopted June 18, 2012.	\$42,500
Section 3(2) of Bond Ordinance #2012-11	Police Department wireless, digital in car video camera and recording systems, including all costs, improvements, equipment and/or appurtenances necessary therefor and related thereto, finally adopted June 18, 2012.	\$12,900
Section 3(9) of Bond Ordinance #2012-11	Replace Fire House doors, including all costs, improvements, equipment and/or appurtenances necessary therefor and related thereto, finally adopted June 18, 2012.	\$5,700
Sections 3(c)(1) and 3(c)(2) of Bond Ordinance #2015-08	The acquisition of a truck and a sand spreader for the Department of Public Works, including all related costs and expenditures incidental thereto, finally adopted September 21, 2015	\$4,700
Sections 3(d)(1) and 3(d)(2) of Bond Ordinance #2015-08	The acquisition of a sport utility vehicle and a radio and dictaphone for the Police Department, finally adopted September 21, 2015.	\$7,200

Section 3(a) of Bond Ordinance #2015-10	Acquisition/installation of dispatch equipment, including, but not limited to, laptops and ancillary equipment for fire trucks, desktop personal computers and software for the Fire Department, Acuity Map Enhancement from QED, CAD/RM system (QED) and ancillary equipment, conversion of any existing RMS "legacy" data to QED RMS system and laptops for police vehicles, including all related costs and expenditures incidental thereto, finally adopted December 7, 2015.	\$50,200
Section 3(b) of Bond Ordinance #2015-10	Acquisition/installation of dispatch equipment, including, but not limited to, security system, portable radios and ancillary equipment, reprogramming radios, consolette, police camera in lobby, mobile radio for the Police Department, rescue squad pagers, police vehicle camera and VHFF radios, including all related costs and expenditures incidental thereto, finally adopted December 7, 2015.	\$11,100
Section 3(a)(1) of Bond Ordinance #2016-11	The acquisition of an asphalt hot box for the Department of Public Works, including all related costs and expenditures incidental thereto, finally adopted June 6, 2016.	\$4,000
Section 3(b)(2) of Bond Ordinance #2016-11	Repairs to furnaces for the Fire Department, including all work and materials necessary therefor and incidental thereto, finally adopted June 6, 2016.	\$9,100 (includes \$360 from the Capital Improvement Fund)

Bond Ordinance #2016-12	To provide a loan to the Parking Authority of the Borough of Dunellen to provide for various parking improvements to the existing surface parking lot located on Block 86, Lots 3, 4 and 4.03 on the tax maps of the Borough, located southeast on the corner of North Avenue and South Washington Avenue, including all work and materials necessary therefor and incidental thereto, finally adopted June 6, 2016.	\$18,700
Total:		\$175,500

Re-Appropriation: \$330,700

Bonds/Notes Authorized: N/A

Grant Appropriated: N/A

Section 20 Costs: N/A

Useful Life: N/A

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

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

ORDINANCE 2022-29

The following ordinance is being Introduced for first reading on November 7, 2022. It will be further considered, after public hearing, on November 21, 2022. Copies of this ordinance will be available to the public on the municipal bulletin board and from the Municipal Clerk’s Office.

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

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

WHEREAS, in accordance with the criteria set forth in the Act, the Borough Council (the “**Borough Council**”) of the Borough of Dunellen (the “**Borough**”), acting as the Borough’s

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

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Borough Council adopted by ordinance on May 16, 2016, the Restated and Amended Dunellen Downtown Redevelopment Plan, Phase 1, which was thereafter amended, most recently on July 5th, 2022 pursuant to Ordinance #2022-15 (as amended, the "**Redevelopment Plan**") for the Redevelopment Area; and

WHEREAS, SRV Dunellen Urban Renewal LLC (the "**Entity**") is the owner of certain parcels within the Redevelopment Area commonly known as 745-753 Bound Brook Road and identified on the Borough's official tax map as Block 49, Lot 43 (the "**Property**"); and

WHEREAS, on July 5th, 2022, the Borough Council passed a resolution authorizing the execution and delivery of that certain Redevelopment Agreement (the "**Redevelopment Agreement**"), which sets forth the respective obligations for the Borough and the Entity with respect to the redevelopment of the Property in accordance with the Redevelopment Plan; and

WHEREAS, the Redevelopment Agreement provides for, inter alia, a three-story multi-family rental residential building with two (2) two-bedroom residential units, two (2) two-bedroom residential Affordable Units, one (1) three-bedroom residential Affordable Unit; fifteen (15) one-bedroom residential units and three (3) studio residential units (at least three of the residential units shall be Affordable Units as stated) with amenity spaces, surface parking, lighting and related improvements (collectively, the "**Project**") on the Property, which is consistent with the Redevelopment Plan; and

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

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

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

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

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

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

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

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

1. The development and construction of the Project, including infrastructure improvements as set forth in the Redevelopment Agreement and the Redevelopment Plan will be beneficial to the overall community; will achieve the goals and objectives of the Redevelopment Plan; will help revitalize the Property; will improve the quality of life for the community; will serve as a catalyst for further private investment in areas surrounding the Property; will facilitate the remediation of environmental contamination and the revitalization and productive reuse of land currently in a blighted, stagnant, unproductive and fallow condition; will enhance the economic development of the Borough by alleviating existing blight conditions of the Property; and will further Redevelopment Plan objectives and contribute to the economic growth of the Borough in general and specifically the Property;

2. The Project will result in the creation of at least three (3) units of affordable housing;

3. The aforesaid benefits of the Project exceed the cost, if any, associated with granting the tax exemption provided by the Financial Agreement;

4. The Financial Agreement is a material inducement to the Entity to undertake the Project in the Borough and facilitate the redevelopment of the Property; and

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

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

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN, NEW JERSEY AS FOLLOWS:

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

Section 2. The Exemption Application submitted by the Entity is hereby approved in accordance with Section 8 of the LTTE Law.

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

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

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

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

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

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

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

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

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

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

11-07-2022: #1

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

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

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

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

11-07-2022: #2

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

Whereas, in 2018, the Borough of Dunellen completed a state-mandated revaluation of all real property in the Borough, due in part to the ratio of assessed value to market value dropping to below 25%; and

Whereas, by resolution 06-15-2020: #7, a contract for revaluation was

Whereas, by resolution 12-04-2017: #5, the contract for the initial revaluation was awarded to Appraisal Systems, Inc. at a cost not to exceed \$138,525.00; and

Whereas, by resolution 06-15-2020: #7, a contract for further reassessment was awarded to Professional Property Appraisers, Inc., for two years; and

Whereas, the Tax Assessor has recommended the Borough perform Annual Reassessments of 20% of the parcels in the Borough as a method of maintaining the ratio of assessed value to market value near 100% and at a considerable cost savings compared to a revaluation; and

WHEREAS, it is in the best interests of the Borough of Dunellen, and upon recommendation of the Dunellen Tax Assessor, that a further contract to Professional Property Appraisers be awarded for a five year period; and

WHEREAS Professional Property Appraisers, Inc., 101 Route 130 N, Suite 301, Cinnaminson, NJ 08077 has provided a proposal for annual reassessment inspections, which includes:

- mailing of a Reassessment Letter to any property that will be inspected as part of the annual reassessment
- inspection of 100% of the exteriors of same, and where possible, interior inspections
- digital photographs and detailed sketches into the Computer Assisted Mass Appraisal program (CAMA) for commercial and improved exempt properties
- the preparation of Chapter 91 letters; and

WHEREAS, these services will be provided at a cost of

- \$30 per property, regardless of property class
- \$50 per parcel for all new residential construction
- \$1,500 for the preparation of Chapter 91 letter

NOW, THEREFORE BE IT RESOLVED, that a five-year contract for Annual Reassessments be awarded to Professional Property Appraisers, Inc. at the per unit rates listed above and in an amount not expected to exceed \$16,500 per year.

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

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

11-07-2022: #3

WHEREAS on June 6, 2016, The Borough Council of the Borough of Dunellen adopted Capital Bond Ordinance 2016-12 which provided a loan to the Dunellen Parking Authority and the authorization for paving the Authority-owned parking lot known as Block 86, Lots 3, 4 and 4.03, located southeast of the corner of North and South Washington Avenues, which lies contiguous to the north-facing NJ Transit rail line, and

WHEREAS it was agreed to by both the Borough of Dunellen and the Dunellen Parking Authority that the Authority would pay back the Borough for any expenses related to the work done at the lot, with interest, over a period of time; and

WHEREAS, when the original agreement was entered into, the full cost of the project was not known but has subsequently been determined to be \$225,621; and

WHEREAS, the Dunellen Parking Authority has made principal and interest payments to date in the amount of \$220,000 and \$22,000, respectively.

NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF DUNELLEN, NEW JERSEY, that the Borough hereby acknowledges that the principal balance owed by the Authority to the Borough is \$5,621; and

BE IT FURTHER RESOLVED that upon payment of said balance, the Parking Authority's financial obligation to the Borough will have been fulfilled.

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

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

11-07-2022: #4

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

Whereas, there exists a need for professional engineering services for the Supplementary Railroad Culvert Project; and

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

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

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for:

Construction Administration, Inspection and Observation of the Supplementary Railroad Culvert Project at a cost not to exceed \$364,020.00
2. This contract is awarded without competitive bidding as a Professional Service under the provisions of the Local Public Contract Law because the services rendered are professional services of a recognized profession whose practice is regulated by law.
4. A copy of this resolution shall be published in *The Courier* as required by law within ten days of its passage.

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

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

11-07-2022: #5

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

WHEREAS, the risk of cyber-related crimes is a growing threat to the financial and functional well-being of municipalities; and

WHEREAS, a carefully prepared and rigorously followed Cyber Incident Response Plan can serve as a practical tool to educate Borough of Dunellen employees and volunteers on how to recognize potential cyber risks and crimes and how to properly respond if such risks become actuated.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the attached Cyber Incident Response Plan, formulated and approved by the Central Jersey Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, be adopted; and

BE IT FURTHER RESOLVED, that this Cyber Incident Response Plan be distributed to all Borough employees and volunteers who have official borough email accounts or who use Borough of Dunellen computers.

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

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

11-07-2022: #6

RESOLUTION AUTHORIZING THE Borough of Dunellen TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2022 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE

WHEREAS, the Borough of Dunellen Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY22-EMPG-EMAA-1203 from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the Borough's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Borough of Dunellen will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

WHEREAS, the award period is from July 1, 2022 to June 30, 2023; and

WHEREAS, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

WHEREAS, the Borough of Dunellen Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

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

1. That the Council accepts the award of the FFY22 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolutions shall be forwarded to the New Jersey State Police, Office of Emergency Management, the Borough Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

I hereby certify this is a true and exact copy of the resolution adopted by the Borough of Dunellen on November 7, 2022.

Mayor Cilento thanked OEM Coordinator Homer Mosley and Deputy OEM Coordinator William Carlson for their work on obtaining this grant.

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

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

11-07-2022: #7

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

Whereas, there exists a need for engineering services regarding a stream and culvert cleaning project; and

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

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

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for:
 - a) Design Phase Services at a cost not to exceed \$31,900.00
 - b) Construction Phase Services at a cost not to exceed \$31,900.00

2. The total cost of this Agreement shall not exceed \$63,800.00.
3. This contract is awarded without competitive bidding as a Professional Service under the provisions of the Local Public Contract Law because the services rendered are professional services of a recognized profession whose practice is regulated by law.
4. A copy of this resolution shall be published in *The Courier* as required by law within ten days of its passage.

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

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

11-07-2022: #8

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

Whereas, there exists a need for stream and culvert cleaning at certain locations in the Borough of Dunellen; and

Whereas, National Water Main Cleaning Co. has submitted a proposal for the stream and culvert cleaning at a cost of \$323,951.99; and

Whereas, this contract is awarded through the Buy Board Purchasing Cooperative, No. 635-21.

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

The Mayor and Municipal Clerk are hereby authorized to execute an agreement with National Water Main Cleaning Co. for the cleaning of streams and culverts at various locations throughout the Borough, at a cost not to exceed \$323,951.99, subject to provision of appropriate insurance documents as required by the contract documents.

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

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

11-07-2022: #9

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

The Performance Guarantee provided to the Borough of Dunellen by Brudner Redevelopment Partners Urban Renewal, LLC., for work associated with Block 85, Lots 1.01 and 1.02 (10% Cash Portion: \$316,404.00; 90% Bond Portion: \$2,847,636.00; total: \$3,164,040.00) is hereby reduced

to 75% of the originally calculated performance guarantee:

The bond is hereby reduced to \$2,153,520.00 of which 10% (\$215,352.00) will be held as cash with the remainder (\$1,938,168.00) held as a performance bond until such time that the remaining improvements at the site have been completed.

Dr. Robins explained that Brudner Redevelopment Partners had posted performance guarantees regarding work on the Dunellen Station project. Per periodic review by CME Associates, the borough's engineers, it has been determined that a certain amount of the work has been satisfactorily completed, thus allowing for a partial release of the performance guarantee.

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

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

11-07-2022: #10

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

Bryant Warren is hired as an Operator Class D, Probationary Employee, in the Dunellen Department of Public Works, at a salary per the current contract, effective November 17, 2022.

Alexander Miller, DPW Supervisor, spoke to the interviewing and hiring process. He noted the high qualifications of the selected new employees, their living either in Dunellen or Green Brook, and how they will be positive additions to the department.

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

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

11-07-2022: #11

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

Bryan Cashin is hired as an Operator Class E, Probationary Employee, in the Dunellen Department of Public Works, at a salary per the current contract, effective November 17, 2022.

Mayor Cilento commented that Mr. Cashin is also a member of the Dunellen Fire Department and that this is a great asset for Dunellen.

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

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

11-07-2022: #12

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

Audrey Devine is hired as a part-time worker in the Dunellen Department of Public Works, at a wage of \$15.75 per hour, not to exceed 29 hours per week, beginning November 21, 2022. This is a position without benefits.

Mayor Cilento noted that Mrs. Devine will be mostly assigned to cleaning the downtown and that she is also a Dunellen resident.

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

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

11-07-2022: #13

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

The architectural firm Alloy5 is authorized to draft a Notice for Bids, and advertise this Notice, for the Dunellen Firehouse rebuild project.

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

CONSENT AGENDA:

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

11-07-2022: #14

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 FIG CUST FIGNJ19LLC & SEC PTY

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
-----	-------	-----	---------------	-----------	----------	---------	-------

20-34	76	16	HERRERA, LUIS & PEREYRA, LIVARDO 315 NEW MARKET AVE	\$1,596.36	\$91.05	\$1,500.00	\$3,187.41
-------	----	----	---	------------	---------	------------	------------

TOTAL REFUNDED \$3,187.41

11-07-2022: #15

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

The Treasurer is hereby authorized to issue the following proceeds for tax sale redemption(s):

Payable to Violet Potter

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
21-06	26	15	410 MADISON AVE	\$ 868.83	34.13	\$2,000.00	\$2902.96

TOTAL REFUNDED \$ 2902.96

11-07-2022: #16

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

Whereas, there appears to be a surplus in the following 2022 Operating Accounts over and above the demands to be necessary, and

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

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

From

Account	Title	Salaries & Wages	Other Expenses
20-110-101	Mayor & Council	\$1,000	
25-240-101	Police	29,500	
28-370-102	Recreation	3,000	
	Subtotal	\$33,500	
	Total		<u>\$33,500</u>

Whereas, there appears to be insufficient funds in the following 2022 Operating Accounts over and above the demands to be necessary; viz:

To:

Account	Title	Salaries & Wages	Other Expenses
20-110-230	Mayor and Council		\$1,000
20-145-299	Collection of Taxes		1,000
21-180-111	Planning Board	\$2,400	
23-210-299	Other Insurance		10,200
25-275-111	Municipal Prosecutor	6,500	
26-310-101	Public Buildings and Grounds	1,000	
42-305-000	Middlesex County Recycling		\$10,000
42-305-001	Somerset County Health Svcs		1,400
	Subtotal	\$9,900	\$23,600
	Total	<u>\$33,500</u>	

11-07-2022: #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 American Legion Post #119.

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

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

COUNCIL DISCUSSION

Best Practices Inventory, presented by Municipal Clerk William Robins:

Each year, the Department of Community Affairs promulgates a “Best Practices Inventory” and distributes to all 564 municipalities. It is designed to ascertain the status of municipal government practices in New Jersey. The inventory ostensibly assesses each municipality’s compliance with various laws and evaluates implementation of fiscal and operational best practices. The inventory is regarded as one way taxpayers can evaluate their municipality’s performance.

This year there were 42 scored questions and 27 unscored questions on survey format. Some of the topics were: personnel, budgeting, financial administration, capital projects, transparency, authorities, procurement, web sites, cybersecurity, shared services, and affordable housing.

The unscored questions contained opportunities for a municipality to request from the DCA additional training or advice.

The State can withhold some of our discretionary aide if we do not answer a sufficient number of questions positively. This year we received a score of 28.5; thus, we will receive full funding.

Reports:

Mrs. Albertson: 1) Fire Department--as we saw in today's resolutions, Alloy5 has been authorized to prepare and advertise the Dunellen Firehouse rebuild bids. We look forward to seeing the bids come in and then to see the Firehouse rebuilt; 2) Dunellen Senior Club is meeting later on this Friday to allow members to attend the Veterans Day Ceremony at Washington Park at 11 am. Senior Club meeting will be at 12:30 pm in the Senior Center. There will be a meeting at 12:30 followed by Native American Danvers at 1 pm. Check the Dunellen Senior Club page on Facebook to see all that is going on.

Mrs. Rios: 1) Dunellen Public Library--please join the Friends of the Dunellen Public Library on November 13th as we raise funds with a touchstone fundraiser. On November 19th the library will host a "Safe Saturday" program for children ages 5 to 7. Registration is required. On December 3rd there will be a special program for adults sponsored by the Environmental Education Center of Somerset on the topic of backyard birds. Please call the library to register for these events. The library will be closed on November 11th in observation of Veterans Day; 2) the Dunellen Downtown Management Organization celebrated the grand opening for Green Dog Mobile Truck on October 29; 3) the Dunellen Arts and Culture Committee will be preparing to paint festive winter scenes on participating business windows. You may sign up at the Dunellen Recreation website; 4) Cub Scout Pack 26 and Boy Scout Troop 127 will be scouting for food. Pick up will be November 19th at 1:00 pm. Please have the orange bags that will be provided available for Scouts to pick up. Thank you.

Mr. VanDermark: 1) the Dunellen Recreation Tennis Tournament took place on Saturday, October 21st, and was a big success. We had 21 teams in the tournament. The participants ranged from high school students to middle-aged people. It was great to see many of our residents playing in the matches. The Recreation Department is giving a big shout-out to Kelly Seader who spearheaded this event; 2) 74th Annual Halloween Parade took place on Sunday, October 30th. We had a beautiful day and a good turnout. We had 54 participants in the event this year. The Recreation Department is thankful to the Mayor and Councilmembers for their support at the event and also thanks to the Dunellen Fire Department and Police Department for their support; 3) Recreation Basketball registration will be opening up this week for ages Kindergarten to 6th Grade. The program will run on Saturdays in January and February; 4) Veterans Day--Recreation Department would like to remind everyone that Veterans Day is Friday, November 11th, and our Annual Veterans Day Ceremony will be held at Washington Memorial Park at 11 am. The

Recreation Department as always continues to work with our heroes at American Legion Post #119 and VFW Post #5479. Please come out and support our Veterans.

Dr. Dunne: 1) the Police Department is looking for Crossing Guards. Please contact Sgt. DelBuono if interested. October was another productive month for the department. The report should be done by the end of this week; 2) the next Board of Education meeting is next Tuesday, November 15th at 7 pm; 3) Shade Tree Commission-update for 2022:

- Planted 83 trees; 6 more trees to be planted this fall and another 2 scheduled for the spring.

As always, if you are interested in having a shade tree planted, please contact the DSTC

- Railroad embankment on the east side – need to clean & replant – can developers at Art Color relandscape?

- Focus on including more native plants

- Handed out 27 trees at HarvestFest – 12 dogwood and 15 red oaks

3) Parking Authority – updates included in agenda; 4) Scouting for Food; 5) registration will open for Recreation Basketball (Jan-Feb).

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

- Crew will continue picking up leaf bags throughout the Borough.
- Started leaf clean-up in the parks.
- Crew worked with the Middlesex County Mosquito Commission on removing 3 trees that caused a blockage in the brook.
- Rebuilt a new catch basin at Skinner Plaza.
- Cleaned Skinner Plaza for the car show.
- Picked up recycling bins for the new units at The Crossings.
- Ran multiple loads of roll-off loads to the dump.
- Cleaned up at Columbia Park after the Haunted Trail
- Had one sewer call.
- Please note: curbside branch pick-up is over (it ended September 30th). Residents can always bring branches to the DPW yard.

Repairs and service work on police cars #502 & #505, installed a leaf blower on the truck, and service work on the roll off truck.

Mr. Paltjon: 1) Buildings and Grounds Report--building supplies for the roof were delivered to Borough Hall this past Friday 11/4 and as you may have seen have been dropped in the municipal parking lot. We were informed that the project will begin tomorrow, Tuesday 11/8. This project is expected to take about 30 days to complete. I will provide everyone with any updates, but if all goes as planned and on schedule the roof should be ready for Santa's arrival; 2) PARSA Report--we are in the process of compiling a new list of stormwater and sewer mains that the Borough will request the need for inspection. The Borough will also be providing a list of potential streets to be paved in 2023. Based on this list, PARSA will inspect all of those sewer mains and storm sewers on the listed streets; 3) Nightmare on Whittier--I just wanted to say thank you to the DPW and the Council for their approval and all of those involved with the shutting down the block of Whittier Avenue on Halloween night. For those of you that stopped by, you can see the amount of people that Nightmare on Whittier draws, and it really has become a local must-see attraction. So,

GREAT JOB to my neighbors on their amazing display and looking forward to the new props and the Nightmare on Whittier 2023; 4) great job by the Seader Family and all the other volunteers and students that did an awesome job at this year's Haunted Trail. It was a huge event that is also a major attraction and very successful fundraising event.

Mayor Cilento:

I thank the sponsors and contributors to the Taste of Dunellen fundraiser for the Dunellen Firehouse rebuild. Thank you to Sydney McLaughlin for contributing \$7,500, and to Liz Lopez-Velez for organizing the event. We were able to raise close to \$29,000.00. We are recognizing George Hodulik after whom the Firehouse will be named.

[Mayor Cilento also put into the record that our police officers are doing their jobs in enforcement, contrary to what a resident alleged at the last Council Meeting. He noted that our officers have a higher enforcement rate than many nearby communities, many of which are larger than us.]

Roadwork Improvement Projects:

Lincoln Avenue Project: all materials for rapid rectangular flashing beacon signs have been received by the contractor. One has been installed but not yet operating and the remainder are being assembled in the shop and will be installed within the next two weeks. The native tree species to be planted along Lincoln Avenue are not dormant enough yet to be dug up at the nursery. They will be dug, delivered, and installed when dormant.

Piscataway Shared Service Mill & Pave Project: West Fourth Street Mill & Pave project was completed on November 3rd. Road striping will take place this week.

PSEG: We are waiting to hear back on paving start dates. I will report back once we have more information.

New Jersey American Water: NJAW completed their milling and paving of several roads in Dunellen. The next phase of the project is to complete all the striping of the streets. The 2022 NJAW Improvement projects included the installation of new water mains, residential water services, new fire hydrants, and paved roads, curb-to-curb.

These roads included:

- Washington Avenue (First Street to Mountainview Terrace).
- Madison Avenue (First Street to Mountainview Terrace).
- Mountainview Terrace (200 block to Madison Avenue).
- Fourth Street (200 block to Third Street).
- Third Street (Washington to Fourth Street).
- Pulaski Avenue (Bound Brook Road to Gavornik Park)
- North Avenue Extension.

We have been in communications with NJAW to advocate for more work to be completed in Dunellen for 2023 and are happy to report that they are adding the following streets for new water mains, residential water services, new fire hydrants, and streets getting paved curb-to-curb:

- North Washington Avenue (North Avenue to First Street)
- Penfield Place (South Washington Avenue to Maple Avenue)
- Maple Avenue

Culvert Cleaning Project:

Tonight, the Mayor and Borough Council approved National Water Main Cleaning Company to jet and vacuum silt and debris out of culverts this fall. This will assist in how water dissipates after rainstorms. We hope this will contribute to the Borough's ability to mitigate flooding around town. This project schedule is currently being worked out and from start to finish should take around a month to complete.

The following locations will be cleaned out:

- Grove Street & Prospect Avenue
- Grove Street Pipe towards Gertrude Terrace
- Gertrude Terrace Culvert
- Prospect Avenue Pipe (300' south of Skinner Plaza)
- New Market Road & Whittier Avenue Culvert
- Prospect Avenue Culvert
- High Street/Gavornik Park: piping system from South Madison to Gavornik Park
- South Avenue/ Hall Street Culverts
- South Washington Ave Culvert

Please note that the Pulaski Street Culvert is not listed as we are working to coordinate with Middlesex County a replacement of this culvert soon.

Dunellen Station Development:

In speaking with our municipal engineers and construction office, they have reported favorably on the temporary occupancy of four of the K Hovnanian buildings at the Dunellen Station site. They are presently working with Prism on completing the items required for occupancy of their first building.

TAP Grant Application:

The Tap Grant application was submitted on November 2nd. The scope generally consists of streetscape improvements from Sanford to Jefferson including lighting from Sanford to Madison, as well as planting new native tree species downtown.

Master Plan Re-Examination Steering Committee:

We plan to meet as a steering committee on November 10th to review the results of the master plan re-examination survey and discuss the climate vulnerability assessment. The goal would be to make a final presentation of recommendations to Mayor and Council before the end of the year.

Mayoral Town Hall Meetings:

Redevelopment in Dunellen: please consider joining us on Thursday, December 8, 2022, at 7 pm as we host a Mayoral Town Hall Meeting on Redevelopment in Dunellen at the Dunellen Senior Center. We will discuss various topics such as our recent Master Plan Re-Examination, updates on various redevelopment projects, redevelopment plan updates, affordable housing, school aged children, PILOTs/Short Term Tax Exemption Program and provide a Q&A session. Guest speakers will include myself and the municipality's redevelopment professionals. This will be an in-person event at the Dunellen Senior Center with a live stream capability for those who cannot attend in-person. I hope to see you there for this important conversation as we continue to revitalize Dunellen's downtown.

Remember to Vote!

Please remember to vote tomorrow, Tuesday, November 8. Polls are open between 6 am-8 pm. Districts 1, 3, 4 & 6 will be able to vote at Lincoln Middle School, 400 Dunellen Avenue, and Districts 2 & 5 will be able to vote at the Senior Center in Columbia Park. If you are a vote-by-mail recipient, you have until tomorrow 8 pm to drop that ballot off at the Dunellen Public Library where there is a secure vote-by-mail drop box or have it post marked before 8 pm Election Day and have it received by Middlesex County Board of Election on or before 6 days after Election Day. You can also hand deliver it to Middlesex County's Board of Elections by 8 pm Election Day. Happy Voting!

Public Portion:

Rebecca Christian, 329 Orange Street, addressed the issue at 325 Orange Street which has a break in their sewer line discharging sewage onto the street. It is smelly and disgusting and needs to be fixed. Mayor Cilento responded that we are taking the legal measure necessary to hold responsible parties accountable. We will have the street sweeper clean the street at that address regularly. Mr. Miller noted that we had PARSA camera the main and found that there was no break in the main. Thus, the break is in the lateral, the property owner's responsibility, and we are bringing this situation and responsibility to their attention. They are an out-of-state bank that owns the property. Mrs. Christian also reported that the sidewalk is cracked.

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

11-07-2022: #18

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 concerning contractual matters; 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: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

11-07-2022: #19

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

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

11-07-2022: #20

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

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

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

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

https://www.youtube.com/watch?v=_oBjXoVu5og