

October 3, 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 October 3, 2022.

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

Mayor Cilento asked for a moment of silence for our friends and neighbors in the State of Florida who have suffered from Hurricane Ian.

Municipal Clerk William Robins 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

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On the motion of Mr. Sigmon and seconded by Mrs. Rios it was moved to accept the Minutes of the Meeting of September 19, 2022.

Yes: Paltjon, Rios, Sigmon and VanDermark  
Abstain: Albertson and Dunne (due to their absences)

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

## **ORDINANCE 2022-26**

### **AN ORDINANCE TO APPROVE THE FIRST AMENDMENT TO FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF DUNELLEN AND VISION DUNELLEN URBAN RENEWAL, LLC**

**WHEREAS**, the Borough of Dunellen (the “**Borough**”) and 528 North Avenue Urban Renewal, LLC, Vision Dunellen Urban Renewal, LLC’s predecessor and assignor, entered into a Financial Agreement on or about January 7, 2021 (the “**Financial Agreement**”); and

**WHEREAS**, in Article IV of the Financial Agreement, certain language that would have appeared as Section 4.1(a) relating to the exemption for land taxes was inadvertently excluded; and

**WHEREAS**, by assignment dated May 31, 2022, Vision Dunellen Urban Renewal, LLC (the “**Entity**”) assumed all rights and obligations of 528 North Avenue Urban Renewal, LLC under the Financial Agreement; 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 N.J.S.A. 40A:20-1 *et seq.* (the “**LTTE Law**”); and

**WHEREAS**, in order to address the above-referenced omission, the Borough wishes to approve a First Amendment to the Financial Agreement (the “**First Amendment to Financial Agreement**”), in the form attached hereto as Exhibit A, to the Borough, all in accordance with the LTTE Law.

**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 Mayor, in consultation with counsel to the Borough, is hereby authorized to execute the First Amendment to 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.

Section 3. The Clerk of the Borough is hereby authorized and directed, upon execution of the First Amendment to 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 4. The executed copy of the First Amendment to 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 First Amendment to 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 latter of (i) the effective date of this Ordinance, or (ii) execution of the First Amendment to Financial Agreement, transmit certificated copies of this Ordinance and the First Amendment to Financial Agreement to the chief financial officer of, and legal counsel for, Middlesex County, New Jersey.

Section 5. This ordinance shall take effect in accordance with all applicable laws.

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:

**ORDINANCE 2022-27**

The following ordinance is being Introduced for first reading on October 3, 2022. It will be further considered, after public hearing, on October 17, 2022. Copies of this ordinance will be available to the public on the municipal bulletin board and from the Municipal Clerk’s Office.

ORDINANCE AUTHORIZING CONDITIONAL ACCEPTANCE OF SEWER IMPROVEMENTS CONSTRUCTED IN CONNECTION WITH THE DEVELOPMENT COMMONLY KNOWN AS DUNELLEN STATION ON A PORTION OF BLOCK 85, LOTS 1.01 AND 1.02, SAID SEWER IMPROVEMENTS CONSISTING OF (A) ON-SITE SEWER PUMP STATION AND FORCE MAIN (BLOCK 85, LOTS 1.01 AND 1.02), (B) SEWER FORCE MAIN (NORTH WASHINGTON AVENUE IN DUNELLEN); (C) SEWER FORCE MAIN (NORTH WASHINGTON AVENUE IN GREEN BROOK) AND (D) NORTH WASHINGTON PUMP STATION REPAIRS (BLOCK 15, LOT 1 AND BLOCK 16, LOT 1) AND FOR TEMPORARY EASEMENT FOR ON-SITE SEWER PUMP STATION AND FORCE MAIN (BLOCK 85, LOTS 1.01 AND 1.02)

WHEREAS, the Borough Council of the Borough of Dunellen, Middlesex County, State of New Jersey, wishes to conditionally accept the dedication of certain sewer improvements constructed by Brudner Redevelopment Partners Urban Renewal, LLC (“Redeveloper”) consisting of (a) on-site sewer pump station and force main (Block 85, Lots 1.01 and 1.02), (b) sewer force main (North Washington Avenue in Dunellen); (c) sewer force main (North Washington Avenue in green brook) and (d) North Washington pump station repairs (Block 15, Lot 1 and Block 16, Lot 1, each owned by the Borough) (“Sewer Improvements”), in connection with the redevelopment project commonly known as Dunellen Station; along with a temporary easement (“Temporary Easement”) in favor of the Borough for the on-site sewer pump station and force main located on Block 85, Lots 1.01 and 1.02, each parcel separately owned by Dunellen Prism Associates Urban Renewal, LLC and K. Hovnanian at Dunellen Urban Renewal, LLC, respectively (and collectively, “Sub-Redevelopers”); and

WHEREAS, these dedications are required by that certain Redevelopment Agreement between the Borough and Redeveloper and Sub-Redevelopers dated July 13, 2017 and as subsequently amended (“Redevelopment Agreement”); and

WHEREAS, pursuant to the Redevelopment Agreement, the Borough may adopt an ordinance conditionally accepting the Sewer Improvements and after such adoption the Borough shall operate the Sewer Improvements as stated therein pending the adoption by the Borough of an ordinance finally accepting the Sewer Improvements; and

WHEREAS, pursuant to the Redevelopment Agreement, Redeveloper and/or Sub-Redevelopers have applied to the Borough for conditional acceptance of the Sewer Improvements and have provided evidence of (1) completion of the Sewer Improvements, with the exception that the North Washington Pump Station is operating in a ‘by-pass’ condition; (2) furnishing of record drawings and operation and maintenance manuals for the Sewer Improvements to the Borough, (3) certification of actual costs for the construction of the Sewer Improvements, (4) testing of the Sewer Improvements, and (5) placement into service of the Sewer Improvements; and

WHEREAS, the Borough Engineer and Plainfield Area Regional Sewerage Authority (PARSA) have preliminarily inspected and approved the Sewer Improvements; and

WHEREAS, the Redeveloper and/or Sub-Redevelopers have executed and placed into escrow the Temporary Easement; and

WHEREAS, the Borough Attorney and Borough Engineer for the Borough reviewed the Temporary Easement and find it acceptable.

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

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

Section 2. The Borough hereby conditionally accepts the Sewer Improvements and accepts the Temporary Easement, subject to the conditions set forth in the Redevelopment Agreement, as follows:

- (a) After the adoption of this Conditional Acceptance Ordinance and until the adoption of the Final Acceptance Ordinance (the "Conditional Acceptance Period"), the Redeveloper acknowledges and agrees that it will keep in place the appropriate insurance for and (as applicable) maintain, repair, and/or replace, the Sewer Improvements; and
- (b) Except for insurance and any applicable maintenance, repair and replacement costs for the Sewer Improvements, which are the sole responsibility of Redeveloper, the Borough shall be solely responsible for all costs in connection with the Sewer Improvements, except for pump & haul operations during periods in which the on-site pumping station is not conveying sewage to the Borough's sewer conveyance system. By way of example only and not to limit the Borough's obligations, during the Conditional Acceptance Period, the Borough shall be solely responsible for operating the Sewer Improvements, collecting the applicable sewer fees (on a unit-by-unit basis) from the Dunellen Station Project, and making all required payments to PARSA; and
- (c) Redeveloper and Sub-Developers' acknowledgement and agreement that the Borough's operation of the Sewer Improvements during the Conditional Acceptance Period does not constitute final acceptance of the Sewer Improvements.

Section 3. The Clerk of the Borough is authorized to record the Temporary Easement, at Redeveloper's sole cost and expense.

Section 4. The Borough's conditional acceptance of the Sewer Improvements and adoption of this Ordinance shall not be deemed to include or constitute acceptance by the Borough of the costs incurred by the Redeveloper to construct the force main located in North Washington Avenue in Green Brook.

Section 5. This Ordinance shall become effective according to law.

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:

### **ORDINANCE 2022-24**

[The following is an outline of the ordinance. The full ordinance can be found on the Dunellen Web site at: [https://www.dunellen-nj.gov/government/forms\\_center/index.php](https://www.dunellen-nj.gov/government/forms_center/index.php) (drop-down menu for Stormwater Regulations)]:

**AN ORDINANCE BY THE DUNELLEN BOROUGH COUNCIL AMENDING THE BOROUGH OF DUNELLEN CODE OF ORDINANCES TO REPEAL ORDINANCE 2010-08, Chapter 165; TO ADOPT A NEW CHAPTER 165; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN**

**ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **Borough of Dunellen** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the **Borough of Dunellen** was accepted for participation in the National Flood Insurance Program on April 1, 1977 and the **Dunellen Borough Council** desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

**WHEREAS**, the **Borough of Dunellen** is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

**WHEREAS**, the **Borough of Dunellen** is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

**WHEREAS**, the **Borough of Dunellen** is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Dunellen Borough Council of the Borough of Dunellen that the following floodplain management regulations are hereby adopted.

- SECTION 101 SCOPE AND ADMINISTRATION
- SECTION 102 APPLICABILITY
- SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR
- SECTION 104 PERMITS
- SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS
- SECTION 106 INSPECTIONS
- SECTION 107 VARIANCES
- SECTION 108 VIOLATIONS
- SECTION 201 DEFINITIONS

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS  
SECTION 401 SITE IMPROVEMENT  
SECTION 501 MANUFACTURED HOMES  
SECTION 601 RECREATIONAL VEHICLES  
SECTION 701 TANKS  
SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK  
SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE  
SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U  
SECTION 3. SEVERABILITY.  
SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect upon publication of the adopted ordinance.

Dr. Robins provided background to the council on this ordinance: Recently, the Federal Emergency Management Agency (FEMA) reviewed the New Jersey model flood damage prevention ordinance and recommended that the New Jersey Department of Environmental Protection (DEP) revise it to ensure that all 553 New Jersey participating community ordinances are compliant with the NFIP (National Flood Insurance Program). As an outcome of this audit, FEMA directed that new model ordinances be developed which incorporate the higher State standards found in the Flood Hazard Area Control Act and the Uniform Construction Code. This recommendation is in addition to a post-Superstorm Sandy recommendation that the DEP's model ordinance transition to a FEMA-approved version that coordinates with State building codes enforced by local Construction Officials. Over the past year, DEP has revised the flood damage prevention ordinance.

A benefit of coordinating these regulations (Flood Hazard Area Control Act and the Uniform Construction Code) allows the streamlining of more than 6 models into two "Coastal" and "Riverine" options. We have adopted "Riverine" model.

At this point, Mayor Cilento opened the meeting to Council. Dr. Dunne asked if new construction was subject to this ordinance? Yes, it will be subject, and developers will be made acquainted with it. There were no other questions. He then opened the meeting to the public. There were no questions.

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

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

## **ORDINANCE 2022-25**

### **BOND ORDINANCE STATEMENT AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was Introduced for first reading on September 19, 2022. It is now being presented for public hearing and adoption by the Borough of Dunellen, in the County of Middlesex, State of New Jersey on October 3, 2022. Copies of the full bond ordinance are available at no cost and

during regular business hours at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR STREAM CLEANING IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$460,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$438,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose: Stream cleaning, including, but not limited to, silt/debris removal from culverts under various bridge sites in the Borough and further including all work and materials necessary therefor and incidental thereto

Appropriation: \$460,000  
Bonds/Notes Authorized: \$438,000  
Grant Appropriated: N/A  
Section 20 Costs: \$90,000  
Useful Life: 15 years

At this point, Mayor Cilento opened the meeting to Council. There were no questions. He then opened the meeting to the public. A question was asked regarding the meaning of culvert. Mayor Cilento responded that it can refer to that portion of pipe or tunnel that carries other pipes or streams beneath roadways. There were no other questions.

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

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At this point, there was a presentation by the Diversity and Inclusion Committee to the winners of the Hispanic Heritage Art Contest.

Mrs. Albertson thanked the participants and winners who were in the audience and invited them to a special presentation at Inspire Art Gallery this Saturday and the art work will be distributed for display around town. Dr. Dunne announced the winners and they came up to have their photographs taken.

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At this point, there was a presentation to Council by Planet Networks, Inc.:

Robert Boyle from Planet Networks presented to Council. The following is a brief description of Planet Networks, Inc., what they do and why they are before the Council. It is taken from materials provided by Planet Networks to the Dunellen Borough Council, and it provides a summary of the major points in the presentation:

Planet Networks is in the process of upgrading and expanding its fiber optic network by deploying fiber optic cabling in the public right-of-way. This fiber optic cabling will be used to provide highspeed Internet access, phone services, and other ancillary Internet-enabled services

to the businesses and residents of your municipality. Part of the planning process includes securing the permissions necessary for that deployment.

Obtaining consent from municipalities to locate and operate in the right-of-way is required under NJ statute. Planet Networks would like to receive non-site-specific consent granting permission to locate and operate in the right-of-way in the municipality on by attaching to existing and new utility poles and/or in underground conduits. As such, Planet Networks is requesting consent from the governing body of the municipality to use facilities lawfully erected in the public right-of-way for fiber optic cabling and respectfully requests to be placed on the next available agenda for consideration of this request by the governing body.

#### What is Planet Networks planning in our area?

Planet Networks is deploying fiber optic cable in the municipal and county rights-of-way in New Jersey, which enables Planet Networks to provide both high-speed fiber optic Internet and phone services to both businesses and consumers.

Fiber optic cable contains strands of glass fibers inside a protective casing. Light traveling via fiber optic cable enables long distance, high-performance data transmission and telecommunications. High speed fiber-optic Internet access enables speeds of hundreds of Gigabits are possible today with faster speeds in the future. Planet Networks already offers Gigabit and 10 Gigabit fiber Internet services which are 10 to 1000 times faster than services typically available from the phone and cable companies which still utilize copper wires for their consumer and small business services.

#### When will Planet Networks offer service in our area?

Planet Networks is deploying as quickly as we can. We fund new network builds internally from operating profits. The faster new customers sign up, the faster we can build. We begin planning our roll out for each municipality after we receive municipal consent for access to the right of way. We typically focus on major roads first and higher density housing areas. We will branch off from these areas to serve less dense areas over time.

#### Is Planet Networks using existing utility poles or installing new utility poles?

The consent that Planet Networks is seeking from the municipality is permission to operate in the public right of way. This consent will allow Planet Networks to construct fiber optic cabling utilizing existing poles and conduits located in the municipal right of way typically owned by the phone and power companies already serving the municipality.

Planet Networks will occasionally need to install a new pole when either: a.) there is not enough space available on an existing pole for Planet to attach and the work and disruption to services required to replace such a pole would not be feasible or b.) we need to serve a new area which



does not have a pole where it is needed. When deploying fiber in neighborhoods with underground utilities, we will need to bury new conduit in the ground along the streets. We will work with the municipality to permit these additional uses within the right of way on a case by case basis.

Understanding the visual sensitivities of residents and leaders, Planet Networks is committed to first, using existing infrastructure, and second, only installing new infrastructure when necessary, and ensuring that any new infrastructure is in character with the existing streetscape. Additionally, Planet Networks will not install new wood poles that are taller than existing utility poles unless required to maintain safe street clearances for vehicles or to comply with relevant safety codes, nor will Planet install utility poles made of steel or other non-wood material in an area with existing wood utility poles.

#### What does Planet Networks seek from the municipality?

A provision of the New Jersey Public Utility Act, N.J.S.A. 48:3-18 (copy enclosed), permits any company (not necessarily public utilities) to use poles that have been lawfully erected in the public right-of-way. Where the second company is not itself a franchised utility, which is the case with Planet Networks, the consent of the municipality is required under N.J.S.A. 48:3-19 (copy enclosed). A form of proposed resolution for adoption to formalize such consent is attached.

#### Can the municipality reject the request?

Under Federal law, specifically Section 253 of the Federal Telecommunications Act, 47 U.S.C. 253 (copy enclosed), the municipality may not withhold approval, but it may impose reasonable conditions, such as requiring insurance and repair to any damage caused, which have been included in the attached proposed resolution.

#### Can the municipality negotiate free services for municipal building, our library, or our schools for this?

Planet Networks is a Competitive Local Exchange Carrier (CLEC) regulated by the New Jersey Board of Public Utilities. Planet is not a cable company seeking a franchise in the municipality. With respect to fees or costs to utilize the public rights-of-way, a municipality may only request "reasonable fees for actual services made by any municipal, regional or county governmental agency." N.J.S.A. 54:30A-124 (copy enclosed).

What Sort of Fee is the municipality allowed to charge Planet Networks?

The municipality may not impose a tax on these facilities, but it is entitled to recover the reasonable costs for actual services that it incurs in reviewing and approving Planet Networks' request. The relevant state statute is N.J.S.A. 54:30A-124 (copy enclosed).

What does Planet Networks **NOT** seek to do in the municipality?

Planet Networks is aware that many wireless service providers and other telecommunications infrastructure providers are also seeking consent from municipalities in New Jersey to install wireless transmitting equipment in the public rights of way also known as 5G towers a/k/a micro or nano cell towers. Planet Networks is NOT a cellular phone company and does not install antennas on telephone poles nor does Planet Networks operate any cellular wireless infrastructure. In fact, Planet's agreements with the pole owners usually specifically prohibit this type of activity.

The full presentation can be found on the YouTube video of the October 3, 2022 Dunellen Borough Council meeting, minutes 18-65.

<https://www.youtube.com/watch?v=8M3ipHVCsxU>

Mr. Boyle noted that streaming platforms and their offerings can be found at <https://www.suppose.tv/tv>

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

**10-03-2022: #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

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

**10-03-2022: #2**

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

The Mayor is authorized to execute the Franchise Agreement between the Borough of Dunellen and Signal Outdoor Advertising LLC dba Insite Street Media for Bus Shelters in the form approved by the Borough Attorney.

Mr. Bruder asked if the Borough has any veto over advertising content? Yes; there is a clause in the contract addressing this.

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

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

**10-03-2022: #3**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the municipality of the Borough of Dunellen wishes to participate in an electronic tax sale; and

WHEREAS, the attached "Agreement for Electronic Tax Lien Certificate Sale Services" sets forth the terms with NJ Tax Lien Investors/RealAuction.com.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the municipality of the Borough of Dunellen, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

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

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

**10-03-2022: #4**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sale pursuant to rules and regulations to be promulgated by the Director of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Dunellen wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by Council of the Borough of Dunellen that a fee of \$25.00 per notice be established and is hereby authorized and directed to be shared for each notice of tax sale that is sent in conjunction with the 2021 electronic tax sale.

Dr. Dunne asked if this is a new fee? Dr. Robins responded that it is.

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

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

**10-03-2022: #5**

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

**Municipal Road**

That pursuant to N.J.S.A. 39-4-8(e) the following described locations is added as a bus stop:

**Added:**

1. **Along New Market Road, eastbound, on southerly side thereof at:**
  - a. Penfield Place– Near Side  
Beginning at the prolongation of westerly curb line of Penfield Place and extending 105 feet westerly therefrom.

1. **Along New Market Road, westbound, on northerly side thereof at:**

- a. Orange Street– Far Side  
Beginning at the westerly curb line of Orange Street and extending 140 feet westerly therefrom.

That the Mayor and Council of the Borough of Dunellen will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.

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:

**10-03-2022: #6**

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

WHEREAS, on March 18, 2016, the Borough of Dunellen entered into a Settlement Agreement with the Fair Share Housing Center (“FSHC”) regarding the Borough’s Housing Element and Fair Share Plan; and

WHEREAS, an important function historically performed by the Council on Affordable Housing (“COAH”) is setting income limits for each of the COAH housing regions, which are used to determine eligibility for affordable housing, and setting rent increases for existing affordable housing; and

WHEREAS, COAH has not published income limits or rent increases since 2014; and

WHEREAS, the Courts finds it necessary to establish income limits and rent increase information to comply with the directives of the Fair Housing Act, and to more generally ensure the implementation of municipalities’ constitutional obligations through the availability of existing affordable housing and new affordable housing constructed pursuant to In re N.J.A.C. 5:96 and 5:97, 221 NJ. 1 (2015) (“Mount Laurel IV”); and

WHEREAS, Mount Laurel IV has directed trial courts to adhere to the First and Second Round rules and aspects of the two earlier versions of the Third Round Rules that were not found invalid by the appellate courts; and

WHEREAS, the Borough, FSHC, and the Court have deemed it appropriate to establish income limits and rent increases based on COAH’s methodology and the Borough to update such income limits and rent increases on an annual basis based on the process historically used by COAH, and good cause having been shown.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that Municipal Attorney John E. Bruder is authorized to file with the New Jersey Superior Court a Consent Order setting income limits for all affordable housing units located in the Borough of Dunellen, per the terms of the Consent Order, attached.

Mr. Bruder explained that this resolution sets the income requirements for affordable housing in Dunellen. Our original settlement agreement was one of the first in the State and it did not have such terms. More recent ones have them built into their settlement agreements and this resolution does this for Dunellen.

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

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**CONSENT AGENDA**

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

**10-03-2022: #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 refund the following tax overpayment(s):

Block	48	Lot	9	Address	741 Front Street	
Assessed to	Janet Rifino			Amount	\$2,860.92	
					Total Refunded \$	2,860.92

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

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Reports:

Mrs. Albertson: 1) Fire Department--September statistics:  
Series 2  
Service call 0  
False Alarm 7  
EMS 0  
Fire 2

HAZMAT 5

TOTAL: 16

Greenbrook Fire Department continues to provide automatic aid. Help support the Fire Department by attending the Taste of Dunellen Fund Raiser. The event is being held at the Green Brook Fire Department on October 22nd. From 6 to 9 pm. Good food, beverages and a nice evening to help our FD. Cost is \$35 per person. Tickets are going fast. Contact Liz Lopez-Velez at the Dunellen Public Library for tickets. Checks should be made out to the Dunellen Fire Department. My family and I are going. I hope you will too; 2) Diversity and Inclusion--we are pleased to have announced the winners of our Hispanic Heritage Art Contest tonight. Please join us at Inspire Art Gallery on Saturday for the Grand reception and showing of the artwork. Committee members will be attending a special program sponsored by DREAMS on Thursday evening at 6:30pm in the Faber School Media Center. There will be a special presentation on the importance of digital accessibility. I hope the other members of the Council will join us; 3) Dunellen Senior Club--we are having a wonderful time at the Senior Center. Music, programs and friendship. On October 28th we will be having a special program featuring antique guitars with a performance entitled "He Did it His Way" featuring music from big band leaders and singers like Frank Sinatra and Dean Martin. The program will be at St. John's at 12:30 am. The Senior Club will have their meeting at 10:30. All seniors in Dunellen are invited to come and enjoy the performance at 11:30 am.

Mrs. Rios: 1) Dunellen Public Library will be celebrating Hispanic Heritage Month on October 14th from 5:30- 8:00 pm with Bob Ramos & the Cinquillo Banditos. There will be music, food trucks, activities and fun for the whole family. Please visit our website, check out our Facebook page or come into the library for a calendar of this month's fun activities; 2) Dunellen Downtown Management Organization will be hosting its annual Harvest Festival on October 9. This is a rain or shine event. We have secured over 100 vendors for this event and look forward to seeing residents enjoy the pumpkin decorating contest, the art contest and scarecrow decorating creations; 3) Dunellen Arts and Culture, and Municipal Alliance will be setting up a booth with activities. Please feel free to come visit us. Grand opening for Green Dog Mobile truck on October 29th at 11:00; 4) all these fun Dunellen events happen with the help of great volunteers. If you are interested in volunteering, please visit our borough website and fill out our volunteer application.

Mr. VanDermark: 1) all Recreation fall programs have been going strong this fall. The Recreation Department is thankful to all of our committed coaches! This Friday, October 7th will be the Dunellen Seniors' first Friday Pizza Party. Pizza will be served at 11:45 pm at the Senior Center; 2) October 30th will be the "74th Annual" Halloween Parade at 2 pm at Columbia Park, registration will begin at 1:00 pm. This has always been a very popular event and we hope to see everyone there.

Dr. Dunne: 1) Dunellen Police Department-- in August, they had 11 arrests, 266 stops, and 325 summonses. Police Department is looking for School Crossing Guards. Asked about the bond for policy manual?; 2) Board of Education--the next BoE meeting is tomorrow, October 4<sup>th</sup> at 7 pm. Last Friday, Councilman Paltjon and I had a very successful introductory meeting with the new superintendent, Mr. Ross. We spoke about many joint issues including better representation and outreach to our community members, the Cannabis Task Force, the new developments and getting the students more involved in community affairs. We look forward to continuing our partnership

with the schools; 3) Shade Tree Commission--if you are interested in having a tree planted in your yard, contact the DSTC. The next meeting will be held October 12th at 7 pm in the Senior Center; 4) Parking Authority--the next Parking Authority meeting will be next Wednesday, October 12th at 7 pm; 5) Diversity & Inclusion--we are so excited at the turnout for our first of what we hope is an annual Hispanic Heritage Youth Art Contest. We are also very grateful to the schools for helping us to promote this activity. The artwork will be shown at a reception at the Inspire Art Gallery on Saturday, October 8<sup>th</sup> from 6-8 pm. Special thanks as well to our judges. With thanks to Dr. Robins, the Diversity and Inclusion Committee will attend a DREAMS (Dunellen Resources to Educate, Advocate and Mediate for Special Education) at the Faber Media Center on Thursday, October 6, 2022, 6:00 pm. There will be a special guest speaker from Level Access to speak about the importance of digital accessibility. This has some interesting synergy with our Social Media Committee and our website. We will be joined by Tarah Santaniello, Ed.D., Director of Special Services, Dunellen School District. The Directors often join our meetings and she suggested the topic for that night and found the speaker.

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

- Continued the street sweep schedule, which just finished for the year.
  - Grass maintenance on all Borough properties.
  - Picked up branches throughout the Borough, curbside branch pick has just ended.  
Reminder, residents can always bring branches to the DPW yard all year round.
  - Picked up roll-off debris for multiple seniors in the Borough, any seniors that need Household Rubbish picked up, please call 732-968-5455.
  - Crew has completed the 4th Saturday Roll-off, reminder Saturday Roll-off continues for 2 more Saturdays, you can see the schedule on the Borough Website.
  - October 1st started leaf bag season, bags can be picked up at the DPW yard, and each household can get one 20-pack paper leaf bag package through the fall as long as bags last.
  - Residents can also pick up their leaf bags at the Dunellen Library on Wednesday nights from 6-8 pm starting October 5th through November 23rd or (as long as the leaf bags last).
  - Leaf Bag curbside pick-up starts in October and goes through December.
  - Walked the streams and cleared out any debris at the headwalls.
  - Repaired a broken catch basin frame at Grove & Prospect.
  - Built a new playground base at Morecraft Park in preparation for the new playground.
- Service and repairs: serviced Lt Beenders vehicle, Rolloff boxes, and the Garbage Truck.

Mr. Paltjon: 1) Buildings and Grounds Report--here is an update in regard to the Borough Hall Roof. We are in the process of reviewing the Final Contract between the Contractor and the Borough. Mayor Cilento and Dr. Robins have emphasized to the Contractor the importance of getting this project started and moving forward. Immediate action is needed not only due to the continued issues heavier rains cause inside the building, but with the continued issues in the supply chain that could have an effect on the availability of all needed materials especially as we head into the colder months; 2) PARSA--PARSA has been working with Alex Miller at the DPW on a program charting all "Hot Spots." These labeled "Hot Spots" are all the areas in which there were multiple sewer issues over an extended period of time. After all of these areas have been identified



they will be videoed to see what might be causing the issues. Each area will then be charted with all notes of what would be needed to have these “Hot Spots” addressed.

Mayor Cilento:

**Lincoln Avenue:**

Last week, the contractor began to install sod at various locations. They will continue to do this installation throughout this week and possibly next week. In addition, later this month, the contractor will begin to plant new native trees over the course of several weeks throughout the fall. We ask that residents assist the Borough in watering the sod and new trees. Finally, the contractor is waiting for the beacon lights so they may be installed along Lincoln Avenue at certain crosswalks.

**Middlesex County Mill & Pave Project:**

We are waiting for a confirmation start date from the contractor. They are expecting to be in Dunellen by mid-October and the job is expected to take about 3 days. The following streets are part of the County Mill and Pave project:

- Schwartz Place
- First Street (from Schwartz Place to Madison Avenue)
- Dunellen Avenue (From Sanford Avenue to Madison Avenue)

**Kline Place Road Improvements:** The anticipated road improvements to Kline Place that the Borough received NJDOT Municipal Aide grant funds for will begin with engineering and design phases later this year. We anticipate the project to go out to bid early next year and to be completed around summertime 2023. We are happy that we are nearing this long-anticipated infrastructure improvement.

**PSE&G:**

PSE&G is planning to mill & pave following the Middlesex County Mill and Pave project. Both the County and PSE&G streets tie into one another even though they are separate projects. The project is estimated to take two days. Once we firm up a date, we will be sure to notify residents accordingly. This project will include the following roads:

- 800 Block of First Street
- 700 & 800 Blocks of Dunellen Avenue
- 700 & 800 Blocks of Front Street.

**New Jersey American Water:**

New Jersey American Water milled and paved the 300 block of Third Street last week. They are scheduled to mill and pave all of Pulaski Street and North Avenue Ext. later this week or early next week pending weather.

### **Dunellen Station Development Project:**

North Washington Station was put back into service this past Friday. There is still work to be done but it is operating on the new pumps. Both Prism and KHOV are working towards obtaining their initial COs in the next several weeks. The traffic light at the intersection of South Washington Avenue and New Market Road is fully operational now.

**Culvert Cleaning Project:** On October 3, 2022, the Mayor and Borough Council approved funding for the cleaning out of various culverts throughout the Borough of Dunellen. Our goal is to hire a company that will help us 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. The Borough is looking at the following locations to clean out:

1. Grove Street & Prospect Avenue.
2. Grove Street Pipe towards Gertrude Terrace.
3. Gertrude Terrace Culvert.
4. Prospect Avenue Pipe.
5. New Market Road & Whittier Avenue Culvert.
6. Prospect Avenue Culvert (new #235 Prospect Ave).
7. High Street/Gavornik Park: Piping system from South Madison to Gavornik Park.
8. South Avenue/ Hall Street Culverts.
9. 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 in the near future.

**Middlesex County Engineering Department:** We have been informed that the Middlesex County Engineering Department is planning on replacing the culvert on Pulaski Street. This project will be similar to the South Madison Ave Culvert project last year. The old culvert will be removed and replaced with a new culvert. The County is hoping this project will go out to bid within the next 6 months.

**Green Brook Trash Trap:** I have a meeting on October 14th with the Lower Raritan Watershed Project and the DEP regarding the installation of a trash trap near the bridge off Jefferson Avenue. The meeting is about setting up a schedule about installing this trap. This pilot program between all parties is saving Dunellen around \$35,000.00 of not have to pay for a trash trap to help keep the Green Brook brook clean.

### **Mayoral Town Hall Meetings:**

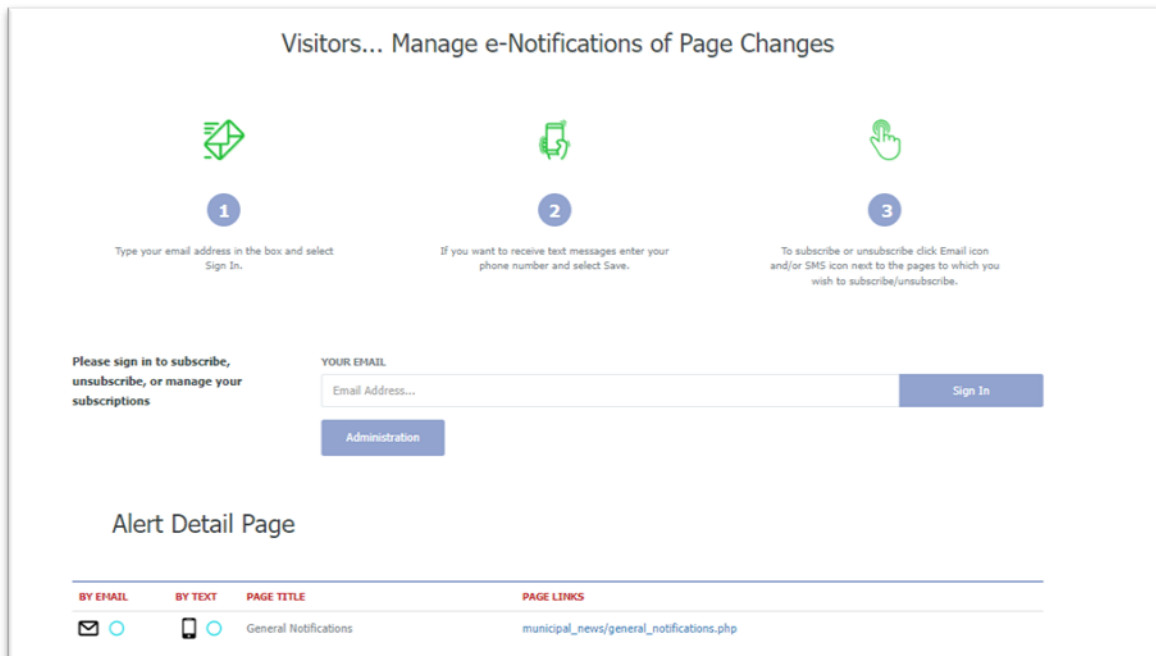
**Cannabis in Dunellen:** Please consider joining us on October 12, 2022 at 6:30PM at the Dunellen High School Auditorium. This hybrid Mayoral Town Hall is in conjunction with the Mayor's Cannabis Task Force and the Dunellen Municipal Alliance and is being presented to discuss where Dunellen is in our decision and public input on recreational/commercialization of cannabis. Topics will include the current NJ Law update, Dunellen's survey results and

additional public input to the task force members, and where we will go from here based on the public's 2020 vote, answers to the cannabis survey, and how the task force will make recommendations to the Mayor and Borough Council, and the Dunellen Planning Board.

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.

**E-Notify Communications:** The Borough of Dunellen has been working on how to better improve our communications when it comes to notifications related to emergency notifications, road closures, road work, flooding, etc. In realizing this need, I have been working with the Social Media Committee, which is comprised of Council Member D. Cole Sigmon and Council Member Terri Albertson, as well as with Business Administrator/Municipal Clerk William M. Robins and Deputy Clerk/Registrar Lauren Staats, on how to enable our website with an E-Notify program for such notifications. We have recently gone live with this feature on our Borough Website here: [www.dunellen-nj.gov/enotify](http://www.dunellen-nj.gov/enotify)

When residents go to this landing page of the website (link is also found on the homepage of our website), residents will be directed to sign-up using the directions in the image below:



**Step 1** will ask for residents to type in their email addresses and then select “Sign In.” **Step 2** is followed by entering your mobile phone number and selecting “save” should you wish to receive text messages. Finally, **Step 3** requires that in order to subscribe or unsubscribe click By Email icon and/or By Text icon next to the pages to which you wish to subscribe/unsubscribe and then click “Save.”

Once you have signed up, you will begin to receive an email or text message anytime a notification is added to the E-Notify page of the Borough Dunellen website. Again, these notifications will only be used to inform residents when there are emergency situations and there is a need to inform the entire municipality of flooding, snowstorms, road closures, road works and any other related urgent news information for residents.

Mayor Cilento also complimented Lily Yip on her building’s façade improvements, as well as the nice paint job on Yospin’s.

Department Heads:

Homer Mosley, Office of Emergency Management Coordinator:

Dunellen's Community Emergency Response Team (CERT) members and the Office of Emergency Management will have a display and will be distributing emergency preparedness materials at the HarvestFest, Sunday, October 9, 2022.

CERT and OEM will be assisting the Dunellen Police Department with traffic management and providing safety observations during the Haunted Trail on Friday, October 28, and Saturday, October 29, 2022.

CERT and OEM welcome Ingrid Franco to CERT Training at the Middlesex County Fire Academy being held from September 29 to November 17, 2022. Ingrid will bring her nursing and bilingual skills to the team.

Dunellen and other CERT teams will be participating in classroom and field training in Neptune, NJ on November 19 and November 20, 2022.

OEM Coordinator Mosley will be meeting with Superintendent Dan Ross on Tuesday, October 4, 2022 to discuss OEM Partnership with the Dunellen Public Schools.

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Public Portion:

No one from the public spoke.

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

**10-03-2022: #8**

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

The Dunellen Borough Council Meeting of October 3, 2022 is adjourned.

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

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

<https://www.youtube.com/watch?v=8M3ipHVCsxU>