

September 19, 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 September 19, 2022.

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

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

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

On the motion of Mr. Sigmon and seconded by Mr. VanDermark it was moved to accept the Minutes of the Meeting of September 6, 2022.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

ORDINANCE 2022-24

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.

The full text of this ordinance can be found under the Stormwater drop-down menu at:

https://www.dunellen-nj.gov/government/forms_center/index.php#outer-177

Yes: Paltjon, Rios, Sigmon and VanDermark

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

ORDINANCE 2022-25

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, is being introduced for first reading at a meeting of the governing body of the Borough of Dunellen,

in the County of Middlesex, State of New Jersey, on September 19, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Dunellen Council Chambers in the Borough on October 3, 2022 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE 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

Yes: Paltjon, Rios, Sigmon and VanDermark

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

Ordinance 2022-22

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, is being presented for public hearing and adoption by the Borough of Dunellen, in the County of Middlesex, State of New Jersey on September 19, 2022 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, will begin to run from the date of the first publication of this statement. 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 AMENDING THE TITLE AND SECTION 3(a) OF BOND ORDINANCE NUMBERED 2018-16 OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, FINALLY ADOPTED DECEMBER 17, 2018, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT

Purposes: To amend the title and Section 3(a) of Bond Ordinance numbered 2018-16 of the Borough of Dunellen, in the County of Middlesex, New Jersey, finally adopted December 17, 2018, to authorize the following improvements: (i) improvements to Washington Memorial Park, including, but not limited to, lighting and electrical upgrades in and around the gazebo, painting of the gazebo, installation of a sound system in the gazebo, improvements to the irrigation system, acquisition of portable bleachers, monuments, concrete/sidewalk improvements and landscaping improvements, and (ii) improvements to the Borough's downtown area, including but not limited to, planting and removal of trees, sidewalk and concrete repairs, lighting improvements, and upgrades to benches and planters; and further including all work, materials, related costs and expenditures necessary therefor and incidental thereto.

Appropriation: \$0

Bonds/Notes Authorized: \$0

Grant Appropriated: N/A

Section 20 Costs: \$0

Useful Life: N/A

Mayor Cilento opened the meeting to the public. No one from the public spoke.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

ORDINANCE 2022-23

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 6, 2022. 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 19, 2022 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, amended on March 19, 2012, and amended again on September 16, 2019 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 seventy-dollars per hour (\$70.00) 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 seventy-eight dollars (\$78.00).

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.

Mayor Cilento opened the meeting to the public. No one from the public spoke.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #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: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #2

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

WHEREAS, there is a need to take core samplings of various Dunellen streets in anticipation of the next round of the Middlesex County Mill and Pave project; and

The following quotes were received:

KeyTech Laboratories, Keyport, NJ	\$1,300.00
ANS Consultants, Inc., South Plainfield, NJ	\$6,600.00

NOW, THEREFORE, BE IT RESOLVED, that a contract be awarded to KeyTech Laboratories for the core sampling of various Dunellen streets, at a cost not to exceed \$1,300.00.

Mayor Cilento explained that KeyTech will core various streets that have not been paved so that we can ascertain which roads we would like to look at for paving next year.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #3

BOROUGH COUNCIL RESOLUTION PROVIDING HEALTH BENEFITS FOR CERTAIN RETIRED EMPLOYEES

WHEREAS, N.J.S.A. 52:14-17.38 (Chapter 48) and N.J.S.A. 40A:10-23, permit municipalities to provide paid medical benefits to certain retirees;

WHEREAS, Resolution 07-05-2022: #6, as well as Resolution 08-01-2022: #4 and its accompanying Resolution Addendum set forth the Borough's obligations to provide retiree medical benefits consistent with Chapter 48;

WHEREAS, the Borough now seeks to amend said Resolutions and Addendum to update the retiree health benefits for eligible employees who retire on or after January 1, 2023;

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that, pursuant to N.J.S.A. §§ 52:14-17.38 (Chapter 48) and 40A:10-23 the Borough will provide, at its cost, medical insurance coverage, excluding premiums for Medicare Part B and surviving spouses, to any eligible employee (including his/her dependents) who has retired from a State or locally administered pension system. Retirees will be responsible for all co-pays and deductibles associated with their Plan.

Eligible employees who were hired before May 21, 2010, and retire on or after January 1, 2023, shall contribute to the costs of their Borough-provided retiree health benefits for dependents coverage at the rates established by the Year IV contribution chart in P.L. 2011, Ch. 78. The Borough will assume 100% of the premium payments for single coverage.

Eligible employees who were hired between May 21, 2010 and December 31, 2012, and retire on or after January 1, 2023, shall contribute to the costs of their Borough-provided retiree health benefits for dependents coverage at the rates established by the Year IV contribution chart in P.L. 2011, Ch. 78. The Borough will assume 98.5% of the premium payments for single coverage.

Eligible employees who were hired on or after January 1, 2013, and retire on or after January 1, 2023, shall contribute to the cost of their Borough-provided retiree health benefits at the rates established by the Year IV contribution chart in P.L. 2011, Ch. 78.

For purposes of this resolution, “eligible employee” shall mean:

1. An employee who has retired on a Disability Pension and has served as an employee of the Borough for no fewer than 20 years at the time of Disability Retirement; or
2. An employee who has retired from a State or locally administered retirement system with 25 years or more of service credit in that system, and who has served as an employee of the Borough of Dunellen for no fewer than 25 years at the time of retirement from the State or locally administered retirement system.

BE IT FURTHER RESOLVED that any retiree who was not eligible to receive medical insurance coverage during his or her employment will also be ineligible to receive such benefits during retirement.

BE IT FURTHER RESOLVED that this policy shall not supersede the terms of any binding collective negotiations agreement, which shall remain in force during the life of the agreement.

BE IT FURTHER RESOLVED that this resolution affects employees as shown on the attached Chapter 48 *Resolution Addendum*, which is effective January 1, 2023.

BE IT FURTHER RESOLVED that adoption of this resolution does not free the Borough of the obligation to pay for post-retirement medical benefits of eligible employees who qualified for those payments under any Chapter 88 Resolution or Chapter 48 Resolution adopted previously by Council.

BE IT FURTHER RESOLVED that this resolution will remain in effect until properly amended or revoked with the State Health Benefits Program (“SHBP”). Council recognizes that while the Borough participates in the SHBP, it is responsible for providing the payment for post-retirement medical coverage as listed in the attached *Chapter 48 Resolution Addendum* for all employees who qualify for this coverage while this resolution is in force.

BE IT FURTHER RESOLVED that Council understands that the Borough is required to provide the New Jersey Division of Pensions & Benefits (“NJDPB”) complete copies of all contracts, ordinances, and resolutions that detail post-retirement medical payment obligations it undertakes. Council also recognizes that the Borough may be required to provide the NJDPB with information needed to carry out the terms of this resolution.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #4

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

Richard Herkert is appointed Foreman in the Dunellen Department of Public Works, effective September 19, 2022, at a salary per the Agreement Between the Borough and Local 255, United Service Workers.

Mayor Cilento endorsed the appointment of Mr. Heckert as Foreman and praised his contribution to the DPW as Mechanic.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #5

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

The resignation of Lauren Smith, Dunellen Municipal Court Violations Clerk, is accepted, effective September 23, 2022.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #6

Participation in the National Purchasing Cooperative

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

WHEREAS, the BOROUGH OF DUNELLEN, COUNTY OF MIDDLESEX, NEW JERSEY, has elected to join the National Purchasing Cooperative (the “Cooperative”) operating as “National BuyBoard,” a program created for the benefit of municipalities and other governmental entities nationwide; and

WHEREAS, the Borough is authorized to enter into the National Purchasing Cooperative by executing the National Purchasing Cooperative Organizational Interlocal Agreement (which is incorporated herein by reference); and

WHEREAS, the Borough desires to participate and join with other governmental entities in the discharge of their respective public and governmental purposes, objectives, needs, programs, functions and services relative to purchasing;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Dunellen, County of Middlesex, New Jersey, hereby authorizes its mayor to execute the National Purchasing Cooperative Organizational Interlocal Agreement.

BE IT FURTHER RESOLVED, that execution of this Resolution is conclusive evidence of the Borough’s approval of this action and of the authority granted herein. The Borough warrants that it has, and at the time of this action had, full power and lawful authority to adopt this instrument.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #7

**RESOLUTION OF THE BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AUTHORIZING THE BOROUGH TO CONSENT TO A TREATMENT WORKS
APPROVAL APPLICATION SUBMITTED BY DUNELLEN PRISM ASSOCIATES
URBAN RENEWAL, LLC**

WHEREAS, Dunellen Prism Associates Urban Renewal, LLC (“Sub-Redeveloper”) is the designated sub-redeveloper of Block 85, Lot 1.01 pursuant to a Redevelopment Agreement with the Borough of Dunellen (“Borough”); and

WHEREAS, Sub-Redeveloper requires the endorsement of the Borough for a Treatment Works Approval (“TWA”) for a sanitary sewer extension related to the redevelopment of Block 85, Lots 1.01, 1.02 and 2 (“Dunellen Transit Village”) located in the Borough; and

WHEREAS, the Sub-Redeveloper has submitted a TWA application to the Borough for consent to the sanitary sewer extension; and

WHEREAS, the sewer extension project as proposed conforms to the requirements of all municipal ordinances; and

WHEREAS, the Borough is willing to consent to the TWA; and

WHEREAS, the TWA consent form requires a Resolution of the governing body of the Borough authorizing the Mayor and Borough sewer engineer to sign said TWA application.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that the Mayor and Borough sewer engineer, are hereby authorized to sign the aforesaid TWA application as required.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #8

**RESOLUTION OF THE BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AUTHORIZING PARTIAL RELEASE OF PERFORMANCE GUARANTEE TO
BRUDNER REDEVELOPMENT PARTNERS URBAN RENEWAL LLC**

WHEREAS, Brudner Redevelopment Partners Urban Renewal, LLC (“Redeveloper”) has requested the partial release of the Performance Guarantee posted with the Borough for Planning Board Application No. 18-001 regarding sewer improvements related to the redevelopment of Block 85, Lots 1.01, 1.02 and 2 (100 S. Washington Avenue), said Performance Guarantee consisting of a Performance Surety Bond in the amount of \$2,847,636.00 and a 10% Cash portion in the amount of \$316,404.00, which were posted with the Borough of Dunellen on September 9, 2020; and

WHEREAS, pursuant the memorandum from the Borough Engineer, CME Associates, dated August 15, 2022, a copy of which is attached hereto and made a part hereof, the said Borough Engineer advised that a partial release of 32% of said Performance Guarantee is appropriate at this time in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-53, upon the Redeveloper posting of a new surety bond in the amount of \$1,938,168.00; and

WHEREAS, the Borough Engineer’s memorandum has further advised that the Borough should retain \$215,352.00 of the Cash portion and return the balance of \$101,052.00 to the Redeveloper.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that the appropriate municipal officials be and are hereby authorized to return 32% of the said Performance Guarantee to Redeveloper upon Redeveloper posting a new performance surety bond in the amount of \$1,938,168.00 and for the Borough to retain the Cash portion in the amount of \$215,352 with the balance of \$101,052 to be returned to Redeveloper.

Dr. Robins reviewed for the Council the reasons why performance bonds are often required. Mr. Bruder added that a few years ago the New Jersey Legislature amended the requirements and necessity of performance bonds.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #9

**RESOLUTION OF THE BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
AUTHORIZING EXECUTION OF A QUALIFIED COMMUNITY SERVICES
AGREEMENT BETWEEN THE BOROUGH AND CROSSINGS AT DUNELLEN
CONDOMINIUM ASSOCIATION, INC.**

WHEREAS, on or about May 5, 2003, the Borough Council (the “Borough Council”) of the Borough of Dunellen (the “Borough”) 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, which was thereafter amended by ordinance, most recently on February 7, 2022 (as amended, the “Redevelopment Plan”) for an area designated on the Borough’s tax map that includes Block 85, Lots 1 and 2 and Block 83, Lot 1 (the “Redevelopment Plan Area”); and

WHEREAS, a portion of the Redevelopment Plan Area, Site #3, South Washington Avenue between the New Jersey Transit Property and Columbia Street, commonly known as the “Art Color Property” and consisting of Block 85, Lots 1.01 and 1.02 (formerly known as Block 85, Lots 1 and 2 and Block 83, Lot 1) is hereby designated the “Project Site;” and

WHEREAS, the Borough Council, acting as the Borough’s redevelopment entity pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-8, may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment

and Housing Law, N.J.S.A. 40A:12A-1 et seq., which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

WHEREAS, Borough and Brudner Redevelopment Partners Urban Renewal, LLC (“Redeveloper”) entered into that certain Redevelopment Agreement, dated July 13, 2017, last amended by that certain First Amendment to Redevelopment Agreement, dated August 5, 2019 (as amended, the “Redevelopment Agreement”), in order to effectuate the Redevelopment Plan; and

WHEREAS, on September 21, 2021, Redeveloper sold, assigned, transferred, and conveyed to K. Hovnanian at Dunellen Urban Renewal, LLC (“KHOV”), subject to certain restrictions, all of Redeveloper’s right, title, and interest in and to the Townhouse Component and Block 85, Lots 1.02 and 2, and in connection therewith, Redeveloper assigned to KHOV all of Redeveloper’s right, title, and interest in and to the Redevelopment Agreement with respect to the Townhouse Component and Block 85, Lots 1.02 and 2; and

WHEREAS, as a result of the aforesaid assignments, KHOV is a Sub-Redeveloper as that term is defined in the Redevelopment Agreement; and

WHEREAS, on September 21, 2021, KHOV executed that certain Master Deed for Crossings at Dunellen, A Condominium (as subsequently amended, the “Master Deed”) subjecting the Townhouse Component to the condominium form of ownership (the “Condominium”), which Master Deed was recorded in the office of the Clerk of Middlesex County on September 29, 2021 at Deed Book 18651 Page 1, et seq., and which Master Deed was subsequently amended by that certain First Amendment and Supplement to the Master Deed for Crossings at Dunellen, A Condominium dated March 17, 2022 and recorded in the office of the Clerk of Middlesex County on April 4, 2021 at Deed Book 18885 Page 829, et seq., and which Master Deed was further amended by that certain Second Amendment and Supplement to the Master Deed for Crossings at Dunellen, A Condominium dated July 28, 2022 and recorded in the office of the Clerk of Middlesex County on August 8, 2022 in Deed Book 19006 Page 138, et seq.; and

WHEREAS, Crossings at Dunellen Condominium Association, Inc., a New Jersey nonprofit corporation (the “Association”) was established as the condominium association to have the responsibility for the administration, operation and management of the Condominium and the improvements intended for the common use and enjoyment of the residents of the Condominium, including but not limited to the private roadways within the Townhouse Component, as set forth in the Master Deed; and

WHEREAS, N.J.S.A. 40:67-23.2, et seq. requires municipalities to reimburse qualified private communities for certain services or to provide those services to qualified communities in the same fashion as the municipality provides those services on public road and streets; and

WHEREAS, the Condominium is a qualified private community as defined by N.J.S.A. 40:67-23.2; and

WHEREAS, pursuant to Section 6.09 of the Redevelopment Agreement the Borough and the Association are required to enter into a qualified community services agreement (the “Qualified Community Services Agreement”) addressing the Borough’s reimbursement pursuant to N.J.S.A. 40:67-23.2 of snow and ice removal services provided by the Association within the Townhouse Component; and

WHEREAS, a form of the proposed Qualified Community Services Agreement is attached to this Resolution as Exhibit A; and

WHEREAS, the members of the Borough Council have considered the proposed form of Qualified Community Services Agreement, finding that it conforms to the Redevelopment Agreement and N.J.S.A. 40:67-23.2 and furthers the public purposes that the Redevelopment Agreement addresses.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Dunellen, acting as redevelopment entity for the Borough of Dunellen, hereby approves the proposed form of Qualified Community Services Agreement with the Association, and that the Mayor and the Clerk of the Borough are hereby authorized to execute and attest to, the Qualified Community Services Agreement in substantially the form attached hereto, with any revisions that may be deemed necessary or desirable by the Borough Attorney, and along with other documents and/or agreements that may be necessary to implement the Qualified Community Services Agreement.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #10

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

Salvatore LoBue is hereby hired as a School Crossing Guards, effective September 16, 2022, at an hourly salary of \$13.00. This is a position without benefits.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #11

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

Denise Donato is hired as a Dunellen Municipal Court Violations Clerk effective October 3, 2022. Her annual salary is set at \$45,000.00. This is a full-time position with benefits.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

09-19-2022: #12

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

The following persons are hired for employment as Tennis Program Staff for the Recreation Department. Employment will be between September 17, 2022 and October 15, 2022. Their wages will be taken from the program fees.

All wages are per hour, except where noted, and there are no benefits.

Kelly Seader	\$20.00 per hour
Kate Ruskuski	\$20.00 per hour
Allison Egan	\$20.00 per hour
Tyler Mayer	\$13.00 per hour
Sulayman Khan	\$13.00 per hour

Yes: Paltjon, Rios, Sigmon and VanDermark

CONSENT AGENDA

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

09-19-2022: #13

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

The Municipal Clerk is hereby authorized to issue a food handler license to the following establishment:

Green Dog Mobile, Piscataway, NJ (parked in the Library lot)

09-19-2022: #15

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 47 Lot 15 Address 821 Dunellen Ave Assessed to Melissa Tippett

Amount \$487.54

Total Refunded \$487.54

09-19-2022: #16

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Dunellen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of Calendar Year 2022 in the sum of \$10,000.00, which is now available from the NJ State Police Office of Emergency Management Preparedness Grant, and

BE IT FURTHER RESOLVED, that the like sum of \$10,000.00 is hereby appropriated under the caption Emergency Management Agency Assistance (EMAA) FY21 Grant.

09-19-2022: #17

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Dunellen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of Calendar

Year 2022 in the sum of \$22,000.00, which is now available from American Rescue Plan Act (ARPA) funds received in 2022, and

BE IT FURTHER RESOLVED, that the like sum of \$22,000.00 is hereby appropriated under the caption Stream Cleaning - ARPA.

Yes: Paltjon, Rios, Sigmon and VanDermark

[09-19-2022: #14 was removed from the Consent Agenda and considered separately]

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

09-19-2022: #14

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

The Dunellen Unit No. 119 American Legion Auxiliary is hereby granted permission to run a penny drive (canning) fund raiser and the sale of poppies on Saturday, May 6, Sunday, May 7, and Saturday, May 13, 2023, and, Saturday, November 12, Sunday, November 13, and Saturday, November 19, 2023, on the corners of North Avenue and Washington Avenue, North Avenue and Madison Avenue, and Grove Street and Prospect Avenue, and outside business establishments (with retailers' permission) in downtown Dunellen, for the purpose of raising funds for the organization's supported charities.

The Dunellen Unit No. 119 American Legion Auxiliary has been notified that they must also apply to the New Jersey Department of Transportation for a permit to fund raise on state roads, and to the County of Middlesex for a permit to fund raise on county roads, and that this Dunellen Borough Council approval is granted subject to the final approval of the NJDOT and the Middlesex County Department of Transportation.

Mrs. Rios asked about the poppies the American Legion would be selling. They are not flowers; rather, they are button-hole poppies that the American Legion provides upon donations from the public.

Yes: Paltjon, Rios, Sigmon and VanDermark

Presentation by Councilman Sigmon on the Sustainable New Jersey program.

The PowerPoint presentation can be found on the Dunellen Borough website:

https://www.dunellen-nj.gov/municipal_news/municipal_news_2/index.php

It can also be found on the YouTube video of this Council Meeting:

<https://www.youtube.com/watch?v=Qy3eTFJGhYM&t=35s>
(minutes 22 through 60)

Mr. Sigmon elaborated on his slide presentation. Some Council questions were in regard to funding sources, the mechanics of how a Green Team might work, how individual members of the Green Team might liaison with other committees and agencies, how the Green Team will be established, the interaction of the new Personnel Policy with the Green Team, steps already done and still need to be done to achieve sustainability under the program, and the impact of a new agency/committee on our limited pool of volunteers. It was suggested that the roles of individual Green Team members be elucidated as part of the goal of achieving sustainability under the program. Mr. Sigmon envisions this as each member of the team would be in charge of action categories and they would work with different boards and agencies to achieve their goals. Dr. Robins commented that we do not yet know what these categories require to get us to the goals. Specifically, we need more information on what it takes to achieve Bronze or the other levels. Mr. Sigmon noted that each municipality does it differently and we can do something unique to Dunellen. Mayor Cilento opined that we could set up the Committee with a sunset built in, or year to year.

Reports:

Mrs. Albertson: 1) Greenbrook Flood Control Commission--the Commission holds meetings the first Wednesday night of every even-numbered month at 7:30 pm. Upcoming meetings:

- Wednesday, October 5, 2022, 7:30 pm
- Wednesday, December 7, 2022, 7:30 pm

If you would like to attend these virtual meetings, please go to **Gbfcc.org** and click the word "meetings." This will take you to the meeting link; 2) Fire Department--Food and Wine Tasting fund raising event is evening of October 22nd. Watch for more information coming soon; 3) Senior Club--the Dunellen Senior Club is working with the Recreation Director to present a special Vintage Music Concert featuring Kenneth Lelen entitled "He Did it His Way." It celebrates the lives, careers and hits by male vocalists and band leaders such as Frank Sinatra, Artie Shaw, Bing Crosby and Benny Goodman. This Concert is free for all Dunellen seniors. It will be held on October 28th in St. John's auditorium. Doors open at 11:00 am. Concert starts at 11:30 am; 4) Friends of the Dunellen Public Library--there are two more Open-air Markets this season. On October 2nd we are collaborating with the Dunellen Public Library and the Dunellen Diversity and Inclusion Committee to host a Hispanic Heritage Festival. Our usual vendors will be joined by some new food vendors. There will be music and a display of the artwork from the participants of the Dunellen Diversity and Inclusion Committee's Children's Art Contest. Winners will be announced at 3pm. On October 16th, celebrate Halloween with us. We will have a children's Halloween Parade and some spooky surprises. Open-Air Markets are at Washington Memorial Park from 11am to 3pm.

Mrs. Rios: 1) Dunellen Downtown Management Organization will be hosting its 11th annual harvest festival on October 9th from 11-4. We are still looking for vendors. If you have any questions, please feel free to email DDMO or myself and we will forward you the application; 2) Dunellen Arts and Culture Commission will have a booth at the harvest festival where we will be painting art and other activities. You might see some activity going on at Gavornik Park with the

installation of the new mural. We will be calling out for help to finish the project soon. Stay tuned; 3) Dunellen Public Library will be hosting their third annual Hispanic Heritage Celebration, on October 2nd at Washington Park during the Open-Air Market from 11am to 3pm. We will be featuring Rutgers Professor of Latin and Caribbean Studies, Bob Ramos and his Latin Jazz Quintet. There will be vendors and activities for children and people of all ages. On Wednesday, September 21st guest Speaker Kenneth Vercammen, Esq., Chair of the American Bar Association's Elder Law Committee will be joining us this day for a discussion on Wills & Estates at 11 am. And September is library card sign up month! Borough residents are entitled to a free library card, and out of town cards are being offered at a reduced rate of \$10 this month! Please check our calendar for additional programs for children, adults, and senior citizens; 4) Fire Department street fair on Sept 25th has been canceled. We will also be at the harvest festival with make and take kits; 5) Dunellen Municipal Alliance--come meet the alliance members and the SUDS team at the harvest festival where you can spin the wheel for a prize. As always please visit our borough website for our volunteer application. These wonderful events cannot happen without volunteers. Thank you.

Mr. VanDermark: 1) Dunellen Recreation's Annual Senior Picnic Friday, September 16th. What a beautiful day and an amazing event to honor our amazing seniors. A special thanks to our co-host the American Legion Post #119, Commander Tanner, and all the Legion volunteers, they are truly the best. The Recreation Department would like to thank one of our new businesses in town, Jackie's Sweet Cakes for their donation of an awesome sheet cake. They have a soft opening starting September 22nd. Thank you, Mayor Cilento, Council President Rios, and Councilmen Hal Vandermark for joining and helping on this wonderful day. Lastly, a shout out to Recreation Commission members for all your help to make this special day, Jim Brennan, Laura Ruskuski, and Kathy Wilson. This picnic is always a special event for the Dunellen Seniors and they all had a great time! All the Fall Recreation Programs have started, this year we have 183 children registered for soccer (which is our highest enrollment ever), tennis has 39 children signed up, and flag football has 31, in total we have 253 children signed up for fall sports.

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

- Continuing the street sweep schedule.
- Grass maintenance on all Borough properties.
- Picked up 8 pallets of Fire Hoses for the Fire Department.
- Installed benches near the basketball courts at Morecraft & Gavornik Park.
- Ran three dumpsters to the Recycling Yard.
- Removed a dead tree from McCoy Park, and Morecraft Park (near the soon-to-be new playground).
- Continued curbside Branch pick-up, branch pick-up will continue through September.
- Picked up roll-off debris for multiple seniors in the Borough, any seniors that need Household Rubbish picked up, please call 732-968-5455.
- Completed 2 Saturday Roll-off, reminder Saturday Roll-off continues for 4 more Saturdays, you can see the schedule on the Borough Website.
- October 1st starts 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.

Mr. Paltjon: 1) Buildings and Grounds Report--the Borough Hall roof project is expected to start this fall. I will share any updates and information as they come across.

Mayor Cilento:

I will suspend my COVID-19 reports but please continue to be cautious and wear a mask where appropriate.

Lincoln Avenue:

I have been asked about the cuts in Lincoln Avenue. This occurs when the road has a concrete base. The cuts are considered expansion joints and are filled in with rubber so the road is less at risk of cracking because of the concrete base contracting during cold and hot weather. This lowers the risk of the newly paved asphalt from cracking over time. In addition, we have spoken to our engineers who will be making sure the contractors clean up the marks left behind from expansion cuts. Furthermore, the rapid beacon flashing lights should be installed soon.

Middlesex County Mill & Pave Project:

Alex Miller and I met with the Middlesex County Engineers about the Mill and Pave project. The Middlesex County Mill and Pave project in Dunellen is planned to start on or around the first week of October. The project is estimated to take about three days. Once we firm up a date, we will be sure to notify residents accordingly. The following streets will be mill and paved under this program:

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

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 has confirmed that Phase II of their milling and paving will be scheduled to start on or around the week of September 26th. This phase will include the following streets:

- 300 Block of Third Street
- North Ave Extension
- Pulaski Street (from Bound Brook Road to Gavornik Park)

Master Plan Re-Examination Steering Committee:

We had a great turn out for the Dunellen Planning Initiatives Open House on September 21st at the Lincoln Middle Cafeteria. I wish to thank the Dunellen School District, Dunellen Master Plan Steering Committee, DMR Architects, NJTPA's Complete Streets team, and the NJTransit Transit Friendly Planning team for helping host a great event. In addition, the survey is live until Wednesday, September 21st. Please find the survey link on our borough website (dunellen-nj.gov) or find a hardcopy at borough hall or at the library.

Rutgers Mason Gross School of the Arts and Borough of Dunellen Mural Project:

The steering committee plans to meet with Rutgers Mason Gross School of the Arts this week to meet the students and instructor and begin discussion on the mural study.

Mayoral Town Hall Meetings:

Cannabis in Dunellen: please consider joining us on October 14, 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 receive public input on recreational/commercialization of cannabis. Topics will include the current NJ State Law update, Dunellen's survey results and additional public input to the task force members, as well as 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 7PM 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.

Department Heads:

Homer Mosley, Office of Emergency Management Coordinator, announced that we have two candidates now taking the free basic CERT training offered by Middlesex County. Contact Homer for more information: hmosley@dunellenborough.com

Also, OEM has received \$10,000 from a grant, the EEOM grant.

Jeff Best, Chief of the Dunellen Rescue Squad, complained that the film crew in Dunellen was blocking the streets so access to the Squad Building was hindered. Good news is that recently 3 new people have joined the Squad. They have been working in mutual aid with Middlesex and South Plainfield.

Mayor Cilento related information regarding the David Duchovny film crew for *Bucky Dent*, based on a book by the same title that he wrote. Mayor Cilento thanked Councilman VanDermark for assisting the crew with logistics and communications.

Mr. Bruder informed the Council that on September 29th there will be an online meeting of the Commissioners on the matter of the easements being sought from Davco Smalley North, part of the Railroad Culvert project. The purpose is to determine the value of the easements.

Public Portion:

Homer Mosley, 113 Pearl Place, wanted to inform residents of the Anchor program wherein the State of New Jersey is giving “up to \$1,5000 back to taxpayers.” It replaces the Homestead Rebate program.

[<https://www.state.nj.us/treasury/taxation/anchor/general-faq.shtml>]

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

09-19-2022: #18

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

The Dunellen Borough Council Meeting of September 19, 2022 is adjourned.

Yes: Paltjon, Rios, Sigmon and VanDermark

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

<https://www.youtube.com/watch?v=Qy3eTFJGhYM>