

October 2, 2017

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on October 2, 2017.

Mayor Robert J. Seader called the meeting to order at 7:00 p.m. and he led the Pledge of Allegiance.

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At this point, Mayor Seader asked that everyone observe a moment of silence in honor and memory of those who were injured and killed in the recent shootings in Las Vegas.

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

Present: Robert Seader, Kevin Bachorik, Kenneth Bayer, Jason Cilento  
Absent: Kenneth Baudendistel, Jeremy Lowder and Joseph Petracca

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On the motion of Mr. Bachorik and seconded by Mr. Bayer it was moved to accept the Minutes of September 5, 2017.

Yes: Bachorik, Bayer and Cilento

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On the motion of Mr. Cilento and seconded by Mr. Bachorik it was moved to accept the Minutes of September 18, 2017.

Yes: Bachorik, Bayer and Cilento

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**MAYOR'S APPOINTMENTS TO BOARDS AND AUTHORITIES**

Appoint Leah Bartlome to the Dunellen Downtown Management Organization

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

**10-02-2017: #1**

**RESOLUTION OF THE BOROUGH OF DUNELLEN DESIGNATING  
BLOCK 83 LOT 1 AS AN AREA IN NEED OF REDEVELOPMENT**

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-6*, the governing body of the Borough authorized the Planning Board to undertake an investigation to determine whether Block 83, Lot 1 in the Borough of Dunellen, more commonly known as 105 South Washington Avenue, should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, the Planning Board, after public hearing and consideration of information gathered and reported in the Preliminary Investigation report prepared by CME Associates, dated July 13, 2017, said public hearing occurring on September 25, 2017, has by letter to the Dunellen Borough Council on September 25, 2017 recommended that Block 83, Lot 1 in the Borough of

Dunellen, more commonly known as 105 South Washington Avenue, be designated as a non-condemnation area in need of redevelopment.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Dunellen, County of Middlesex, State of New Jersey, as follows:

1. That the governing body does hereby determine that Block 83, Lot 1 in the Borough of Dunellen, more commonly known as 105 South Washington Avenue, is a non-condemnation Area in Need of Redevelopment as defined by *N.J.S.A. 40A:12A-5*; and
2. That, within ten (10) days of the passage of this resolution, any person who filed a written objection to the determination of Block 83, Lot 1 in the Borough of Dunellen, more commonly known as 105 South Washington Avenue, as a non-condemnation Area in Need of Redevelopment will be provided with notice of this determination; and
3. That a certified copy of this resolution shall be forwarded to the Planning Board and the Commissioner of Community Affairs.

Yes: Bachorik, Bayer and Cilento

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

ORDINANCE 2017- 10

BOROUGH OF DUNELLEN

The following Amendment to Section 4.1 of Dunellen's Amended and Restated Dunellen Downtown Redevelopment Plan, Phase 1, is being introduced for first reading on October 2, 2017. It will be presented for Public Hearing and Adoption on November 6, 2017 at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Copies of this ordinance will be posted on the Municipal Bulletin Board, and are available at the Office of the Borough Clerk for any interested members of the public.

This ordinance amends the Amended and Restated Dunellen Downtown Redevelopment Plan, Phase 1, which was adopted May 6, 2016 pursuant to Ordinance 2016-05 (the "Redevelopment Plan").

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-6*, the governing body of the Borough authorized the Planning Board to undertake an investigation to determine whether Block 83, Lot 1 in the Borough of Dunellen, more commonly known as 105 South Washington Avenue, should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, the Planning Board, after public hearing and consideration of information gathered and reported in the Preliminary Investigation report prepared by CME Associates, dated July 13, 2017, said public hearing occurring on September 25, 2017, has by letter to the Dunellen Borough Council on September 25, 2017 recommended that Block 83, Lot 1 in the Borough of Dunellen, more commonly known as 105 South Washington Avenue, be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, by Resolution dated October 2, 2017, the Council declared Block 83, Lot 1 to be a non-condemnation Area in Need of Redevelopment; and

**WHEREAS**, the Council believes it to be in the best interest of the Borough of Dunellen to amend the Redevelopment Plan to include Block 83 Lot 1; and

**WHEREAS**, following first reading, pursuant to *N.J.S.A. 40A:12A-7(e)*, and by Resolution dated October 2, 2017, the Council will direct the Planning Board to review the proposed amendment to the Redevelopment Plan, and to provide a report with regard to the amendment's consistency with the Master Plan; and

**WHEREAS**, prior to the second reading, the Planning Board will review the proposed amendment to the Redevelopment Plan and provide the Council with its report thereon; and

**WHEREAS**, Section 4.1 Description of the Redevelopment Area is to be amended to include Block 83, Lot 1 in the Borough of Dunellen, more commonly known as 105 South Washington Avenue, by the following additions (underlined text):

**4.1 Description of the Redevelopment Area**

As a result of the Planning Board reexamining the original redevelopment plan, it was decided that a phased timing approach would better suit the needs of the Borough by focusing first on redevelopment of the Dunellen Downtown Center. One or more subsequent phases 'may be considered' to address the remaining areas identified in the determination of need study. This Redevelopment Plan is applicable to the following properties located in the Borough of Dunellen, County of Middlesex, State of New Jersey, identified as the Dunellen Downtown Redevelopment Area, Phase I. consisting of Blocks and Lots as depicted on the Official Tax Map of the Borough of Dunellen, and as shown on the attached "Redevelopment Area Map" that has been determined by the Dunellen Planning Board and the Dunellen Borough Council as an area in need of redevelopment:

Phase 1-Redevelopment Area-See Map #1

Area	Block Number	Lot Number
Site#1 South side of North Avenue between Prospect Avenue South Washington Avenue, and NJ Transit property	69	1, 1.01, 2, 2.01, and 3
Site#2	70	13 and 13.01

South Washington Avenue, New Market Road, Prospect Avenue, and NJ Transit property		
Site #3	85; <u>83</u>	1 and <u>2; 1</u>
South Washington Avenue between NJ Transit property and Columbia Street I(Art Color Property)		

This Redevelopment Plan also considers the following properties located in the Borough of Dunellen, County of Middlesex, State of New Jersey as future areas to be redeveloped consistent with the initial Dunellen Redevelopment Area.

Remainder Parcels - Redevelopment Area - See Map #2

Area	Block Number	Lot Number
North Avenue between Jackson Avenue and Jefferson Avenue	1	14, 15.01, 15.02, 16, 17, 18, 19, 20, 21, 22, 23
Between North Avenue and Front Street between North Washington Avenue and Jackson Avenue	2	10, 11.01, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20
Between North Avenue and Front Street between Lincoln Avenue North Washington Avenue	32	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, 28
North Avenue between Madison Avenue and Lincoln Avenue	33	14, 14.01, 15, 16, 17, 18, 19, 20, 21, 22, 23
Bound Brook Road from Sanford Avenue to Madison Avenue	34	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, 38.02
Bound Brook Road from Sanford Avenue to Middlesex border	48	16, 17,18,19, 20, 21, 22, 23, 24, 25, 26, 27,28
Bound Brook Road from Middlesex border to Pulaski Street	49	25, 26, 27.01, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39.01, 39.02, 40, 41, 43, 44
Bound Brook Road between Pulaski Street and Madison Avenue and bordered on NJ Transit	50	1,2,3, 4,5,6
Rail Right of Way	51	1,2 & 3 - NJ Transit property
Bordered by Bound Brook Road, Madison Avenue and North Avenue	65	1
North Avenue between Madison Avenue and Prospect Street	66	1, 2, 3, 4, 5, 6.01, 7, 8, 9,10.01, 10.02, 11, 12,13, 14,15.01, 15.02,16,17,17.01,18,19,20

South east corner of North Avenue and North Washington Avenue to NJ Transit property, and northeast to the Plainfield City border	86	1, 2, 3, 4, 4.02, 4.03, and 5
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**NOW THEREFORE, BE IT ORDAINED** by the Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, as follows:

1. The foregoing recitals are incorporated herein by reference as if fully set forth at length; and
2. The Redevelopment Plan is hereby amended to include Block 83 Lot 1; and
3. This Ordinance shall take effect in accordance with applicable law following final adoption and publication thereof.

Yes: Bachorik, Bayer and Cilento

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

**10-02-2017: #2**

**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: Bachorik, Bayer and Cilento

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

**10-02-2017: #3**

**RESOLUTION OF THE BOROUGH OF DUNELLEN REFERRING PROPOSED AMENDMENT TO REDEVELOPMENT PLAN TO PLANNING BOARD**

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-6*, the governing body of the Borough authorized the Planning Board to undertake an investigation to determine whether Block 83, Lot 1 in the Borough of Dunellen, more commonly known as 105 South Washington Avenue, should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, the Planning Board, after public hearing and consideration of information gathered and reported in the Preliminary Investigation report prepared by CME Associates, dated

July 13, 2017, said public hearing occurring on September 25, 2017, has by letter to the Dunellen Borough Council on September 25, 2017 recommended that Block 83, Lot 1 in the Borough of Dunellen, more commonly known as 105 South Washington Avenue, be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, by Resolution dated October 2, 2017, the Council declared Block 83, Lot 1 to be a non-condemnation Area in Need of Redevelopment; and

**WHEREAS**, the Council believes it to be in the best interest of the Borough of Dunellen to amend the Amended and Restated Dunellen Downtown Redevelopment Plan, Phase 1, which was adopted May 6, 2016 pursuant to Ordinance 2016-05 (the “Redevelopment Plan”) to include Block 83 Lot 1; and

**WHEREAS**, the Council wishes to direct the Planning Board, pursuant to *N.J.S.A.* 40A:12A-7(e), to review the proposed amendment to the Redevelopment Plan with regard to its consistency with the Master Plan and to provide the Planning Board’s recommendations regarding any inconsistencies therewith; and

**WHEREAS**, Section 4.1 Description of the Redevelopment Area is proposed to be amended to include Block 83, Lot 1 in the Borough of Dunellen, more commonly known as 105 South Washington Avenue, by the following additions (underlined text):

**4.1 Description of the Redevelopment Area**

As a result of the Planning Board reexamining the original redevelopment plan, it was decided that a phased timing approach would better suit the needs of the Borough by focusing first on redevelopment of the Dunellen Downtown Center. One or more subsequent phases 'may be considered' to address the remaining areas identified in the determination of need study. This Redevelopment Plan is applicable to the following properties located in the Borough of Dunellen, County of Middlesex, State of New Jersey, identified as the Dunellen Downtown Redevelopment Area, Phase I. consisting of Blocks and Lots as depicted on the Official Tax Map of the Borough of Dunellen, and as shown on the attached "Redevelopment Area Map" that has been determined by the Dunellen Planning Board and the Dunellen Borough Council as an area in need of redevelopment:

Phase 1-Redevelopment Area-See Map #1

Area	Block Number	Lot Number
Site#1 South side of North Avenue between Prospect Avenue South Washington Avenue, and NJ Transit property	69	1, 1.01, 2, 2.01, and 3
Site#2 South Washington Avenue, New Market Road, Prospect Avenue, and NJ Transit property	70	13 and 13.01

Site #3 South Washington Avenue between NJ Transit property and Columbia Street I (Art Color Property)	85; 83	1 and 2; 1
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This Redevelopment Plan also considers the following properties located in the Borough of Dunellen, County of Middlesex, State of New Jersey as future areas to be redeveloped consistent with the initial Dunellen Redevelopment Area.

Remainder Parcels - Redevelopment Area - See Map #2

Area	Block Number	Lot Number
North Avenue between Jackson Avenue and Jefferson Avenue	1	14, 15.01, 15.02, 16, 17, 18, 19, 20, 21, 22, 23
Between North Avenue and Front Street between North Washington Avenue and Jackson Avenue	2	10, 11.01, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20
Between North Avenue and Front Street between Lincoln Avenue North Washington Avenue	32	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, 28
North Avenue between Madison Avenue and Lincoln Avenue	33	14, 14.01, 15, 16, 17, 18, 19, 20, 21, 22, 23
Bound Brook Road from Sanford Avenue to Madison Avenue	34	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, 38.02
Bound Brook Road from Sanford Avenue to Middlesex border	48	16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28
Bound Brook Road from Middlesex border to Pulaski Street	49	25, 26, 27.01, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39.01, 39.02, 40, 41, 43, 44
Bound Brook Road between Pulaski Street and Madison Avenue and bordered on NJ Transit	50	1, 2, 3, 4, 5, 6
Rail Right of Way	51	1, 2 & 3 - NJ Transit property
Bordered by Bound Brook Road, Madison Avenue and North Avenue	65	1
North Avenue between Madison Avenue and Prospect Street	66	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, 20

South east corner of North Avenue and North Washington Avenue to NJ Transit property, and northeast to the Plainfield City border	86	1, 2, 3, 4, 4.02, 4.03, and 5
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**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Dunellen, County of Middlesex, State of New Jersey, as follows:

1. Pursuant to *N.J.S.A. 40A:12A-7(e)*, the Planning Board is directed to review the proposed amendment to the Redevelopment Plan, and to provide a report with regard to the amendment’s consistency with the Master Plan; and
2. That a certified copy of this resolution shall be forwarded to the Planning Board.

Yes: Bachorik, Bayer and Cilento

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

**10-02-2017: #4**

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Madison Avenue Roadway Improvements project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA—2018— Madison Avenue Roadway Improvements — 00449 to the New Jersey Department of Transportation on behalf of the Borough of Dunellen.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant on behalf of the Borough of Dunellen and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Yes: Bachorik, Bayer and Cilento

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



**10-02-2017: #5**

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the North Avenue Streetscape Enhancements project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as TV—2018—Dunellen Borough—00016 to the New Jersey Department of Transportation on behalf of the Borough of Dunellen.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant on behalf of the Borough of Dunellen and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Yes: Bachorik, Bayer and Cilento

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

**10-02-2017: #6**

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Grove Street Roadway Improvements project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA—2018— Grove Street Roadway Improvements — 00314 to the New Jersey Department of Transportation on behalf of the Borough of Dunellen.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant on behalf of the Borough of Dunellen and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Yes: Bachorik, Bayer and Cilento

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

**10-02-2017: #7**

**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      FWDSL & Associates, LP  
                         17 West Cliff Street  
                         Somerville, NJ 08876

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
16-39	77	4.01		Torres-Franco, Richard 239 Walnut St.	838.21	33.49	900.00	1,771.70

Yes: Bachorik, Bayer and Cilento

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

**10-02-2017: #8**

**RESOLUTION OF THE BOROUGH OF DUNELLEN,  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,  
AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE  
COUNTY OF MIDDLESEX AND THE BOROUGH OF DUNELLEN**

**WHEREAS**, the County of Middlesex and the Borough of Dunellen wish to enter into Cooperation Agreements for federal fiscal years 2018, 2019 and 2020 to provide a means of conducting certain community development activities utilizing Community Development Block Grant (“CDBG”) funds, HOME Investment Partnerships funds, and ESG funds from the U.S. Department of Housing and Urban Development; and

**WHEREAS**, it has been determined that it is in the best interest of the Borough of Dunellen to enter into an Agreement with the County of Middlesex for these Cooperation Agreements.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Dunellen, County of Middlesex, State of New Jersey, as follows:

1. That the governing body is hereby authorized to enter into an Agreement with the County of Middlesex for the utilization of Community Development Block Grant (“CDBG”) funds,

HOME Investment Partnerships funds, and ESG funds from the U.S. Department of Housing and Urban Development for federal fiscal years 2018, 2019 and 2020.

2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to the Agreement, and any other documents necessary to effectuate the terms of this resolution. Said Addendum shall be in a form acceptable to the Borough Attorney.

3. That this resolution shall become effective immediately.

4. That a copy of this Agreement referenced herein shall be kept on file and made available for public inspection at the Borough Clerk's Office during normal business hours.

5. That a certified copy of this resolution, together with a copy of the Agreement, shall be forwarded to the County of Middlesex Board of Chosen Freeholders, and to Paul Buckley, Division Head, County of Middlesex Public Housing Agency, Division of Housing, Community Development and Social Services.

Yes: Bachorik, Bayer and Cilento

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

**10-02-2017: #9**

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

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Dunellen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of Calendar Year 2017 in the sum of \$6,061.86, which is now available as a grant from the Division of Motor Vehicles Drunk Driving Enforcement Fund.

BE IT FURTHER RESOLVED, that the like sum of \$6,061.86 is hereby appropriated under the caption Division of Motor Vehicles Drunk Driving Fund.

Yes: Bachorik, Bayer and Cilento

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Reports:

Mr. Bayer: no report

Mr. Bachorik: 1) suggested that police vehicles that have been replaced be parked, unoccupied, about town to inhibit speeders. This might promote public safety; 2) reported a mattress in the Green Brook. Mr. Robins will inform the DPW.

Mr. Cilento: 1) HarvestFest 2017 on Sunday, October 8<sup>th</sup>; 2) Recreation department and the Dunellen arts and Culture Commission have an after the festival concert in the park, 6-8 pm; 3) DACC have provided everyone with a survey; 4) DACC has applied for a Middlesex County grant for \$1,200 to supplement their Arts Camp; 5) Founder's Day is October 28<sup>th</sup> with a concert at the High school; 6) the DACC is interested in getting Council approval for a mural and bench project. DACC needs to research this more. Council approved DACC to undertake the research.

Mayor Seader: 1) Mayor greeted Leah Bartlome and thanked her for her help; 2) invited everyone to participate in Walk Your Child to School Day this week.

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## **PUBLIC PORTION**

No one from the public spoke.

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

**10-02-2017: #10**

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

The Dunellen Borough Council Meeting of October 2, 2017 is adjourned.

Yes: Bachorik, Bayer and Cilento

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