

September 16, 2019

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on September 16, 2019.

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

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

Present: Robert Seader, Kenneth Bayer, April Burke, Jason Cilento, Jessica Dunne and Stacy Narvesen

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On the motion of Mr. Cilento and seconded by Mrs. Burke it was moved to accept the Minutes of September 3, 2019:

Yes: Bayer, Burke, Cilento and Narvesen

Abstain: Dunne, due to her absence

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At this point, two Proclamations were read to Council and public:

**PROCLAMATION DECLARING OCTOBER DOMESTIC VIOLENCE  
AWARENESS MONTH**

**WHEREAS**, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

**WHEREAS**, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

**WHEREAS**, the Women Aware, Inc. agency along with the Middlesex/Dunellen Domestic Violence Response Team has offered unparalleled services to women, children and men who have been victimized by domestic violence;

**Now, Therefore, Be It Resolved**, that in recognition of the important work being done by Women Aware, Inc. & the Middlesex/Dunellen Domestic Violence Response Team, I, Robert Seader, Mayor of Dunellen Borough, do hereby proclaim the month of October 2019 as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge all citizens to actively participate in the scheduled activities and programs sponsored by Women Aware, Inc., and to work toward the elimination of personal and institutional violence against women, children, and men.

## **PROCLAMATION ADVOCATING FOR A ZERO-TOLERANCE APPROACH TO BULLYING**

**WHEREAS, October is recognized as Anti-Bullying month; and**

**WHEREAS, the Dunellen School District will be implementing a proactive program to educate against and to combat bullying, beginning with a presentation at Lincoln Middle School on October 1, 2019; and**

**Whereas,** Bullying in schools is a pervasive problem that can have negative consequences for the school climate and for the right of students to learn in a safe environment without fear, and one that can have negative lifelong consequences, both for students who bully and for their targets; and

**Whereas,** Bullying is comprised of direct behaviors such as teasing, taunting, threatening, hitting, and stealing that are initiated by one or more students against a target, as well as indirect behaviors such as spreading rumors and acting in other ways to cause a student to be socially isolated through intentional exclusion, with all such behaviors, direct or indirect, amounting to physical or psychological intimidation occurring repeatedly over time to create an ongoing pattern of harassment and abuse; and

**Whereas,** Bullying other children and being the target of bullies are considered risk factors for youth violence by the National Center for Injury Prevention and Control and other relevant organizations, and bullies whose behavior goes unchallenged risk ending up as violent adults, engaging in domestic violence and child abuse; and

**Whereas,** statistics show that 90% of all students in grades 4-8 report that they have been bullied or harassed, that 28% of all students in grades 6-12 report they have been bullied or harassed, that more than 10% of those kids drop out of school because they are bullied, that 34% of kids have been cyber bullied, double to what the number was in 2007, that 87% of kids online have witnessed cyber bullying where 83% of cyber bully victims are also harassed in person.

**Whereas,** Bullying for too long has gone unchallenged, with parents, who are often unaware of the bullying problem, neglecting to talk about it with their children; with students feeling that adult intervention is infrequent and ineffective and will only bring more harassment from bullies; and with school personnel viewing bullying as a harmless rite of passage that is best ignored; and

**Whereas**, those who stand by passively watching or actively encouraging bullying are also affected by these hostile acts; they encourage bullying by creating an audience, they may become desensitized to cruelty, they may learn to imitate bullying behavior and become bullies themselves, and/or they may be fearful for their own safety, adding to their own insecurity; and

**Whereas**, Mallory's Army, through dedication and perseverance in conducting school and public presentations, promoting educational awareness and through spreading the message of KINDness, advocates against bullying and harassment of any kind.

Now, therefore be it **Resolved**, that the governing body of the Borough of Dunellen will support policies and programs that address the prevention, intervention, and elimination of bullying; and

**Be it further Resolved**, the Governing Body of the Borough of Dunellen, via a partnership with Mallory's Army in programs for parents, students, and school personnel, to bring about an atmosphere of zero tolerance for bullying behavior, and an attitude that bullying behavior is unacceptable and will not be tolerated in homes, schools, playgrounds, buses, school activities, or any place children congregate; and be it further

**Resolved**, that the Governing Body of the Borough of Dunellen and its constituent organizations work with the appropriate agencies and organizations in a national effort to inform the general public about the risks and cost of bullying for both the bully and the target, as well as those who witness bullying, and bring about a change in societal attitudes toward bullying.

Mayor Seader asked who is involved with the program in the schools? Officer Dudley, who had read the Proclamation, responded that the School District has its own internal people who work on the problems as they are reported. If the Police are consulted because of the severity of the incident, then the School Resource Officer and the Dunellen Police Detective Bureau become involved. The program that is being brought into the schools in October is hosted by Mallory's Army, formed and led by Dianne Grossman, Mallory's mother. Ms. Grossman spoke to the Council: Mallory passed away June 14, 2017, after months of systemic bullying at school, in person, and on line. She committed suicide at the age of twelve. Ms. Grossman explained that bullying is the major cause of death for our youth ages 10 - 24. It is often related to behavior at school. Unfortunately, in New Jersey, there is a belief that bullying is a rite-of-passage, and it is not. We created Mallory's Army, an organization that empowers youth,

educates parents, enriches schools and enhances communities. Like a chair, with four legs to stand steady, we believe that all four of these elements are needed to have a stable environment for our children. She distributed wrist bands embossed with Mallory's mantra: "It's a bracelet KIND of life." An academic study found that bright colored bands worn by influential (popular) children can convey a positive message that will reduce bullying. She is bringing the anti-bullying message to the New Jersey Legislature and through programs in our public schools. She also invited people to attend the program at Dunellen High School, Tuesday, October 1<sup>st</sup> at 6:30 pm.

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**MAYOR'S APPOINTMENTS TO BOARDS AND COMMISSIONS:**

Mayor Seader accepted the resignation of Maria Vitale from the Dunellen Downtown Management Organization

He also accepted the resignation of Janine McNair from the Dunellen Public Library Board of Trustees

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

**ORDINANCE 2019-11**

**NOTICE OF PENDING ORDINANCE AND SUMMARY**

The 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 September 16, 2019. 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 Municipal Building, Council Chambers, in the Borough on October 1, 2019 at 7:00 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such ordinance follows:

Title: ORDINANCE CANCELLING \$20,000 FROM THE 2018 CAPITAL OUTLAY AND APPROPRIATING \$45,000 FROM THE 2019 CAPITAL OUTLAY AND \$20,000 FROM A RESERVE FOR SEWER UTILITY CAPITAL TO PROVIDE FOR REPAIRS TO A SEWER MAIN BREAK IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

Purposes:

- 1) To cancel \$20,000 from the 2018 Capital Outlay and transfer the amount to a Reserve for Sewer Utility Capital
- 2) To appropriate \$65,000, \$45,000 of which is from the 2019 Capital Outlay and \$20,000 of which is from a Reserve for Sewer Utility Capital as noted above, for repairs to a sewer main break overseen by the Plainfield Area Regional Sewerage Authority, including all work and materials necessary therefor and incidental thereto

Appropriation: \$65,000

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

### **ORDINANCE 2019-09**

#### **AN ORDINANCE TO AMEND THE FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF DUNELLEN AND BRUDNER REDEVELOPMENT PARTNERS URBAN RENEWAL, LLC**

The following ordinance was introduced for first reading at a meeting of the Governing Body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, held on September 3, 2019. It is now being further considered for final passage, after public hearing thereon, at a meeting of said governing body being held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on September 16, 2019 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk's office for the members of the general public who have requested the same.

**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, identified and designated a certain area of the Borough consisting of North Avenue and Bound Brook Road (State Highway 28) from the municipal boundaries with the City of Plainfield in the east to the Borough of Middlesex in the west and including Washington Avenue (County Road 529) from Front Street (north) to New Market Road (south) (County Road 665) as an area in need of redevelopment under N.J.S.A. 40A:12A-5; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7, the Borough Council adopted by ordinance on August 9, 2004, the Dunellen Downtown Redevelopment Plan, Phase One, and subsequently amended by ordinances on June 9, 2011, August 5, 2013, November 3, 2014, February 22, 2016,

and May 16, 2016 (the “**Redevelopment Plan**”) for an area that includes Block 85, Lots 1 and 2 on the Borough’s tax map (the “**Property**”); and

**WHEREAS**, Brudner Redevelopment Partners Urban Renewal, LLC (the “**Entity**”) is the owner or contract owner of the Property; and

**WHEREAS**, on May 1, 2017, the Borough Council passed a resolution authorizing the execution and delivery of that certain Redevelopment Agreement (the “**Original 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**, on August 5, 2019, the Borough Council passed a resolution authorizing the execution and delivery of that certain First Amendment to Redevelopment Agreement (together with the Original Redevelopment Agreement, “**Redevelopment Agreement**”), which sets forth certain changes and amendments to the Original Redevelopment Agreement; and

**WHEREAS**, the Redevelopment Agreement provides for, *inter alia*, a mixed-use redevelopment project at the Property consisting of 10,000 to 15,000 square feet of retail/commercial space (the “**Retail/Commercial Subcomponent**”), 252 rental housing units, of which 194 will be market-rate rental housing units (the “**Market Rate Rental Subcomponent**”) and 58 low income and moderate income housing units, as those terms are defined by N.J.S.A. 52:27D-304, allocated per the Uniform Housing Affordability Control, N.J.S.A. 5:80-26.1 et seq., regulations (the “**Affordable Housing Rental Subcomponent**”; together with the Market Rate Rental Subcomponent, the “**Residential Rental Subcomponent**” and, collectively, the “**Rental Component**”), and 130 fee-simple, for-sale residential units (the “**Townhouse Component**”), as well as infrastructure improvements and related remediation (collectively, the “**Project**”); 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 Borough Council granted the Entity’s application for a long term tax exemption pursuant to Ordinance 2017-03, which ordinance authorized the execution and delivery of that certain Financial Agreement (“**Financial Agreement**”); and

**WHEREAS**, in order to assist in financing a portion of certain costs of the Project, the Financial Agreement provides for the issuance of one series of its Special Obligation PILOT Redevelopment Bonds (ArtColor Project), Series 20\_\_ (such designation to reflect the year of issuance and such further appropriate designation to reflect a particular series) (the “**Bonds**”); and

**WHEREAS**, the Parties wish to amend the Financial Agreement to allow for the issuance of the Bonds in not more than two series, one of which may be federally tax-exempt and one of which may be federally taxable, in order to finance the Project; and

**WHEREAS**, the amendment does not adversely impact the financial position of the Borough, as the annual debt service cap on the Bonds provided for in the Financial Agreement (in the amount of \$710,000 per year) is not being amended; and

**WHEREAS**, the same factual findings made by the Borough Council in Ordinance 2017-03 are still true and accurate.

**NOW THEREFORE, BE IT ORDAINED 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 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 conditioned on the full execution of the First Amendment to Redevelopment Agreement for the Project.

Section 3. The Clerk of the Borough is hereby authorized and directed, upon execution of the First Amendment to 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 4. This ordinance shall take effect in accordance with all applicable laws.

At this point, Mayor Seader opened the meeting for public comment on the ordinance. No one from the public spoke. This portion was closed.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**ORDINANCE 2019-10**

The following ordinance was introduced for first reading at a meeting of the Governing Body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on September 3, 2019. It is now being further considered for final passage, after public hearing thereon, at a meeting of said governing body being held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on September 16, 2019 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk's office for the members of the general public who have requested the same.

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

Ordinance #08-13 entitled **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 54 (POLICE), SECTION 54-52, et. seq. (SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS) OF THE CODE OF THE BOROUGH OF DUNELLEN, NEW JERSEY**, ADOPTED on September 8, 2008, and amended on March 19, 2012, is hereby amended as to the following section:

A. RATES OF COMPENSATION; ADMINISTRATIVE FEE; PAYMENT FOR SERVICES

Rates of compensation for contracting the services of off-duty law enforcement officers for Dunellen Borough Municipal Projects and Dunellen School District projects shall be sixty-dollars per hour (\$60.00) and an additional fee of eight dollars per hour (\$8.00) is hereby established to cover administrative costs, overhead, and out-of-pocket expenses of the Borough of Dunellen. Therefore, the total hourly rate of compensation shall be sixty-eight dollars (\$68.00).

Rates of compensation for contracting the services of off-duty law enforcement officers for all other projects other than those by the Borough of Dunellen or the Dunellen School District shall be seventy-seven dollars per hour (\$77.00) and an additional fee of eight dollars per hour (\$8.00) is hereby established to cover administrative costs, overhead, and out-of-pocket expenses of the Borough of Dunellen. Therefore, the total hourly rate of compensation shall be eighty-five dollars (\$85.00).

Any assignment cancelled by a private party on less than four (4) hours notice shall be charged against the party for the minimum hours for the assignment. The minimum hours for any assignment is set at four (4) hours.

If the use of a police vehicle(s) is requested and approved by the Chief of Police, then an additional charge of fifteen dollars per hour (\$15.00) per vehicle will be charged.

In the event police officers from other municipalities perform special duty assignments within the Borough due to the non-availability of local officers for such duties, it shall be the responsibility of those officers from other municipalities to arrange payment for services direct from the utilizing party or through their police department.

At this point, Mayor Seader opened the meeting for public comment on the ordinance. No one from the public spoke. This portion was closed.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #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: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #2**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year CY 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Dunellen pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations,” as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined

not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Dunellen, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #3**

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

Whereas, the Chief Financial Officer has prepared a Corrective Action Plan as part of the annual audit process as required by New Jersey Department of Community Affairs, Division of Local Government Services.

Now therefore be it resolved that the attached Corrective Action Plan submitted by the Chief Financial Officer is hereby accepted.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #4**

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

Robert Madden, Laborer in the Dunellen Department of Public Works, is granted an unpaid Leave of Absence for personal illness, for one month, from October 1, 2019 until and including October 31, 2019.

Dr. Dunne asked if we could hire a part-time laborer while Mr. Madden was on leave. Mr. Robins replied that it would take some time to advertise for a new person and then undertake the criminal background check. Mr. Madden might have returned by then.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #5**

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

Lucy Singura is hired as an Assistant in the Dunellen Tax Assessor Office, at a rate of \$25.00 per hour, not to exceed in total \$687.50. This award is to come out of Account # 9-01-20-150-000-133.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #6**

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

CME Associates is awarded a contract to prepare an Existing Conditions Plan for the Playground Area at Columbia Park, for an amount not to exceed \$1,750.00. Funds for this award will be taken from Account # C-04-18-06L-000-601

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #7**

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

WHEREAS, the Borough of Dunellen has a need for a new gazebo as part of the Open Space project in Columbia Park; and

WHEREAS, Bid Specifications were published on June 27, 2019, with a return date for bid opening of July 30, 2019; and

WHEREAS, the Bid Specifications were simultaneously posted on the Borough's Web Site and on public notice boards throughout the borough; and

WHEREAS, no submissions were received on this date; and

WHEREAS, Bid Specifications were published again on August 2, 2019, with a return date for bid opening of August 27, 2019; and

WHEREAS, these second Bid Specifications were simultaneously posted on the Borough's Web Site and on public notice boards throughout the borough; and

WHEREAS, no submissions were received on this date; and

WHEREAS, a quote was received on August 28, 2019, from Amish Country Gazebos which is in conformity with the Bid Specifications originally published.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that per the requirements of *N.J.S.A. 40A: 11-5(3)(I)(ii)(iii)*, that Amish Country Gazebos be awarded a contract for the provision of a 30-foot octagon wood gazebo, at a cost not to exceed \$41, 620.00. Funds for this will be taken from Account #C-04-18-06T-00-601.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #8**

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

Rich Tree Service is awarded a contract to serve as an additional tree service company for the Borough of Dunellen. This contract is awarded per the terms of New Jersey State Contract T-0465. The amount of this contract is not to exceed \$24,900, is for a term of three years, and is subject to the availability of funds in future years.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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**CONSENT AGENDA:**

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

**09-16-2019: #9**

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

Faith Turshman is hereby hired as a Substitute Crossing Guard, effective September 4, 2019, at an hourly salary of \$10.00.

**09-16-2019: #10**

WHEREAS, the Tax Assessor granted total exemption of property taxes as of June 25, 2019 for the following property, due to a 100 % disabled veteran, and

WHEREAS, the homeowner paid 2<sup>nd</sup> Quarter 2019 property taxes and is due a pro rata refund.

NOW, THEREFORE: BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN,

That the proper borough officers be and they are hereby authorized to cancel property taxes as of June 25, 2019 and directed to issue a check(s) as follows:

<b>Block</b>	<b>Lot</b>	<b>Name</b>	<b>Amount</b>
47	15	Tippett, Melissa 821 Dunellen Ave  Check payable and Mail to:  Tippett, Melissa 821 Dunellen Ave Dunellen NJ 08812  Cancel 2020 Preliminary taxes	\$90.20

**09-16-2019: #11**

WHEREAS, the Tax Collector has received 3rd quarter tax payments from lenders on installments prepaid, thereby causing an overpayment, and

WHEREAS, the Lenders have given permission to refund the monies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the proper borough officers be and they are hereby authorized and directed to issue a check(s) as follows:

<b>Block</b>	<b>Lot</b>	<b>Name</b>	<b>Amount</b>

34	6	Shiminsky, Michael & Jessica	525 Front St	1,533.41
42	36	Forsythe, Thomas & Shari	706 Second St	1,968.17
49	36.02	Patterson, Thomas	675 Bound Brood Rd C0016	1,777.91
57.01	1	Huag, Andre	3742 Fairview Ave	1,715.99
70	4	Gallo, Edgardo	150 New Market Rd	2,568.97
81	13	Dickson, Eric & Deborah	1814 West 4 <sup>th</sup> St	2,260.62
47	15	Tippett, Melissa	821 Dunellen Ave	1,928.41
60	37	Bubenick, Richard A.	375 Fairview Ave	1,939.76
<b>Total to be refunded</b>				15,693.24
Check payable and Mail to:				
Corelogic Real Estate Tax Serv.				
Centralized Refunds				
3001 Hackberry Dr				
Irving TX 75063-0156				
40	8	Canale, Marcelo & Mariana	551 Mountainview Terrace	
<b>Total to be refunded</b>				3,456.35
Check payable and Mail to:				
Lereta, LLC				
Attn: Central Refunds				
1123 Park View Dr				
Covina Ca 91724				

**09-16-2019: #12**

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

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

Payable to Trade Money LLC  
 29 Palisades Rd.  
 Old Bridge NJ 08857

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
18-30	74	22	Franco, Johnny 238 So Washington Ave.	794.83	102.64	1,100.00	1,997.47

**TOTAL REFUNDED \$1,997.47**

**09-16-2019: #13**

WHEREAS, the Tax Assessor has decreased the assessed value on the following property hereby causing an overbill.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the proper Borough officers be and they are hereby authorized and directed to issue a check(s) as follows:

Block	Lot	Name	Amount
55	4	Hickory Arms- Eugene Murray 205 Hall St  Check payable and Mail to: Hickory Arms 700 Ocean Ave unit# 433 Spring Lake NJ 07762-3504	1,019.86
Block	Lot	Name	Amount
83	1	Dunellen Associates 105 South Washington Ave  Check payable and Mail to:  Dunellen Associates PO Box 270 Travelers Rest, SC 29690	1,012.95

**09-16-2019: #14**

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

The resignation of Lydia Sabino as a School Crossing Guard is accepted, effective June 20, 2019.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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**Return to Regular Agenda:**

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

**09-16-2019: #15**

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

The resignation of Miles Winder as a Dunellen Municipal Court Prosecutor is accepted, effective September 20, 2019.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #16**

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

Timothy Arch is hired as a Dunellen Municipal Court Prosecutor, effective September 20, 2019, at an annual salary of \$9,036.00.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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**Presentation/Information on the Green Brook Flood Control Commission**

Councilwoman Dunne, a liaison along with Stacy Narvesen, to the Green Brook Flood Control Commission, presented an introduction to the GBFCC by way of the following letter authored by Ray Murray, a Member of the Commission:

I have been asked to provide a quick update to you regarding the status of the Green Brook Flood Control Project, and some insight into the features and timing of work in Dunellen Borough. The Green



Brook Flood Control Commission (GBFCC) is comprised of representatives of the communities and counties that make up the 65 square mile basin. The basin stretches from the Watchung Reservation in Berkeley Heights to Bridgewater to the west, Scotch Plains and Plainfield to the south, and culminates in Bound Brook, where the flows of the Middlebrook and Greenbrook meet the Raritan. The counties of Middlesex, Somerset and Union are active participants in the Commission, along with the following municipalities: Bound Brook, Bridgewater, Dunellen, Green Brook, Middlesex, North Plainfield, Piscataway, Plainfield, Scotch Plains, South Plainfield, Warren and Watchung. Berkeley Heights has declined participation in the Commission. The purpose of the Commission is to serve as a liaison between the communities and the Federal and State sponsors, and to advocate for funding to provide the greatest level of protection for the entire basin.

Project work is complete in the Borough of Bound Brook (segments R, T & U), and construction is presently underway in Middlesex Borough, primarily on the Bound Brook (segment C) as it extends from the Piscataway border, downstream to the Greenbrook, where Middlesex Borough is connected to Green Brook Township (segment B). Design is underway for the balance of Middlesex Borough (Segments C & H), and the western portion of Green Brook Township (segment D).

The project is subject to annual appropriations by congress to the U S Army Corps of Engineers (USACE) and New Jersey Department of Environmental Protection (NJDEP). Over the past few years, that number has been roughly a combined \$40 million appropriation, being split 75/25 between the two. New Jersey's share is further split 75/25 with the counties, and the counties are then contracted to maintain finished portions of the project. The anticipated timeline below is based on continued funding at these levels.

Typical project features include pump stations, levees, floodwalls and closure gates. Where it is not economically feasible to provide protection to an entire area, USACE will usually offer either a buyout or to flood proof an individual structure. This type of work may include raising a building, a ring wall (mini flood wall), or similar individualized solution. This is called a non-structural feature, as it doesn't protect an entire area.

Most awards of the project take 2-3 years to complete, depending on size and the type of construction elements that are in that segment. It is anticipated that the final portion of Middlesex and the western portion of Green Brook (segments C-5 and D) would be awarded in Fiscal Year 2023-2024, and design work in Dunellen would also begin that same year. This preliminary work would include survey, soil testing and engineering.

The portions of the project that will provide protection in Dunellen is segment K. It is comprised of levees and floodwalls along the Greenbrook, extending from a point east of Madison Avenue and north of Mountainview Terrace, extending east past Jefferson Avenue and tying off to higher ground in Plainfield, between Jefferson Avenue and the PMUA facility on Rock Avenue. Where there is adequate room, levees are preferred, as they are more natural in appearance and considerably less expensive to construct. Preliminary design calls for the raising of the Washington Avenue Bridge. Final design decision will not be made until actual surveys and soil sampling is done, to determine the best course of action based on real, current conditions, instead of decades-old aerial photography. Actual construction in Dunellen would likely commence in 2025, and work would likely be completed in 2030. Work on the Green Brook Township side will take place at the same time on segments I & J, so that work on one side of the street does not induce flooding on the other side.

Once a community is completely protected, USACE undertakes all required work to have FEMA certify new flood maps. Once that is complete, the cost of flood insurance will be significantly reduced (about 10% of the pre-construction cost). We encourage people to keep the insurance at the lower cost even if not required by their mortgage company.

After Hurricane Katrina, USACE adopted revised standards for the required improvements to provide "150 Year Flood Protection." These new standards, along with development in Berkeley Heights, have led to a restudy of the Upper Basin portion of the project. This study, which is presently underway, will determine the direction of the final design in that portion of the project (segments O, S & M). It is envisioned that all work on the project will be completed by 2047. The remaining work that will be determined by that study will include those segments (O, S & M), as well as segment L on the Stony Brook in Watchung and North Plainfield, and segments E, F & G in South Plainfield (near Spring Lake). There will also be non-structural flood proofing remaining (segments P & Q).

USACE, NJDEP, the Counties and the GBFCC attend a meeting each month to discuss progress, issues, and areas of concern each month. The attendees include project managers, engineers and staff members, as well as consulting engineers that provide some of the design work. A great deal of coordination is required for a project of this magnitude. This includes all levels of government, Transit and Conrail operations, and the help and support of the property owners along the project path. The two biggest challenges of the project are annual funding, and real estate issues, both to gain access to survey and sample, as well as the purchase of easements or buyouts where needed.

The Commission holds a meeting every second month. Our annual memorial service will be held at the American Legion Pavilion in Middlesex on Saturday, August 3, 9:30 am. All other meeting at held at 7:30 pm on the first Wednesday of every even-numbered month at various locations. The location and other contact information can be found on our website at [www.gbfcc.org](http://www.gbfcc.org).

Dr. Dunne reported that the Commission came into existence in response to flooding from the Green Brook. She noted that work is currently being done in Middlesex Borough, specifically at the site of the diner, now torn down, off Route 28. She related that we will not know from the US Army Corps of Engineers exactly what they will be doing in and near Dunellen until they get closer in time, but they could start survey work in Dunellen in 2023 and construction in 2025 with work completed in 2030. Funding is split 75% Federal and 25% State, with the State money further split between the State and local municipalities. The key challenge to Dunellen in 2023 will be access to land on the North side bordering on the Green Brook. We will be asking for the cooperation of residents. There will be public information meetings. It is hoped that a result of the project will be a redrawing of the FEMA flood maps. She invites all members of the public to attend the meetings, the schedule for which is on their web site.

Tremayne Reid, 721 Walnut Street, asked the locations of the project in Dunellen. Dr. Dunne gave the general locations as from Madison Avenue to Jefferson Avenue, North of Mountainview Terrace.

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Reports:

Mrs. Burke: the Fire Company's Street Fair will be September 29<sup>th</sup>, 11 am to 5 pm.

Mr. Bayer: no report.

Dr. Dunne: the next meeting of the Middlesex County Transportation Coordinating Committee will be tomorrow (9/17) but unfortunately in the middle of the day making it difficult to attend.

Mr. Cilento: 1) asked Mr. Olsen the timeline for hiring the two new officers. Mr. Olsen responded that he needs a meeting with Mr. Cilento to go over some budgetary details; 2) still accepting articles for *The Dunellen Report* until 9/18; 3) last Sunday, for the AARP grant, twelve benches were placed in Columbia Park. Trina Rios, Cole Sigmund, members of the Municipal Alliance and Shade Tree Commission and Playground Committee helped. In the next phase, the DPW will be helping to put down landscaping matting and mulch in the twelve spaces. The DSTC and members of the Senior Club will help plant bushes and shrubbery at the stations; 4) he spoke with Lawrence Hamm of NJ Transit regarding improvements to the Dunellen Station. Since then NJ Transit has done sealing and repairs of cracks in the platforms and painted yellow warning lines; 5) regarding the Raritan Valley Line Rail Coalition, they are meeting on 9/18 at Newark Station to obtain signatures for petitions to promote the Gateway Project; 6) noted there is a change in the Vote by Mail law and there might be some confusion due to late notification from the County Clerk's Office.

Mrs. Narvesen: 1) Senior Picnic is this Friday, September 20<sup>th</sup>, at the American Legion; 2) HarvestFest 2019 will be Sunday, October 13, in Washington Park.

Mayor Seader: 1) the Tennis Courts will be painted the week of the 23<sup>rd</sup>. Ron Safar reported on some trees that will need trimming adjacent to the courts; 2) asked if we have an ordinance to keep kids from riding skate boards on the courts. Mr. Bruder will research this.

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## **PUBLIC PORTION**

Homer Mosley, 113 Pearl Place: reported there is some uneven asphalt on the path from the parking lot to the Senior Building; 2) the Seniors would like to help with staining the benches. He also noted a possible fire hazard from cigarettes being dropped into the mulch at the new benches. Mr. Cilento responded that smoking is prohibited in the parks, but we will be placing signs.

Dale Robertson, 121 South Washington; Bonnie Sutton, 241 Columbia Street: along with other neighbors brought to the attention of Council some possible overcrowding and illegal apartments and businesses emanating from 119 South Washington Avenue and 248 Columbia Street. In addition, there is excessive noise and what appears to be a multitude of automobiles which often block their driveways. Mrs. Sutton also reported on vehicle break-ins. She asked about starting up a Neighborhood Watch. They asked the Council to have Construction and Code Enforcement investigate. Chief Smith responded that all the car break-ins were into unlocked cars; furthermore, the Dunellen Police will gladly assist in a Neighborhood Watch as long as the residents are full participants.

Mrs. Mosley, 113 Pearl Place: remembered that there was a gentleman who had started a Neighborhood Watch and had a web site. She will provide the information to Mr. Cilento.

Mr. Olsen, CFO, reported that there was an error in the recent tax bill mailings that residents recently received. The numbers are correct, but the bill was printed on stock with incorrect dates. There will be a second, corrected mailing.

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

**09-16-2019: #17**

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

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

Whereas, there exists such a circumstance; and

Whereas, the Governing Body wishes to enter into Executive Session for the purpose of discussing matters concerning pending litigation or contract negotiation; 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 in to Executive Session.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #18**

**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: Bayer, Burke, Cilento, Dunne and Narvesen

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

**09-16-2019: #19**

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

The Dunellen Borough Council Meeting of September 16, 2019 is adjourned.

Yes: Bayer, Burke, Cilento, Dunne and Narvesen

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