

February 1, 2021

Note: This meeting was held by teleconference for the public.

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on February 1, 2021.

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, April Burke, Jessica Dunne, Stacy Narvesen, Tremayne Reid, Trina Rios and Daniel Sigmon

On the motion of Mrs. Narvesen and seconded by Mrs. Rios it was moved to accept the Minutes of the Meeting of January 11, 2021.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

At this point, a proclamation in recognition of Black History Month was read:

PROCLAMATION
Recognizing Black History Month

WHEREAS, Black History Month is an annual celebration of achievements by African Americans and a time for recognizing their central role in U.S. history; and

WHEREAS, Black History Month grew out of the establishment, in 1926, of Negro History Week by Carter G. Woodson and the Association for the Study of African American Life and History; and

WHEREAS, the Borough of Dunellen celebrates its rich cultural and ethnic diversity – respecting each of our neighbors, friends, family-members and business-owners based on the content of their character; and

WHEREAS, our community is better because of the diversity of our population.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of Dunellen recognize and honor the national celebration of Black

History Month during the month of February 2021 and encourage residents to celebrate during the month of February.

Signed on the 1st day of February 2021

Mayor's Appointments to Boards, Commissions and Authorities

Appoint Edward W. Ditter to the Dunellen Public Library Board of Trustees

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

ORDINANCE 2021-01

BOROUGH OF DUNELLEN

The following ordinance 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 February 1, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on Tuesday, February 16, 2021 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 members of the general public who shall request the same.

Dunellen Municipal Code, Chapter 233-37, Sewer Rates is amended to read as follows:

Section 233-37. Sewer rates.

The sanitary sewer rates shall be as follows:

- A. Owners of single family residential properties connected to the Borough sanitary sewer system shall pay a flat annual rate in the amount of \$350.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the 15th day of April and the 1st day of September, following each period for which sewer service has been provided.
- B. Owners of multi-family residential properties (properties with two, three or four residential units) connected to the Borough sanitary sewer system shall pay a flat annual rate for each residential unit in the amount of \$350.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the 15th day of April and the 1st day of September, following each period for which sewer service has been provided.
- C. Owners of non-residential properties, including residential properties with five or more units and mixed residential/commercial properties connected to the Borough sanitary sewer system, shall be charged, except as otherwise stated herein, for sewer service based upon the amount of water supplied to the commercial property as determined by meter readings supplied by New Jersey American Water of the previous year, payable semi-

annually. The apartments or rental units above or adjacent to the commercial property shall be billed at a flat rate of \$350.00 to be paid in equal installments semi-annually. The sewer fee for the commercial parts of a mixed-use commercial/residential property, or of an entirely non-residential property, shall be \$4.25 per 1,000 gallons of water used at the property (whether determined by meter or estimate), but no less than the minimum annual usage charge of \$350.00. Where water usage cannot be determined by meter reading, the Sewer Utility fee shall be based on the property's estimated water usage, which estimate shall be calculated using best engineering practices for the property in question. Sewer user fees are to be paid to the Dunellen Borough Sanitary Sewer Utility on the 15th day of April and 1st day of September, following each period for which sewer service has been provided or available.

D. There shall be an annual sewer Administrative/Facility charge for all non-residential improved properties, residential properties with five or more units, and mixed residential/commercial properties, of \$150.00 in addition to the above rates described in Subsection C above. This charge is payable semi-annually in the amount of \$75.00 and is to be paid in concert with the sewer service charges.

E. Any single family residential property that qualifies for the senior citizen tax deduction shall also be afforded a discount of \$100.00 from the residential property fee set forth in Subsection A above.

F. The foregoing rates and charges have been calculated in accordance with Chapter 230-7 and shall be subject to annual revision based upon the Borough and its Sewer Utility's financial obligation to PARSA and/or MCUA. In addition, separate fees or charges may be imposed by the Borough's Sewer Utility upon specific users or one or more categories of users to defray fines, penalties or other extraordinary charges that may be imposed by PARSA and/or MCUA. Payment of such separate fees or charges shall in accordance with the requirements set forth in Chapter 233-36. The Borough Sewer Utility may also in its sole discretion and upon application of a user demonstrating special circumstances adjust a user's sewer use charges.

Dr. Robins noted that he had consulted with CFO Scott Olsen and Auditor Andy Hodulik and the consensus was that the fees should remain the same as those set last year. Mr. Reid asked about the fees for the multi-family properties. Dr. Robins responded that the fees for multi-family properties had been increased a few years ago to equal those for single-family units. This was considered a fairer approach. Mr. Reid suggested that the language might be reviewed for clarity. Councilpersons responded that it was the same language as in prior years and it did not appear confusing. Mr. Bruder offered to review the language prior to the next meeting and also speak to Mr. Reid about this. Mr. Olsen raised a concern as to the timing of a revised ordinance and the mailings of the Sewer Utility fees to the property owners. Dr. Robins stated that if a revised ordinance was introduced on February 16th, and a second reading on March 1st, there would still

be time for proper mailings. Mr. Bruder noted that the present discussion expresses the Council's understanding of this section of the ordinance and that could be sufficient [that the fee of \$350 applies to each unit in a multi-family unit (1-4 units)]for this year and the Council can determine if it wishes to amend the language for 2022. Mrs. Burke asked if any member of the public had questioned the multi-family language? No. Mr. Bruder stated that ordinances often are revisited and amended as circumstances warrant. Dr. Dunne asked a process question regarding a difference of opinion between the legal recommendation of the municipal attorney and the Council's own decision. Mr. Bruder responded that the governing body has the final say, though he may memorialize his opinion in a memo to Council outlining his legal advice.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

Ordinance 2021-02

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 February 1, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Dunellen Council Chambers and accessible remotely via YouTube [http://www.dunellen-nj.gov/municipal_news/muniicpal_news_2/index.php] on February 16, 2021 at 7:00 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 at the Municipal Clerk's Office, 355 North Avenue, Dunellen, NJ 08812, or email the Municipal Clerk at wrobins@dunellen-nj.gov 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 IMPROVEMENTS TO LINCOLN AVENUE IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$1,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,400,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

Purpose: Improvements to Lincoln Avenue, including, but not limited to, milling, curbs, gutters, sidewalks, and the construction of ADA accessible curb ramps where necessary and further including all work and materials necessary therefor and incidental thereto

Appropriation: \$1,400,000

Bonds/Notes Authorized: \$1,400,000

Grants Appropriated: grants in the amount of \$525,000 and \$504,550 from the State of New Jersey Department of Transportation

Section 20 Costs: \$280,000

Useful Life: 10 years

Mrs. Burke asked the timeline for this project. Dr. Robins responded that CME is fully apprised of the project; indeed, they provided the design phase, bid, and engineer construction phase costs, as well as an anticipated construction cost, in order to put together the bond ordinance. They are ready to proceed once they are given the go ahead, which will be 20 days after publication of this bond ordinance's adoption, estimated to be about March 15th. Summer-Fall 2021 for the work to be done. Mayor Cilento noted that much of this grant is being funded through a NJ Department of Transportation grant.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

ORDINANCE 2021-03

BOROUGH OF DUNELLEN

The following ordinance 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 February 1, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of said governing body to be held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on February 15, 2021 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 members of the general public who shall request the same.

Dunellen Municipal Code, Chapter 115, Zoning, is amended to read as follows:

115-7. Definitions.

BUILDING HEIGHT – The vertical distance measured from the average grade of the corners of the structure to the highest point of the structure. The building height in all residential districts shall not be greater than thirty-five (35 ft.). The building height in all Commercial Zones shall not

be greater than forty feet (40 ft.). All exceptions as set forth in Chapter 115-27 remain in full force and effect.

FLAG LOT – Any lot that does not meet the required lot width and/or any lot on which the principal structure does not front directly on a public road.

115-10. Compliance Required.

F. Flag lots are prohibited in all zones.

115-14. Principal Buildings.

B. Location of improved street. All principal buildings shall be built upon a lot with frontage upon a public street improved in accordance with Borough requirements or for which such improvements have been insured by the posting of a performance guaranty.

115-15. Accessory Structures.

E. Height restrictions. In any residential district, no accessory shall exceed fifteen (15) feet in height to the highest point of the structure.

Mayor Cilento explained that this ordinance eliminates “flag lots” which are lots wherein houses can be built behind other houses (not fronting on streets). This happenstance often results in encroachments upon neighbors. Another provision of the amended ordinance sets height restrictions on garages or sheds so that they are unable to be built so high as to block out the sun from neighboring properties.

Mrs. Burke asked if properties are “grandfathered”? Mr. Bruder responded that you cannot tell someone he/she must alter a construction because we have changed the ordinance.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

02-01-2021: #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: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

02-01-2021: #2

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

Whereas, there appears to be a surplus in the following 2020 Appropriation Reserve Accounts over and above the demands to be necessary, and

Whereas, N.J.S.A. 40A:4-58 provides for the transfer of unexpended balances in those appropriations having an excess over the amount required to those deemed to be insufficient.

Now, therefore be it resolved that the following “Transfer of Appropriation Reserves” be made:

From

Account	Title	S&W	Other Expenses
23-220-299	Group Insurance		24,100
	Subtotal		\$24,100
	Total		<u>\$24,100</u>

Whereas, there appears to be insufficient funds in the following 2020 Appropriation Reserve Accounts over and above the demands to be necessary; viz:

To:

Account	Title	S&W	Other Expenses
20-150-299	Tax Assessor		\$1,500
20-155-299	Legal Services		6,000
21-180-299	Planning Board		3,100
25-240-299	Police		7,500
26-290-002	Tree Maintenance		6,000
	Subtotal		24,100
	Total		<u>\$24,100</u>

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

02-01-2021: #3

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

Whereas, NJS A 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the CY 2021 Dunellen Capital Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

Now therefore be it resolved that the attached CY 2021 Temporary Dunellen Capital Budget is hereby adopted.

Borough Of Dunellen (Code 1203), Middlesex County - 2021 Budget

CAPITAL BUDGET (Current Year Action)
2021

Local Unit: Borough of Dunellen

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR - 2021					6 TO BE FUNDED IN FUTURE YEARS
				5a 2021 Budget Appropriations	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
Street Improvement Program		1,400,000.00						1,400,000.00	0.00
Police Department		0.00							0.00
Department of Public Works		0.00							0.00
General Administration		0.00							0.00
Recreation Department		0.00							0.00
Fire Department		0.00							0.00
Library		0.00							0.00
Information Technology		0.00							0.00
Street Improvements		0.00							0.00
Subtotal		1,400,000.00		0.00	0.00			1,400,000.00	0.00
Sewer Improvements		0.00			0.00			0.00	0.00
									0.00
									0.00
									0.00
									0.00
									0.00
TOTALS - ALL PROJECTS	33-199	1,400,000.00	0.00	0.00	0.00	0.00	0.00	1,400,000.00	0.00

Sheet 40b

Borough Of Dunellen (Code 1203), Middlesex County - 2021 Budget C-3

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

02-01-2021: #4

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

WHEREAS, there is a need to repair the roof in the Department of Public Works building; and

WHEREAS, the following quotes were received for this repair:

Penyak Roofing Co.,
3571 Kennedy Road, South Plainfield, NJ \$750.00

Pieros Construction Company
58 Tanner Road, Somerville, NJ \$950.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that a contract be awarded to Penyak Roofing Company for the repair of the roof on the Department of Public Works building, at a cost not to exceed \$750.00.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

02-01-2021: #5

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

Christine Petroski is hereby hired as a School Crossing Guard, effective January 28, 2021, at an hourly salary of \$12.00.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

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

02-01-2021: #6

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

The Mayor and Council of the Borough of Dunellen hereby approve the attached Memorandum of Agreement regarding a new contract with Local 255, United Service Workers Union/IUJAT, on behalf of certain personnel in the Dunellen Department of Public Works. Said contract will run from January 1, 2020 through December 31, 2022.

Dr. Dunne thanked Councilwoman Narvesen and former Council President Bayer for their hard work. She believes that with the contract the Borough is "in a good place."

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

CONSENT AGENDA:

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

02-01-2021: #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 checks to King Moench Hirniak & Mehta LLP, from the Dunellen Planning Board Escrow Account(s) listed below, for legal work towards the following application(s):

150 NORTH AVENUE ASSOCIATES

<u>Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
91830	PB169	Professional Services	\$48.00

02-01-2021: #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 checks to CME Associates, from the Dunellen Planning Board Escrow Account(s) listed below, for engineering work towards the following applications:

376 NORTH AVENUE ASSOCIATES

<u>CME Inv.</u>	<u>P.O. Number</u>	<u>Purpose</u>	<u>Amount</u>
273830	PB167	Engineering Review	\$772.50

528 NORTH AVENUE LLC

273831	PB168	Planning & Engineering Review	\$535.25
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BRUDNER REDEVELOPMENT – FORCE MAINS

273832	PE014	Construction Observation	\$1,160.50
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STORM BYPASS SITE OBSERVATION

273833	PE015	Site Observation	\$805.50
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02-01-2021: #9

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	LOT	NAME	AMOUNT
86	2	RRR NEW GEN LLC	\$ 8899.52

Make check payable to:

**Jennifer R. Jacobus, Trustee for RRR NEWGEN LLC
201 Littleton Road, 1st Floor
Morris Plains, NJ 07950**

02-01-2021: #10

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

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

Payable to US Bank Cust for Pro Cap 8

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
19-12	63	26	Fuson, Justin & Kathryn 243 Prospect Ave	7209.62	604.92	2,600.00	10,414.54

TOTAL REFUNDED \$10,414.54

02-01-2021: #11

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 Calendar Raffle 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 Raffle License to the Dunellen PTO.

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

02-01-2021: #12

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

WHEREAS, by Resolution 09-12-2005: #14, the Mayor and Municipal Clerk were authorized to enter in to an agreement with Verizon for telecommunications regarding the laptop computers in police motor vehicles; and

WHEREAS, the cost of this service for 9 laptop computers is \$50.01 each per month, for a total early amount of \$5,402.00; and

WHEREAS, it is advisable and necessary to extend that time period until December 31, 2021, with the cost of this service for 6 laptop computers being \$40.00 each month, and for a term from January 1, 2021 to December 31, 2021, for an amount not to exceed \$2,880.00 plus \$100.00 over usage for a total of \$2,980.00 per year.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the agreement entered in to by Resolution 09-12-2005: #14 be extended to December 31, 2021 at an amount not to exceed \$2,980.00.

This appropriation is to be charged to Account #1-01-25-240-000-202

02-01-2021: #13

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

Whereas, there exists a need to lease photocopier machines, one for the Dunellen Police Department and a second one for the Dunellen Municipal Clerk's Office; and

Whereas, a quote has been received from:

Wells Fargo:

- 1) Police -- \$87.50 per month, for a 60 month lease term (Account # 1-01-25-240-000-205)
 - 2) Clerk's Office -- \$117.50 per month, for a 60 month lease term (Account # 1-01-20-120-000-205)
- Total: \$205.00 per month

Whereas Wells Fargo has a New Jersey State Contract (#A53090 T2075) for the leasing of photocopier machines; and

The funds for this contract have been certified by the Chief Financial Officer, from April 2021 – March 2022, and continuation of the contract is subject to the availability of funds in future fiscal years.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that two photocopier machines be leased from Wells Fargo for an amount not to exceed \$205.00 for two machines per month for 60 months.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon

REPORTS:

Mrs. Rios: 1) The Dunellen Downtown Management Organization had its first Grand Opening of 2021, welcoming Wing Brothers Fried Chicken. Check out the DDMO Facebook page for other Grand Openings and a link to a small businesses grant; 2) the Fire Department had its first meeting of the year and hopefully they will be moving forward with a street fair; 3) the Dunellen Municipal Alliance will be holding a town hall in April: "When to Worry About Your Child's Worry," with a panel of doctors and teachers and are soliciting questions from the public. This will be a Zoom meeting, details to be announced; 4) the Dunellen Public Library is on a restricted opening due to limited staffing.

Mrs. Burke: 1) wants to thank the Department of Public Works for working over 24 hours trying to keep up with a storm that cannot be controlled. To residents: please remove your cars from the street. Tickets have been issued; 2) the Police Committee will be meeting with Chief Smith to discuss his departmental needs for Year 2021. The Police Committee will also be bringing to Council in the next month a proposed contract with the union; 3) the EOP Annexes for the Office

of Emergency Management have been completed and are under review by the County; 4) asked that Fire Chief Crawford be included in Council Meetings notice; 5) asked about the IT assessment? Dr. Robins responded that he is in regular contact with Maestro and their Audit/Inventory is ongoing and should be completed by the end of the month.

Mr. Reid: 1) the next meeting of the Buildings and Grounds Committee will be on February 5th. He met with Alexander Miller (Public Works Manager) to introduce himself and to discuss some items left over from 2020; 2) we are moving forward with the cleanup of the Strip Joint property on Bound Brook Road; 3) Mrs. Rios is obtaining quotes for Library roof repair; 4) the next meeting of the Middlesex County Transportation Coordinating Committee will be in late February; 5) the next meeting of the Middlesex County Housing and Human Development Agency will also be in late February. So, nothing yet to report on those two.

Dr. Dunne: 1) Finance Committee needs department projected budgets and long-term capital plans. Please send to Dr. Robins for passing on to the Finance Committee; 2) the Dunellen Parking Authority had its first meeting of the year on January 13th. Nothing new to report except congratulations to Bill Wagner on his appointment as Chairman and Cliff Vail as Vice-Chairman. Thank you to Alexander Miller and Ron Safar for working with the Parking Authority on some issues involving signage and curbs; 3) at the last Council meeting, we approved the Diversity and Inclusion Committee and we will be updating the volunteer form and we will be making a public announcement about this committee; 4) the Greenbrook Flood Control Commission will be meeting this Wednesday so if anyone is interested, please reach out to herself or Mrs. Narvesen for the link; 5) she expressed her opinion and desire that in scheduling any committee meetings, that the scheduler “exhaust all possibilities” of including all members when the dates for the meetings are being set.

Mr. Sigmon: 1) Baseball and Softball registration is now open under the auspices of the Parks and Recreation Department. Registration links can be found on their website; 2) more information will be forthcoming on Tennis, Track and Summer Camp.

Mrs. Narvesen: 1) from DPW Supervisor Ron Safar & DPW Manager Alex Miller: the crews started plowing Sunday Night at 6:30 pm and have been going since then; Ron and the crew have been working hard and will continue through the storm. We hope that they are all safe. Reminder to please not park on the streets during any snowstorm; residents can park at Columbia & McCoy Park or the American Legion. Throughout the winter the crew has been cleaning out catch basins and repairing any in need. At this time, we cleaned out 50 basins, repaired 3, and 2 basins needed to be totally rebuilt; repaired sinking manhole on South Washington Avenue; trimmed branches on Madison Avenue; did pothole repairs throughout town; dropped off and picked up barricades and Cones for the COVID Testing on Saturday; prepped all the snowplow equipment and salters prior to the storm; Rich repaired the Fire Chief's truck, maintenance on the Backhoe, Roll-off Truck, Bucket Truck, and the Light Tower/Generator; 2) the Dunellen Downtown Management Organization is planning for spring events; 3) the School District will begin hybrid learning this Thursday. Be mindful of children on their way to school; 4) the Dunellen Planning Board had their reorganization meeting.

Mayor Cilento:

Please consider joining us at Council Meetings where comments, questions and concerns can be addressed with the governing body. I have personally made it known that I have an open-door

policy. You can email me at jcilento@dunellen-nj.gov or call me at (732) 882-4551. I will reach back out and make myself available for a phone conversation or a socially distant meeting.

Covid-19 Update:

Since my last report on January 11, 2021, we have been made aware of two more new cases added to Dunellen's cumulative total of 594. Dunellen's cumulative death total remains at eleven.

Dunellen and Middlesex County's cumulative totals can be found at www.discovermiddlesex.com/total-cumulative-cases/

New Jersey COVID-19 Information Hub at: www.covid19.nj.gov.

To sign up for the COVID-19 vaccination: <https://covid19.nj.gov/pages/vaccine>

The state went live with its Vaccination Helpline. The number is (855) 568-0545. Middlesex County has also set up a Call Center at (732) 745-3100. If you know someone who does not have access to the Internet or a computer, please assist them with signing up for the vaccine and/or making a phone call to the above contact information.

In addition, the Neighborhood Health Clinic of Plainfield has begun accepting vaccination enrollment at their facilities, located at 1700-58 Myrtle Ave, Plainfield, NJ 07063. The Clinic will be following the State of New Jersey's roll-out program for COVID-19 vaccination. You must pre-register at <https://www.nhscnj.org/register-for-vaccine> or you may call their hot-line to set up an appointment at (908) 540-0229.

Middlesex County is looking for volunteers to assist with COVID-19 vaccination in medical and non-medical roles. For more information, please visit www.middlesexcountynj.gov/covid19

If you are in need of assistance due to a mental health crisis because of the impact of COVID-19, please text the crisis line by texting "NJ" to 741741, call the family helpline at 1-800-843-5437 or call the mental health line at 1-866-202-4357.

Our numbers are rising, and we must remain vigilant in our efforts to prevent further spread of COVID-19. Please remember to continue to practice social distancing, wearing of a mask and limiting social gatherings.

COVID-19 Testing in Dunellen:

Thank you to Pastor Roy and Wendella Carryl of the Living Hope Outreach Center and the Neighborhood Health Clinic of Plainfield for partnering with the Borough of Dunellen in providing free COVID-19 tests to residents and others from surrounding communities at the Dunellen Train Station on Saturday, January 30th. We were able to administer nearly 100 tests to help keep our neighbors safe. Thanks to Parks and Recreation Director Alex Miller, OEM volunteer GiGi Mosley, Councilpersons Rios, Reid and Sigmon, Officer Nick Goldman, Dunellen DPW, Dunellen Public Library, and all the volunteers for helping with the workflow on Saturday. I look forward to working with them again in the future.

Department of Public Works:

Thank you to the Department of Public works for their hard work during the snowstorm and for the work they do throughout the year to help keep the town beautiful and keeping things fixed around

here. I would like to extend thanks to Ron Safer, our DPW Supervisor, for handling a blockage along the Green Brook brook; the residents in the area reached out and expressed gratitude for the job well done by all.

MCIA Recycling Issues:

We recognize the issues with the recycling company. On several occasions I have spoken with MCIA about them. Recently, I spoke to management at MCIA and informed them that we cannot be having these conversations every two weeks. In response to the complaint, MCIA has assured Dunellen that they are replacing the team that handles the route in Dunellen and will have a supervisor follow them for several weeks to make sure an appropriate pattern is developed. MCIA asked that if you do see issues with the recycling company's team to please take a photo and document the truck number and report it our offices or theirs. You can call in complaints at: 1-800-488-6242. You may also make your complaints known directly to MCIA via their online complaint form. Here is the direct link: <https://docs.google.com/.../1FAIpQLScCfIXdNMuKEo.../viewform>

Capital Improvements:

Railroad Avenue – project is completed with the exception of restoration work alongside of roadway.

South Madison Avenue – the work has re-commenced. The contractor is working on storm drainage improvements and working on underground utilities. The roadway milling and paving will be scheduled as weather conditions permit.

Lincoln Avenue Roadway Improvement – this evening we introduced a \$1.4M bond ordinance for the road improvements to Lincoln Avenue. However, it should be noted that the Borough received \$1,029,550.00 in NJDOT grants between 2019 and 2020 for this road project, which will assist in paying down the debt service of the bond.

Middlesex County Culvert project at South Madison Avenue – at the pre-construction meeting on January 12th, it was discussed that the project would begin on or around March 1st and estimated completion will be around August of 2021. The School District has been notified and we will coordinate with them regarding the flow of traffic for school as the project progresses.

Fire House Embankment – CME is developing a budget for the Firehouse parking area and embankment improvements.

Dunellen Stations Development (Art Color) – site work is tentatively scheduled to commence this spring and will initially consist of installation of utilities. Though it appears that work is not going on, it is behind the scene, both engineering and legal.

Sewer Line Videoing - through the Sewer Line Videoing plan implemented last year, we were able to determine a gas line issue on Pulaski Street and water line issue on South Avenue prior to us repaving these roads. The utility companies will make the repairs prior to the roads being paved. Again, the videoing of the lines prior to roads being paved will assist in lowering the risk of newly paved roads having to be torn up for underground utility issues in the future.

Annual Reassessment Program:

February's Message from the Mayor addressed this matter as a reminder to property owners that we are in year two of the five-year program. We implemented this program last year as an effort to ensure fair property tax bills. It calls for 20% of properties be inspected each year and all properties be revalued through an analysis of the real estate market. Inspectors will follow all CDC guidelines. The annual reassessment program helps to preserve values of properties in town close to 100% of market value ensuring equality of taxation throughout the town. This will prevent the Borough from being in a position it was in 2016 when the State mandated a town-wide revaluation, which proved to be expensive, and impactful to taxpayers who were not appropriately assessed in a program such as the one the Borough has structured. In addition, if you're an honorably discharged veteran who served in the line of duty or time of peace, you qualify for a property tax deduction. For more information on the property reassessment or the veterans property tax deduction program please email our Tax Assessor, Dawn Guttschall at: dguttschall@dunellenborough.com or call (732) 968-3323.

Downtown Visual Preference Survey Results:

In November 2020, the Borough of Dunellen worked with our Municipal Planner, DMR Architects, in developing and issuing the survey to residents, business-owners and visitors to better understand the community's preferences as we continue to welcome the redevelopment of Dunellen's downtown. As part of the process, we will host a virtual public engagement session on February 25, 2021 at 7PM to present the findings of the survey. Information on joining this public engagement session will be made available on our Borough website prior to the session. Following this session, we will host another public session on presenting the strategic plans on implementing the community vision in our redevelopment plan. Please keep an eye out for this information.

Council Discussion

Social Media Policy

Mayor Cilento stated that he recognizes that there are differences of opinion on the subject and he hopes we will all be respectful of each other's points-of-view.

Mr. Sigmon: raised two questions, directed to Mr. Bruder: 1) what constitutes borough business; 2) who is authorized to enforce the policy?

Mr. Bruder: prefaced his response by saying that if there is a matter that concerns legal advice, he suggests that it be discussed in Executive Session. He recognizes the importance of transparency and the Open Public Meetings Act, but there are certain exceptions to OPMA, and one of them is attorney advice. If there is ever a question of whether it might concern legal advice, perhaps members of the governing body could contact Dr. Robins who will pass it on to Mr. Bruder, or Mr. Bruder directly for a determination.

What is borough business? Look to the Open Public Meetings Act, N.J.S.A. 10:4-8: "all matters which relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business." The Social Media Policy means that if you are going to use social media, and if you are going to use it as the Mayor or as the Borough Administrator, or as a Council

member, if you are going to use your own social media site, for example, John Bruder, member of the Council Facebook page, and if I start talking about Dunellen and the workings of the governing body, anything that touches upon matters of official business, then I am using my Facebook page in my capacity as a Council member. There have been legal cases that have interpreted this matter. This should be of concern to any Council member because if you are using your own Facebook page, and you start talking about borough business, or you start talking about what you do as a Council member, you have then made your page an official page and you are then subjected to the Social Media Policy and more than that, you are subject to First Amendment considerations, certain state regulations, and you have made your own personal page one that enables a member of the public to file an action with the court and have you turn over all sorts of information about it.

So, I caution you that if you are using your own social media page, do not use that page for borough business. Instead, create a page, "John Bruder, Councilman," and put all your borough business on that. Then, no one can then touch your own personal page.

Who can enforce it? It is enforced by the Social Media Committee which consists of three members appointed by the mayor on an annual basis, two council members and the Borough Administrator. Further into the policy, Number 19 of the general policy, deleting things in violation of the policy, the deletion would be conducted as a review by the Social Media Committee who would then make recommendations and the reasons therefore to the governing body and the governing body would act on those recommendations, either accept them or say no to them. However, on page six there is a section that calls on the Borough Administrator to remove violations of the policy. This is a good example of how ordinances and policies often need to be revised as new circumstances or ambiguities arise. We may want to clarify how deletions work.

Mr. Bruder suggests that if there continues to be confusion on this matter, perhaps we can discuss it further in Executive Session.

Mrs. Burke: noted she had spoken with Mr. Bruder about two weeks ago regarding whether the policy was being applied correctly and had a meeting with Mr. Sigmon one Friday morning. She just wants to put out there that there was a total of 63 posts made by Council members in the month of January and she has some concerns about an equitable enforcement of the policy. There was only one post in question, and she brought that one to Mr. Bruder and the policy was correctly applied. There is a meeting on February 5th to discuss a possible complaint policy mechanism that can be added to the Social Media Policy.

PUBLIC PORTION

Shalonda Tanner, 207 Lincoln Avenue, wishes everyone a happy Black History Month. We do not get enough opportunity to recognize the accomplishments of Black Americans and thanks the Borough Council for reading the proclamation.

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

02-01-2020: #14

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

The Dunellen Borough Council Meeting of February 1, 2021 is adjourned.

Yes: Burke, Dunne, Narvesen, Reid, Rios and Sigmon
