

May 1, 2017

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on May 1, 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, Jason Cilento, Jeremy Lowder and Joseph Petracca

Absent: Kenneth Bayer (absent at Roll Call; arrived at 7:10 pm)

On the motion of Mr. Bachorik and seconded by Mr. Baudendistel it was moved to accept the Minutes of April 17, 2017:

Yes: Baudendistel, Bachorik, Cilento and Lowder

Abstain: Petracca, due to absence at April 17 meeting

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

**ORDINANCE 2017-05
BOROUGH OF DUNELLEN**

The following DUNELLEN SALARY ORDINANCE is being Introduced for first reading on May 1, 2017. It will be presented for Public Hearing and Adoption on May 15, 2017, at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Copies of this ordinance will be posted on the Municipal Bulletin Board, and will be available at the Office of the Borough Clerk for any interested members of the public.

The following are base salaries, without longevity or benefits:

| <u>Step</u> | <u>Minimum</u> | <u>Maximum</u> |
|-------------|----------------|----------------|
| 11 | \$100,000.00 | \$140,000.00 |
| 10 | \$75,000.00 | \$105,000.00 |
| 9 | \$60,000.00 | \$69,999.00 |
| 8 | \$45,000.00 | \$61,999.00 |
| 7 | \$35,000.00 | \$53,000.00 |
| 6 | \$30,000.00 | \$44,999.00 |
| 5 | \$20,000.00 | \$35,000.00 |
| 4 | \$15,000.00 | \$25,000.00 |
| 3 | \$8,000.00 | \$19,999.00 |
| 2 | \$2,000.00 | \$12,000.00 |
| 1 | \$1,000.00 | \$4,999.00 |

| <u>Full-Time Positions</u> | <u>Step</u> |
|-----------------------------------|--------------------|
| Chief of Police | 11 |
| Administrator/Clerk | 10 |
| DPW Supervisor | 10 |
| Court Administrator | 8 |
| Supervisor, Accounts & Payroll | 8 |
| Finance/Payroll Clerk | 7 |
| Recreation Director | 6 |
| Deputy Registrar | 6 |
| Deputy Court Administrator | 6 |
| Deputy Clerk/Registrar | 5 |
| Registrar | 5 |
| Clerk's Office Admin. Assistant | 5 |
| Violations Clerk, Municipal Court | 5 |

Part-Time Salary Positions

| | |
|--|---|
| Municipal Attorney | 7 |
| Construction Code Official | 6 |
| Municipal Judge | 5 |
| Chief Financial Officer | 5 |
| Tax Collector | 3 |
| Tax Assessor | 3 |
| Municipal Prosecutor | 3 |
| Property Maintenance/Code Enf. | 3 |
| Sewer Inspector | 3 |
| Public Defender | 2 |
| Office of Emergency Management | 2 |
| Sub Code Official (Electrical, Fire, Plumbing) | 2 |
| Sign Ordinance Enforcement Officer | 1 |

Part Time – Hourly

| | <u>Minimum</u> | <u>Maximum</u> |
|-------------------------------------|-----------------------|-----------------------|
| Sewer Inspector - Additional Hourly | \$30.00 | \$48.00 |
| Substitute Deputy Clerk (Court) | \$25.00 | \$35.00 |
| Interpreter | \$20.00 | \$25.00 |
| Acting Recreation Director | \$20.00 | \$25.00 |
| Planning Board Secretary | \$12.00 | \$20.00 |
| Tax Clerk | \$12.00 | \$18.00 |
| Head School Crossing Guard | \$12.00 | \$17.00 |
| Police Administrative Assistant | \$12.00 | \$18.00 |
| Violations Clerk (Court) | \$10.00 | \$15.00 |
| Senior Citizen Van Driver | \$10.00 | \$15.00 |
| School Crossing Guard | \$10.00 | \$15.00 |
| Laborer | \$10.00 | \$14.00 |
| Janitor | \$9.00 | \$13.00 |
| Clerk's Administrative Assistant | \$9.00 | \$14.00 |

Part-Time - Monthly/Meeting

| | | |
|------------------------------------|---------------|---------------|
| Planning Board Recording Secretary | \$275/meeting | \$300/meeting |
|------------------------------------|---------------|---------------|

Elected Officials

| | |
|-------------------|------------------|
| Mayor | \$5,000 annually |
| Council President | \$2,800 annually |
| Council Member | \$2,500 annually |

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

Ordinance 2017-06

The following ordinance is being Introduced for first reading on May 1, 2017, and a second reading and public hearing will be held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 15th day of May, 2017, and copies of this Ordinance shall be posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance shall be 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.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

ORDINANCE 2017-03

The following ordinance was Introduced for first reading on March 20, 2017, and a second reading and public hearing is now being held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 1st day of May, 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.

AN ORDINANCE TO APPROVE A LONG-TERM TAX EXEMPTION AND FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF DUNELLEN AND BRUDNER REDEVELOPMENT PARTNERS URBAN RENEWAL, LLC

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, and February 22, 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 “**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, 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 Entity is authorized to do business as an urban renewal entity under the laws of the State of New Jersey pursuant to the provisions of the LTTE Law; and

WHEREAS, despite the Entity’s substantial investment of equity and borrowed funds, such amounts are insufficient to pay for all of the costs associated with the development and construction of the Project; and

WHEREAS, the provisions of the Act and such other statutes as may be sources of relevant authority, if any, authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by the Entity to Borough as set forth in such laws; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the Entity has submitted an application for the approval of a long term tax exemption for the Project (the “**Exemption Application**”), attached hereto as Exhibit A, and a

form of financial agreement (the “**Financial Agreement**”), attached hereto as Exhibit B, to the Borough, all in accordance with the LTTE Law; and

WHEREAS, the mayor of the Borough has provided his recommendations with respect to the Exemption Application to the Borough Council; and

WHEREAS, upon review of the proposed Project, the Exemption Application and the Financial Agreement, the Borough has made the following findings with respect to the Project pursuant to N.J.S.A. 40A:20-11:

1. The development and construction of the Project, including infrastructure improvements as set forth in the Redevelopment Agreement and the Redevelopment Plan will be beneficial to the overall community; will achieve the goals and objectives of the Redevelopment Plan; will help revitalize the Property; will improve the quality of life for the community; will serve as a catalyst for further private investment in areas surrounding the Property; will facilitate the remediation of environmental contamination and the revitalization and productive reuse of land currently in a blighted, stagnant, unproductive and fallow condition; will enhance the economic development of the Borough by alleviating existing blight conditions of the Property; and will further Redevelopment Plan objectives and contribute to the economic growth of the Borough in general and specifically the Property;
2. The Project will result in the creation of approximately 950 construction jobs;
3. The Project, upon completion, will result in the creation of approximately 221 full-time and part-time jobs;
4. The aforesaid benefits of the Project exceed the cost, if any, associated with granting the tax exemption provided by the Financial Agreement;
5. The Financial Agreement is a material inducement to the Entity to undertake the Project in the Borough and facilitate the redevelopment of the Property; and

WHEREAS, the Redevelopment Area Bond Financing Law (N.J.S.A. 40A:12A-64 et seq.) (the “**Bond Financing Law**”), the LTTE and the Act are intended to encourage private investment in such redevelopment areas by providing the ability to finance and pay for necessary improvements, while simultaneously giving private investors and tenants stability and predictability as to the future tax treatment of their investment; and

WHEREAS, the Borough is agreeable to granting a long term tax exemption to the Entity for the Project and, in connection therewith, the Borough and the Entity will utilize the Bond Financing Law, the Act, and such other statutes as may be sources of relevant authority, if any, to facilitate financing of the Project; and

WHEREAS, pursuant to and in accordance with the provisions of the Bond Financing Law, specifically N.J.S.A. 40A:12A-67(a), the Borough Council, as redevelopment entity, may issue bonds, may apply to an authority (as such term is defined in the Bond Financing Law) to issue bonds, or may cause the issuance of such bonds, which bonds may be secured by an annual service charge; and

WHEREAS, to assist in financing a portion of the costs of the Project, the Borough has agreed to issue its Special Obligation PILOT Redevelopment Bonds (ArtColor Project), Series 20[] (the “**Bonds**”) in accordance with that certain Bond Agreement relating to the issuance of the Bonds (as the same may be amended, modified or supplemented from time to time, the “**Bond Agreement**”) by and among the Borough, the Entity and a banking corporation, as trustee, escrow agent and paying agent (together with its successors and assigns in any such capacity, the “**Bank**”), and the purchaser of the Bonds, for the purpose of providing funds for the Project; and

WHEREAS, pursuant to the terms of the Financial Agreement and the Bond Agreement, and in accordance with the terms of the Bond Financing Law, specifically N.J.S.A. 40A:12A-67(a), the Pledged Annual Service Charge (as defined in the Financial Agreement) is to be pledged to the payment of the principal or redemption premium of, and interest on, the Bonds, which Bonds will be nonrecourse to the Borough; and

WHEREAS, the Entity and the Borough have agreed that the Debt Service Charge (as defined in the Financial Agreement) on the Bonds shall be paid from the Pledged Annual Service Charge (as defined in the Financial Agreement) and that the Unpledged Annual Service Charge (as defined in the Financial Agreement) may be used by the Borough for any lawful purpose in the exercise of the Borough’s sole discretion, all net of the Borough paying the County Share to the County (each as defined in the Financial Agreement); and

WHEREAS, in accordance with the provisions of the Act and the LTTE Law, the Borough desires to approve the Project, the Exemption Application and the Financial Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN, NEW JERSEY AS FOLLOWS:

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

Section 2. The Exemption Application submitted by the Entity is hereby approved in accordance with Section 8 of the LTTE Law.

Section 3. The Mayor, in consultation with counsel to the Borough, is hereby authorized to execute 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 to occur only simultaneous with the full execution of a redevelopment agreement for the Project.

Section 4. The Clerk of the Borough is hereby authorized and directed, upon execution of 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 5. An exemption from taxation as set forth in the Financial Agreement is hereby granted to the Entity, with respect to the Project for the term set forth in the Financial Agreement; provided that in no event shall the term of the Financial Agreement exceed the earlier of (i) thirty-five (35) years from the date of execution of the Financial Agreement or (ii) thirty (30) years from the Annual Service Charge Start Date, as said term is defined in the Financial Agreement, for each Component of the Project (as the term "Component" is defined in the Financial Agreement) and only so long as the Entity remains subject to and in compliance with the Financial Agreement and the LTTE Law.

Section 6. The executed copy of the Financial Agreement shall be certified by and filed with the Office of the Borough Clerk. Further, the Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law. Further, the Borough Clerk shall, within ten (10) days of the later of (i) the effective date of this Ordinance, or (ii) execution of the Financial Agreement, transmit certificated copies of this Ordinance and the Financial Agreement to the chief financial officer of, and legal counsel for, Middlesex County, New Jersey.

Section 7. The Project shall conform with all federal, state and Borough laws, ordinances, regulations, the Redevelopment Plan and the Redevelopment Agreement relating to its construction and use.

Section 8. The Entity shall, in the operation of the Project, comply with all laws so that no person of race, religious principles, color, national origin or ancestry will be subject to discrimination.

Section 9. Without limiting the terms of the Financial Agreement, the Entity shall submit Annual Audits to the Borough in accordance with Article V of the Financial Agreement.

Section 10. 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: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

05-01-2017: #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, Cilento, Lowder and Petracca

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

05-01-2017: #2

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, Cilento, Lowder and Petracca

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

05-01-2017: #3

Silvia Santamaria is hired as a Municipal Building Maintenance person, effective April 10, 2017, at a salary of \$10.50 per hour, without benefits.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

[At his time, 7:10 pm, Mr. Bayer arrived.]

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

05-01-2017: #4

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

Approval is granted for the Dunellen Municipal Alliance to place a portable billboard with a 9-1-1 message reading “One Simple Call to 911 Can Save a Life” on the corner of North Washington Avenue and Dunellen Avenue in Washington Memorial Park until May 23, 2017.

Yes: Baudendistel, Bachorik, Bayer, Cilento, Lowder and Petracca

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

05-01-2017: #5

**RESOLUTION OF THE BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY
APPROVING REDEVELOPMENT AGREEMENT BETWEEN BOROUGH AND
BRUDNER REDEVELOPMENT PARTNERS URBAN RENEWAL, LLC, PURSUANT
TO THE DUNELLEN DOWNTOWN REDEVELOPMENT PLAN, PHASE ONE**

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, and subsequently amended by ordinance on June 9, 2011, August 5, 2013, November 3, 2014, and February 22, 2016 (the “Redevelopment Plan”) for an area designated on the Borough’s tax map as Block 69, Lots 1, 1.01, 2, 2.01 and 3; Block 70, Lots 13 and 13.01; and Block 85, Lots 1 and 2 (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 and 2, is hereby designated the “Project Site;” and

WHEREAS, the Project Site is or shall be owned by Brudner Redevelopment Partners Urban Renewal, LLC (the “Redeveloper”); 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, a form of the proposed Redevelopment Agreement (the "Redevelopment Agreement") is attached to this Resolution as Exhibit A, setting forth the terms and conditions by which the Redeveloper will carry out the development of the project (the "Project") at the Project Site, including associated infrastructure improvements; and

WHEREAS, the members of the Borough Council have considered the proposed form of Redevelopment Agreement, finding that the Project conforms to the Redevelopment Plan and furthers the public purposes that the Redevelopment Plan 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 Redevelopment Agreement with Redeveloper for the Project contemplated therein, and that the Mayor and the Clerk of the Borough are hereby authorized to execute and attest to, respectively, the Redevelopment 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 Redevelopment Agreement in accordance with the Redevelopment Plan.

BE IT FURTHER RESOLVED that the execution authority granted hereunder is specifically conditioned on the Borough Attorney approving the final terms of Sections 6.09 and 6.15 of the Redevelopment Agreement and any exhibits referenced therein.

BE IT FURTHER RESOLVED that the execution authority granted hereunder is specifically conditioned on the completion of all actions identified in Section 6.15 of the Redevelopment Agreement necessary to implement the security for payment described therein and on the simultaneous full execution of the documents and instruments necessary to effectuate same.

BE IT FURTHER RESOLVED that the execution authority granted hereunder is specifically conditioned on the simultaneous full execution of the Financial Agreement, as defined in the Redevelopment Agreement.

Yes: Baudendistel, Bachorik, Bayer, Cilento, Lowder and Petracca

Mr. Robins noted that Mayor Seader, Council President Baudendistel, Mr. Bayer and the experts support team have put in hundreds of hours of hard work to get us to this point in the Redevelopment process.

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

05-01-2017: #6

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 issue the following checks to McManimon, Scotland & Baumann from the Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the account:

| <u>McManimon Scotland Baumann</u> | <u>Bill Number</u> | <u>Amount</u> |
|-----------------------------------|--------------------|-------------------|
| 00019526-00004 | 144748 | \$645.00 |
| 00019526-00004 | 145537 | \$3,031.50 |
| 00019526-00004 | 145782 | \$1,849.00 |
| | Total | <u>\$5,525.50</u> |

Yes: Baudendistel, Bachorik, Bayer, Cilento, Lowder and Petracca

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

05-01-2017: #7

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

Be it resolved by the governing body of the Borough of Dunellen, New Jersey, that:

The Treasurer is hereby authorized to issue the following checks to Windels Marx Lane & Mittendorf, LLP., from the Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the Account:

| <u>Windels Marx File Number</u> | <u>Bill Number</u> | <u>Amount</u> |
|---------------------------------|--------------------|-------------------|
| 0305764-0000001 | 50449 | \$5,722.65 |
| | Total | <u>\$5,722.65</u> |

Yes: Baudendistel, Bachorik, Bayer, Cilento, Lowder and Petracca

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

05-01-2017: #8

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 issue the following checks to NW Financial Group, LLC., from the Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the account:

| <u>NW Financial Group Invoice Number</u> | <u>Invoice Date</u> | <u>Amount</u> |
|--|---------------------|-------------------|
| 22876 | January 31, 2017 | \$4,043.75 |
| 23024 | February 28, 2017 | \$2,321.25 |
| 23062 | March 31, 2017 | \$2,630.00 |
| | Total | <u>\$8,995.00</u> |

Yes: Baudendistel, Bachorik, Bayer, Cilento, Lowder and Petracca

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

05-01-2017: #9

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 issue the following check to the Law Offices of John E. Bruder, from the Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the account:

| <u>John E. Bruder</u> | <u>Bill Number</u> | <u>Amount</u> |
|-----------------------|--------------------|-------------------|
| August 2015 | RD-08-15 | \$740.00 |
| October 2015 | RD-10-15 | \$420.00 |
| | Total | <u>\$1,160.00</u> |

Yes: Baudendistel, Bachorik, Bayer, Cilento, Lowder and Petracca

Reports:

Mr. Petracca: no report

Mr. Baudendistel: 1) Shade

Tree Commission had its Arbor Day Celebration last Friday at Faber School. There was an education portion of the entire school in the all-Purpose Room. Then, the First Graders planted a tree; 2) we have received additional inquiries on Welcome to Dunellen sign sponsorship. He thought additional signs might go into our parks. Also, the idea of "leaving" Dunellen signs was discussed; 3) currently, we do not have a Sign Enforcer. He sent a draft of a letter to Mr. Bruder for review; 4) the topic of clothing drop-off bins was discussed. We now have 7 and many have graffiti and unsightly collections of discarded clothes on the ground. Mr. Robins will work on a draft ordinance; 5) asked after the Strip Joint check. We returned the necessary documents last week; 6) discussion of the Off-Duty ordinance. Chief Nelson had some questions and the ordinance will continue to be worked on.

Mr. Bayer: no report

Mr. Bachorik: no report

Mr. Cilento: 1) Recreation Department will be sponsoring a trip to a Patriots Game on June 6th; 2) need copy for the next edition of the *Dunellen Report*.

Mr. Lowder: no report

Mayor Seader: 1) we have applied to the Infrastructure Trust Fund for additional funding for the Railroad Culver Project; 2) the Water Company is repairing the paving on Jefferson Avenue and will do other streets, too; 3) Ron and his crew have begun pothole repair.

PUBLIC PORTION

No one from the public spoke.

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

05-01-2017: #10

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

The Dunellen Borough Council Meeting of May 1, 2017 is adjourned.

Yes: Baudendistel, Bachorik, Bayer, Cilento, Lowder and Petracca
