

June 5, 2017

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on June 5, 2017.

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 Baudendistel, Kevin Bachorik, Kenneth Bayer, Jason Cilento and Joseph Petracca

Absent: Jeremy Lowder

On the motion of Mr. Petracca and seconded by Mr. Cilento it was moved to accept the Minutes of May 15, 2017:

Yes: Baudendistel, Bachorik, Cilento and Petracca

Abstain: Bayer, due to his absence at that meeting.

At this point, the following Proclamation was presented:

PROCLAMATION

Supporting the *Click It or Ticket* Mobilization of May 22 – June 4, 2017

WHEREAS, there were 604 motor vehicle fatalities in New Jersey in 2016; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 22 – June 4, 2017 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 93% to 95%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen declare their support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 22 – June 4, 2017 and pledge to increase awareness of the mobilization and the benefits of seat belt use.

June 5, 2017

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

Ordinance 2017-06

The following ordinance was Introduced for first reading on May 1, 2017, and a second reading and public hearing is being held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 5th day of June, 2017, and copies of this Ordinance have been posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance have been available at the Office of the Borough Clerk for any interested members of the public.

THIS ORDINANCE SECURES OBLIGATIONS IN ACCORDANCE WITH THE PROVISIONS OF THE "REDEVELOPMENT AREA BOND FINANCING LAW" AND THE LIEN HEREOF IS A MUNICIPAL LIEN SUPERIOR TO ALL OTHER NON-MUNICIPAL LIENS IN ACCORDANCE WITH THE SPECIAL ASSESSMENT AGREEMENT HEREBY AUTHORIZED

AN ORDINANCE OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, PROVIDING FOR THE SPECIAL ASSESSMENT OF THE COST OF CERTAIN WASTEWATER, STORMWATER, UTILITY AND OTHER INFRASTRUCTURE IMPROVEMENTS ON BLOCK 85, LOTS 1 & 2 AND ESTABLISHING A MECHANISM FOR PAYMENT OF A PORTION OF THE COST THEREOF

WHEREAS, pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**" or the "**Act**") and the Dunellen Downtown Redevelopment Plan Phase I dated as of May 16, 2016 (as amended and supplemented from time to time, the "**Redevelopment Plan**"), the Borough of Dunellen, in the County of Middlesex, State of New Jersey (the "**Borough**"), and Brudner Redevelopment Partners Urban Renewal, LLC (the "**Entity**") will enter into that certain redevelopment agreement approved by resolution of the Borough on May 1, 2017 (as the same may be amended and supplemented in accordance with its terms, the "**Redevelopment Agreement**"), with respect to that certain property identified on the official tax map of the Borough as Block 85, Lots 1 and 2 (the "**Property**"), which is subject to the Redevelopment Plan; and

WHEREAS, in accordance with the Redevelopment Agreement, the Entity will undertake the remediation of the Property and the construction and implementation of for sale townhomes, rental apartments, commercial space, retail space, site improvements and

infrastructure improvements (as further described in the Redevelopment Agreement, collectively the "**Project**"); and

WHEREAS, as part of the Project, and pursuant to Sections 2.03 and 6.10 of the Redevelopment Agreement, the Entity is responsible for the costs of certain wastewater, stormwater, utility and other infrastructure improvements (collectively, and as further described in Section 2 herein, the "**Infrastructure Improvements**"), which Infrastructure Improvements, in whole or in part, constitute redevelopment projects to be undertaken pursuant to the Redevelopment Plan, all as contemplated by the Redevelopment Law and *N.J.S.A. 40A:12A-64 et seq.* (the "**RAB Law**"); and

WHEREAS, in order to finance and facilitate the implementation of the Project, including the Infrastructure Improvements upon the Property, the Borough and the Entity have established a financial structure including: (i) entry into a Financial Agreement providing for a payment in lieu of taxes in accordance with *N.J.S.A. 40A:20-1 et seq.* (the "**Long Term Tax Exemption Law**"); (ii) the issuance of bonds to finance the redevelopment of the Property in accordance with the RAB Law; (iii) pursuant to Section 6.15 of the Redevelopment Agreement, payment of the Redevelopment Fee (as defined in the Redevelopment Agreement) to the Borough by the Entity; and (iv) payment of a special assessment to the Borough by the Entity as further described herein; and

WHEREAS, in order to effectuate this financial structure and the implementation of the Project, including the Infrastructure Improvements, the Borough has determined that a portion of the cost of the Infrastructure Improvements should be assessed in accordance with the Local Improvements Law, *N.J.S.A. 40:56-1 et seq.* (the "Local Improvements Law"), and the RAB Law and the terms of the hereinafter defined Special Assessment Agreement,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The defined terms set forth in the recitals contained in this Ordinance are incorporated by reference as it is set forth at length herein.

Section 2. The purpose of this special assessment ordinance is to establish a mechanism for imposing special assessments of all or a portion of the cost of the Infrastructure Improvements to be developed, financed and constructed on or benefitting the Property in accordance with the requirements of the Redevelopment Agreement. The Infrastructure Improvements will consist of the design, financing, construction and installation of the various infrastructure improvements further described in the Redevelopment Agreement and the Special Assessment Agreement, including but not limited to, wastewater, stormwater and utility improvements, including all work necessary therefor and incidental thereto with respect to the Property.

Section 3. Notice is hereby given to the owners of the Property that the Borough intends to make and levy special assessments against all such Property in the amount and at the

time set forth in the Special Assessment Agreement. The estimated aggregate cost of such Infrastructure Improvements for the Property subject to this ordinance is \$3,147,000 (subject to the actual costs of such Infrastructure Improvements at the time of installation as certified to the Borough Engineer), provided that the special assessments for any Property affected by this ordinance shall be made and levied in the manner provided by law and shall be as nearly as possible in proportion to and not in excess of the peculiar benefit, advantage or increase in value that the Property shall be deemed to receive by reason of the Infrastructure Improvements.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The amount of any special assessment ("**Special Assessment**") levied against the Property shall be determined pursuant to a special assessment agreement entered into by and between the Borough and the owner of the property pursuant to the Local Improvements Law and *N.J.S.A. 40A:12A-66* of the RAB Law (the "**Special Assessment Agreement**").

(b) The Special Assessment shall be paid in accordance with the terms of the Special Assessment Agreement, in quarterly installments payable at the time and in the manner that generally applicable property taxes are required to be paid in the Borough, with legal interest if applicable. The first such installment shall commence at the time set forth in a Special Assessment Agreement. Such Special Assessment shall commence as a municipal lien upon the Property in accordance with the terms of the Special Assessment Agreement and thereafter remain a municipal lien upon the Property until the Special Assessment, with all installments and accrued interest thereon, applicable to the Property shall be paid and satisfied and/or discharged in accordance with the terms of the Special Assessment Agreement.

(c) Any Special Assessment levied pursuant to this ordinance shall be subject to the terms and conditions set forth in a Special Assessment Agreement to be entered into substantially in the form attached hereto as Exhibit A, together with such additions, deletions, modifications or revisions as may be required in consultation with counsel to the Borough to facilitate the transaction contemplated hereby. The Mayor is hereby authorized and directed to execute the Special Assessment Agreement and the Borough Clerk is hereby authorized and directed to attest to such signature, and to affix the corporate seal of the Borough upon the Special Assessment Agreement.

(d) The Borough hereby determines that it shall have the right to charge the owner of the Property legal interest with respect to any installment not paid when due, with such legal interest meaning the highest rate of interest permitted under New Jersey law in the case of unpaid taxes or tax liens until paid, or such lesser portion as may be determined by the Borough, and the Special Assessment may be charged, collected and otherwise applied in the manner set forth in the Special Assessment Agreement.

Section 5. The Mayor is hereby authorized to determine all matters and terms in connection with the Special Assessment or the Special Assessment Agreement, all in consultation with the counsel to the Borough, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the Business

Administrator, the Chief Financial Officer, the Borough Clerk and any other Borough official, officer or professional, including but not limited to, redevelopment counsel, bond counsel and the financial advisor to the Borough, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, bond counsel and the financial advisor to the Borough, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

Section 6. This ordinance shall take effect as provided by law.

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: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

06-05-2017: #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: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

06-05-2017: #2

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 \$300.00. This award is to come out of Account # 601-20-150-00-101.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

06-05-2017: #3

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

Whereas, application was made in accordance with the State Regulations for a license to be issued, and

Whereas, after proper investigation it was deemed that all requirements of the State Regulations have been met.

Now therefore be it resolved that the Governing Body authorize the issuance of an Instant Raffle License to the Knights of Columbus, #2544 John Barry Council.

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

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

06-05-2017: #4

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

Whereas, application was made in accordance with the State Regulations for a license to be issued, and

Whereas, after proper investigation it was deemed that all requirements of the State Regulations have been met.

Now therefore be it resolved that the Governing Body authorize the issuance of a 50/50 raffle license to St. John the Evangelist Church, and

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

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

06-05-2017: #5

**A RESOLUTION ACCEPTING A GRANT FROM THE
HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM
THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY
AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, Borough of Dunellen has applied for and has been awarded a grant in the amount of up to \$71,008 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program

through the New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority for Remedial Investigation of the Strip Joint, Inc. property.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Dunellen, that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Borough of Dunellen.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

06-05-2017: #6

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

WHEREAS, Lauren Colletti is currently the Violations Clerk in the Dunellen Municipal Court; and

WHEREAS, Lauren Colletti has completed all the required levels of the Principles of Municipal Court Administration; and

WHEREAS, Lauren Colletti has been interviewed by Travis L. Francis, Assignment Judge, Middlesex County; Edward H. Herman, Presiding Municipal Court Judge for Middlesex County; and by the Municipal Division Manager, Cheryl E. Williams; and

WHEREAS, Judge Francis has endorsed the appointment of Lauren Colletti to the position of Deputy Administrator for the Dunellen Municipal Court; and

WHEREAS, the appointment of Lauren Colletti is also recommended by Dennis Fackelman, Judge for the Dunellen Municipal Court.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that Lauren Colletti be appointed Deputy Administrator for the Dunellen Municipal Court, effective June 5, 2017.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

06-05-2017: #7

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

CME Associates is awarded a contract to undertake a Preliminary Investigation and Redevelopment Need Study Preparation for Block 83, Lot 1, at a cost not to exceed \$6,570.00. Funds for this contract are to be taken from the Redevelopment Interim Cost account.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

06-05-2017: #8

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

The law firm of McManimon Scotland and Baumann is appointed Special Revaluation Counsel on behalf of the Borough of Dunellen, at a cost not to exceed in total \$5,000.

Hourly rates:

Attorneys: \$215.00
Legal Assistants: \$135.00

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

06-05-2017: #9

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

CME Associates is awarded a contract for a remedial investigation related to the former Strip Joint site located at 635 Bound Brook Road (Block 49, Lot 29), at a cost not to exceed 71,008.00.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

Reports:

Mr. Petracca: 1) Annual Audit begins tomorrow; 2) thanked the Fire, Police and DPW for their help with a tree on Mountainview Terrace

Mr. Baudendistel: 1) he met with Scott Luthman regarding sign enforcement. Ken will identify a property and photograph it. He will then forward that information to Scott who will produce a violation letter; 2) clothes drop off bins. There are approximately 10 in town. After the last meeting, Mr. Bruder researched the issue and forwarded material to Mr. Robins who produced a draft ordinance which mirrors the state statute. We currently do not have anything on the books. There was a discussion on approaches: licensing a single vendor (if permissible) for a central location, or regulating the disparate spots. Mr. Baudendistel asked how we might select the particular vendors? Mr. Brudner responded that we can regulate as set forth in the state statute, but he is not sure we can eliminate them all together. Mr. Petracca presented an argument in favor of maximizing commerce. Mr. Baudendistel responded with a concern for the aesthetics of the borough; 3) asked the mayor for an update on the various grant projects? Mayor Seader responded that funding is a problem right now, pointing out the push back on our Girls' Tennis team using a Piscataway park. CME will be asked for a status report; 4) Inquired about the Railroad Culvert project. Mayor Seader responded that we are exploring different funding options for the additional monies needed. We have asked the DEP for a 60 day extension as we work out these details and also agreements with the property owners; 5) asked about regular meetings to monitor the redevelopment project. How do we actually manage it? Should have a meeting; 6) Shade Tree Commission filed for a \$30,000 C-SIP grant; 7) asked Chief Nelson about a replacement for the defunct Reverse 9-1-1 system; 8) the PBA contract still being negotiated.

Mr. Bayer: 1) the DPW contract is finalized. Mr. Robins reported that he has sent the draft to John Bruder for review; 2) the acoustic panels in the Senior Center will be installed this week; 3) Grass Clippings and Leaf Bags: situation: the DPW is picking them up all year and Ron Safar has received two verbal warnings about grass clippings in our mulch pile. The County does not want to see that. Our recycling flyer states that we do not pick up grass clippings and Mr. Robins has distributed copies of the flyer to councilmen. There are now very big signs posted in the Yard about not dumping grass in the mulch pile but instead placing clippings into the designated dumpster. Mr. Bayer would like to see us adhere to the flyer rules. Mayor Seader noted that the practice by residents and DPW of picking them up is long standing. Mr. Bayer noted that it is easy to tell the difference between bag content by looking, and if grass clippings, leave them on the curb, per the flyer. Though residents have been notified, the question is how to inform them better and how to enforce it? Mr. Petracca suggested picking up only brush in a first go around, and then taking clippings bags to the clippings dumpster. Mr. Baudendistel noted that there are only a few DPW men and this is labor intensive. Ron Safar suggested purchasing fewer leaf bags. Mr. Bayer stated that he does not want to take anything away from residents, but he also does not want to see our facility closed by the County for having grass clippings on the ground. He re-iterated that maybe we should stop picking up after June 1st. Mayor Seader responded that we can't just stop and Mr. Baudendistel suggested that maybe we stop by August 1st. Mr. Bayer suggested we put stickers on the bags, or notices in mail boxes: we picked up the bags today, but in the future we will not be able to do so. And tell the residents of the concern expressed by the County. Mr. Petracca shared concern for senior citizens who lack the ability to bring the bags to the DPW. He endorsed the sticker approach with text reading that grass clippings will not be picked up, but you can bring the bags to the DPW Yard dumpster. He does not recommend simply not picking up any bags between June and September. Maybe you should have them call only during the off times. Mayor Seader asked: how do we want to handle this? Informing residents by mailings and stickers may not be enough. Mr. Bayer noted

that there are different solutions being presented. Mr. Bayer suggested that he, Ron, and Mr. Baudendistel will try to come up with a solution before the next meeting.

Mr. Bachorik: no report

Mr. Cilento: 1) Recreation Night out at Patriot Stadium Tuesday; 2) track season concluded with the highest enrollment ever (78 kids); 3) baseball and softball season going longer than expected because of rain dates; 4) there will be two summer baseball travel teams and one softball travel team; 5) Exit Road band in the park in July.

Mayor Seader: 1) asked if anyone could attend an Eagle Scout ceremony on June 23rd; 2) need to talk with the police about off-duty time, 15K in April. Mr. Bruder noted that a company called Jersey Barriers could be consulted during the pre-construction meetings; 3) asked if anyone knew about robberies this week? Reported that there were robberies at Dunellen Bagel and Panda.

PUBLIC PORTION

Susan and Brian Murphy, residents on Bache Place, complained about 343 New Market Road. It has overgrown grass/weeds. The problem from code enforcement is that the house is abandoned and possibly in foreclosure but we cannot ascertain who currently owns. Mr. Robins will have Code Enforcement investigate and if appropriate, we can follow the ordinance and have the DPW remediate and then we institute a tax lien.

Mayor Seader thanked the Rescue Squad for their participation during the Memorial Day Ceremonies.

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

06-05-2017: #10

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

The Dunellen Borough Council Meeting of June 5, 2017 is adjourned.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca
