

February 21, 2023

Note: This meeting was in a hybrid format, with limited seating in the Council Chambers supplemented by teleconference for the public who could not attend.

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on February 21, 2023.

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

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

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

Fredrick Rubenstein, Esq., served as Municipal Attorney in John Bruder's absence.

Mayor Cilento asked for a moment of silence in memory of John and Barbara Triolo, Dunellen residents, who recently passed. Mr. Triolo was a long-time member of the Dunellen Library Board of Trustees and the co-author, with Liz Marren-Licht, of *Dunellen* in the Images of America series.

On the motion of Mr. Sigmon and seconded by Mrs. Rios it was moved to accept the Minutes of the Meeting of February 6, 2023.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

On the motion of Mr. VanDermark and seconded by Mrs. Rios it was moved to accept the Minutes of the Meeting of February 13, 2023.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

At this point, there was a Proclamation in Honor of "Love Your Library Month," read by Elizabeth Lopez-Velez, Library Director:

#### Love Your Library Month Proclamation

Whereas, libraries connect people, materials and culture to build and sustain a diverse and vibrant community; and

Whereas, in a world undergoing constant change, libraries provide enduring connections to the past and future of our communities, nations, and civilizations; and

Whereas, the expansion of electronic networks linking libraries and their resources make possible better and more easily accessible information for library users around the world; and

Whereas, libraries provide entry to important research about health, economics, housing, the environment, and countless other areas to support better living conditions and to help people lead longer, more productive and fulfilling lives; and

Whereas, the Dunellen Public Library offers story times, teen programming and summer reading programs to encourage children to begin and continue habits of reading that will benefit their personal and professional lives; and

Whereas, the Dunellen Public Library supports a competitive workforce with basic literacy programs, computers, small business start-up, job searching and other resources to support businesses and economic development; and

Whereas, the Dunellen Public Library engages the people of Dunellen with services, spaces and resources to enrich their lives and the life of our community; and

Whereas, the Dunellen Public Library creates a welcoming environment for everyone to celebrate the joy of literacy, learning, creating, communicating and cultural exchange.

Now, therefore, be it resolved that I, Mayor Jason F. Cilento, proclaim February 2023 as Love Your Library Month and encourage all residents to visit our library and thank a librarian for making this unique and wonderful institution possible.

Jason F. Cilento, Mayor  
Borough of Dunellen

February 21, 2023

Mrs. Lopez-Velez introduced members of the Library staff and Board, including Trustee Hana Baudendistel, Council liaison Trina Rios, Staff member Josue Simao, Terry Albertson from the Friends of the Dunellen Library, former Library Director William Robins, MLS, Ph.D., and many others who are involved with our library. Mayor Cilento thanked her for her leadership and asked everyone to give her a round of applause.

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At this point, Dr. Robins presented to the Dunellen Borough Council and the public information on the 2023 Community Development Block Grant:

## **COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION 2023**

The Community Development Block Grant program is an important funding tool for implementing community plans. Municipalities can regularly apply for funding for qualifying activities and projects.

The Community Development Block Grant (CDBG) program is federally funded through the United States Department of Housing and Urban Development (HUD). The program awards grants in order to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services. The CDBG program is an important tool in helping local governments tackle the most serious challenges facing their communities.

CDBG funds are to be used for activities that benefit low- and moderate-income persons, Senior Citizens, carry out activities which aid in the prevention or elimination of slums and blight, or address existing conditions that pose a serious and immediate threat to the welfare of the community where other financial resources are not available to meet these needs.

CDBG funds may be used for activities that include, but are not limited to:

- **Acquisition of Real Property**
- **Relocation and Demolition**
- **Rehabilitation of Residential and Non-Residential Structures**
- **Construction of Public Facilities and Improvements, such as Water and Sewer Facilities, Streets, Neighborhood Centers, and the Conversion of Schools for Eligible Purposes**
- **Public Services (within certain limits)**
- **Restore Historic sites**
- **Improve housing for low-income and disabled persons**
- **Repair and rehabilitate Senior related facilities**

It has been determined that the areas in Dunellen that are frequented by Senior Citizens or the services that address the needs of Senior Citizens, and Disabled Persons, as well as low-income residents in general, are geographic specific sites to receive CDBG funds, especially the area including and around the Senior Center in Columbia Park.

In 2022, we applied for and received funds for these activities (as noted):

Cameraing and cleaning of Sewer pipes	\$20,000.00
Senior and Disabled Arts Programmer	\$2,665.00
Code Enforcement	\$8,000.00
Senior Citizen Coordinator	\$6,000.00
Senior Citizen Van Driver	\$1,000.00
Park and Open Space Repair and Landscaping	\$5,000.00
Senior Citizen Building Repair and Upgrade	\$5,000.00
	<u>\$47,665.00</u>

Dunellen's grant amount for 2023 will be \$47,665.00.

We are considering applying for funds for these activities:

Cleaning, cameraing and lining of Sewer pipes	\$13,000.00
Senior and Disabled Arts Programming	\$2,665.00
Code Enforcement	\$8,000.00
Senior Citizen Coordinator	\$6,000.00
Senior Citizen Van Driver	\$8,000.00
Morecraft Park landscaping and Facilities repair/upgrade	\$5,000.00
Senior Citizen Building Repair and Upgrade	<u>\$5,000.00</u>
	\$47,665.00

The purpose of the public hearing is to elicit suggestions for CDBG 2023 allocations from community and civic groups.

Dr. Robins then answered questions from Council on where the CDBG area is located and what the specific requests were intended to accomplish. Mayor Cilento then opened this portion of the presentation to the public. No one from the public spoke.

Council members had a question on the Senior and Disabled Arts Programmer. They correctly pointed out that a better approach would be to make it Senior and Disabled Arts Programming. Dr. Robins agreed that this would emphasize the programs and remove inherent constraints when the assigned agency (Recreation Department or Dunellen Arts and Culture Commission, for example) organized the program. It was thus amended per the list above and in the authorizing resolution, below. Mrs. Albertson gave examples of how the Senior Club used the funding last year, such as a folksinger, a storyteller on women’s suffrage, and Fall arts and crafts, funding for which comes either from this grant or from other County funding sources.

Dr. Dunne asked about plans for Morecraft Park. Mr. Miller replied that there are a number of proposals contemplated such as adding a small T-ball field and adding to the playground. Dr. Dunne noted that her daughter has specifically requested a “zip line.” She also asked about plans for Senior Citizen Building upgrades. Mr. Miller replied that he is gathering quotes for a drop ceiling for new lights and HVAC equipment.

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

**ORDINANCE 2023-05**

**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 21, 2023. It will be presented for Second Reading, Public Hearing and Adoption at a meeting of said

governing body to be held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on March 6, 2023 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 will be available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who have requested same.

**AN ORDINANCE BY THE BOROUGH OF DUNELLEN,  
MIDDLESEX COUNTY, NEW JERSEY, AMENDING  
CHAPTER 217, "PROPERTY MAINTENANCE," TO ADD  
ARTICLE IV, TITLED "LEAD-BASED PAINT INSPECTION."**

**WHEREAS**, the Borough maintains Borough Code Chapter 217, entitled "Property Maintenance"; and,

**WHEREAS**, pursuant to P.L. 2021, c.182 (N.J.S.A. 52:27D-437.6), all municipalities are required to inspect every single-family, two (2) family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and,

**WHEREAS**, the Department of Community Affairs has proposed regulations to implement P.L. 2021, c.182 (N.J.S.A. 52:27D-437.6), which became effective in July 2022; and,

**WHEREAS**, it is in the best interests of the residents of the Borough to amend the Borough Code at this time to require inspections for lead-based paint in residential rental dwellings to conform to and ensure compliance with this new State law;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that the following amendment to Chapter 217 of the Borough Code, adding a new Article IV entitled "Lead-Based Paint Inspection" is hereby enacted:

**Section 1.** Chapter 217 of the Borough Code is hereby amended as follows by the addition of a new Article IV, entitled "Lead-Based Paint Inspection."

**ARTICLE IV, LEAD-BASED PAINT INSPECTIONS**

**A. Inspections for Lead-Based Paint.**

1. Definitions. The following shall have the meaning as used in and in accordance with accordance with N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-1.1, et seq.

"Dust wipe sampling" means a sample collected by wiping a representative surface and tested, in accordance with a method approved by the United States Department of Housing and Urban Development (HUD) and as conducted pursuant to N.J.A.C. 5:28A-2.3.

"Dwelling" means a building containing a room or rooms, or suite, apartment, unit, or space that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

“Dwelling unit” means a unit within a building that is rented and occupied, or intended to be rented and occupied, for sleeping and dwelling purposes by one or more persons.

“Multiple dwelling” means any building or structure and any land appurtenant thereto, and any portion thereof, in which three (3) or more dwelling units are occupied or intended to be occupied by three (3) or more persons living independently of each other. “Multiple dwelling” also means any group of ten (10) or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two (2) dwelling units are occupied, or intended to be occupied, by two (2) persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. “Multiple dwelling” does not include those buildings and structures that are excluded pursuant to N.J.S.A. 55:13A-3(k).

“Periodic lead-based paint inspection” means the initial inspection of all applicable dwelling units at the earlier of two years from the effective date of P.L. 2021, c. 182, (July 22, 2022) (N.J.S.A. 52:27D-437.6), or tenant turnover and, thereafter, the earlier of three (3) years or upon tenant turnover, consistent with N.J.A.C. 5:28A-2.1, for the purposes of identifying lead-based paint hazards in dwellings subject to this Article.

“Property Maintenance Code Official” means the Borough of Dunellen Construction Official, the Borough of Dunellen Code Enforcer, or any enforcement officer appointed by the Borough of Dunellen, pursuant to N.J.S.A. 40:48-2.3 et seq., or any other statutory authorization, to perform inspections of any Building or other code, or any enforcement officer authorized to enforce the Borough of Dunellen Property Maintenance Code or Health Code, or their designee.

“Remediation” means interim controls or lead abatement work undertaken in conformance with this Article to address lead-based paint hazards.

“Tenant turnover” means the time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit or the time at which a new tenant enters a vacant dwelling unit.

2. Inspections Authorized. The Dunellen Code Official or the Property Maintenance Code Official shall be authorized and empowered to conduct periodic lead-based paint inspections for all applicable multiple dwelling units offered for rent to determine the presence of lead-based paint, in accordance with N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-1.1, et seq.
3. Certain Multiple Dwelling Units Exempted from Lead-Based Paint Inspection. Inspections for lead-based paint in multiple dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq. A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be

subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- a. was constructed during or after 1978;
- b. is a single-family or two-family seasonal rental dwelling unit that is rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals;
- c. has been certified to be free of lead-based paint, pursuant to N.J.A.C. 5:17;
- d. is in a multiple dwelling that was constructed prior to 1978 and has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has either (a) no outstanding paint violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L. 1967, c.76 (N.J.S.A. 55:13A-1 et seq.), (b) a current certificate of inspection issued by the Department of Community Affairs, Bureau of Housing Inspection, or (c) an open inspection with no violations for paint;
- e. has a valid lead-safe certification issued pursuant to N.J.A.C. 5:28A. Lead-safe certifications are valid for two years from the date of issuance pursuant to N.J.A.C. 5:28A-2.4.

#### **B. Owner Required to Obtain Inspection.**

1. Inspection Performed by Borough Official. The owner, landlord, and/or agent of every single-family, two-family and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards as required in this Article, or at tenant turnover, whichever is earlier. To obtain the required inspection, the landlord, owner and/or agent shall arrange it with the Borough's Construction Official or Property Maintenance Code Official and pay all applicable and required fees associated with the Borough's inspection as specified in D & E, below.

2. Option for Inspection Performed by Licensed Lead Evaluation Contractor. A dwelling unit owner or landlord may opt, instead, to directly hire a licensed lead evaluation contractor to conduct the periodic lead-based paint inspections for lead-based paint as required in this Article. Notwithstanding this option, the Borough retains the authority to conduct inspections or investigations of landlords or owners that directly hire lead evaluation contractors to ensure that periodic lead-based paint inspections are being performed, in accordance with this chapter. The Borough also retains the authority to prohibit an owner from directly hiring a lead evaluation contractor to conduct a periodic lead-based paint inspection where: (i) the owner previously opted to hire a lead evaluation contractor to perform the periodic lead-based paint inspection and failed to have the inspection completed; or (ii) the Borough

determines there is a conflict of interest between the owner and their lead-evaluation contractor of choice.

**C. When Lead-Based Paint Inspections Are Required.**

1. The initial inspection for all single-family, two-family and multiple dwellings subject to this Article shall be upon tenant turnover or within two years of the effective date of P.L. 2021, c. 182 (July 22, 2022), whichever is sooner.
2. Thereafter, all such dwelling units shall be inspected for lead-based paint hazards every three (3) years or upon tenant turnover, whichever is earlier, except that an inspection shall not be required at tenant turnover, if the dwelling unit owner has a valid lead-safe certification for the dwelling unit.
3. The next periodic lead-based paint inspection shall be counted from the most recent periodic lead-based paint inspection which resulted in a valid lead-safe certification.

**D. Notice of Inspection to be Given.**

Whenever any multiple dwelling unit is scheduled for a tenant turnover, the then-current landlord, owner and/or agent shall provide written notice to the Construction Official or the Property Maintenance Code Official that an inspection is needed at least twenty (20) calendar days prior to the scheduled date of the tenant turnover.

**E. Fees for inspections.**

1. There shall be a fee of One Hundred and Twenty-Five (\$125.00) Dollars for each initial visual lead-based paint inspection. If a dust-wipe sampling is deemed necessary based on visual examination, there shall be an additional fee of Seventy-five (\$75.00) Dollars for that sample.
2. There shall be a fee of One Hundred (\$100.00) Dollars for each visual leadbased paint reinspection which is required and/or requested pursuant to this Article. If a dust-wipe sampling is deemed necessary based on visual examination, there shall be a fee of Seventy-five (\$75.00) Dollars for that sample.
3. An additional Twenty (\$20.00) Dollar fee shall be assessed in accordance with N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-2.2, to be deposited into the Lead Hazard Control Assistance Act Fund under the administration of the New Jersey State Department of Community Affairs.
4. All fees are nonrefundable upon the applicant's failure to cancel the requested inspection at least forty-eight (48) hours prior to a scheduled inspection. Said fee shall be dedicated to meeting the costs of implementing and enforcing this Article for lead-based paint inspections and shall not be used for any other purpose.
5. A dwelling landlord, owner and/or agent may directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the Department of

Community Affairs to satisfy the requirements of this Article and the requirements of N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-1.1, et seq., in which case, the Twenty (\$20.00) Dollar fee shall be assessed in accordance with N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-2.2, payable to the Borough, to be deposited into the Lead Hazard Control Assistance Act Fund under the administration of the New Jersey State Department of Community Affairs, but no additional lead-based paint inspection fee shall be charged by the Borough. § 303-30

#### **F. Time for Inspections.**

All inspections and reinspections shall take place within fifteen (15) calendar days of the requested inspection. Inspection fees shall be paid prior to the inspection. No inspections or reinspections shall take place unless all fees are paid. Scheduled inspections or reinspections may be canceled by the Construction Official or the Property Maintenance Code Official, unless the completed application and required fees have been received by the Borough at least twenty-four (24) hours prior to the scheduled inspection, or on the last working day prior to the scheduled inspection. Every inspection for which the landlord, tenant, owner or agent has failed to provide access for inspection shall be deemed a failed inspection.

#### **G. Lead-Based Paint Inspections by Visual Assessment or Dust Wiping Method.**

1. At the time of the enactment of P.L. 2021, c.182 (N.J.S.A. 52:27D-437.6), the Department of Community Affairs identified the Borough as a municipality in which less than three percent of children tested, six years of age or younger, have a blood lead level greater than or equal to five  $\mu\text{g}/\text{dL}$  according to the central lead screening database maintained by the New Jersey Department of Health. Accordingly, the Construction Official, Property Maintenance Code Official or licensed lead evaluation contractor shall perform the periodic lead-based paint inspection through a visual assessment, in which the Official or contractor is to examine dwellings, in accordance with HUD guidelines and regulations at 42 U.S.C. § 4851b for deteriorated paint or visible surface dust, debris, or residue on all painted building components, especially any walls, window, trim, and surfaces that experience friction or impact. The Construction Official, Property Maintenance Code Official or licensed lead evaluation contractor may also elect to, but is not required to, collect samples by dust wiping surfaces, including floors, interior windowsills, and other similar surfaces, and tested, in accordance with methods approved by the State of New Jersey and/or the United States Department of Housing and Urban Development.
2. If, in the future, the Department of Community Affairs designates the Borough as a municipality in which at least three percent of children tested, six years of age or younger, have a blood lead level greater than or equal to five  $\mu\text{g}/\text{dL}$  according to the central lead screening database maintained by the New Jersey Department of Health, then the inspections required by this Article shall be performed through dust wipe sampling instead of visual assessment alone.

#### **H. Inspection Certification to be Supplied.**

1. If, following inspection, the Construction Official, Property Maintenance Code Official or lead evaluation contractor finds that no lead-based paint hazard exists in a dwelling unit, they shall certify the dwelling unit as lead-safe on the form prescribed by the Department of Community Affairs and supply a copy of the lead-safe certification to the landlord, owner, and/or agent of the dwelling. If a licensed lead evaluation contractor issues the lead-safe certification, a copy shall also be provided to the Construction Official, Property Maintenance Code Official and the Borough Clerk at the time it is issued.
2. The lead-safe certification shall be valid for a period of two years from the date of issuance, unless during the two-year certification period, a lead evaluation contractor, lead inspector/risk assessor, a local health department, or a public agency conducts an independent inspection or risk assessment and determines that there is a lead-based paint hazard, in which case, the certification shall be invalid.

#### **I. Identification of Lead-Based Paint Hazard.**

1. If the Construction Official, Property Maintenance Code Official or licensed lead evaluation contractor finds that a lead-based paint hazard exists in a dwelling unit, they shall notify the New Jersey State Department of Community Affairs, Division of Local Government Services for review of the findings, in accordance with the Lead Hazard Control Assistance Act.
2. If a lead-based paint hazard is identified in an inspection of one of the dwelling units in a building consisting of two (2) or more dwelling units, then the lead contractor, Construction Official or Property Maintenance Code Official shall inspect the remainder of the building's dwelling units, with the exception of those dwelling units that have been certified to be free of lead-based paint or which have a valid lead-safe certification.

#### **J. Responsibility for Remediation of Lead-Based Paint.**

The owner of the dwelling unit shall be responsible for remediation of the lead-based paint hazard. Remediation and any reinspections required following remediation must be conducted consistent with N.J.A.C. 5:28A-2.5. Documentation of such remediation shall be provided to the Construction Official or the Property Maintenance Code Official.

#### **K. Owner Responsibility for Record-Keeping.**

1. The landlord, owner and/or agent of a dwelling that is subject to this Article shall provide to the tenant and to the Borough evidence of a valid lead-safe certification obtained pursuant to this Article at the time of tenant turnover. The owner shall also affix a copy of any such certification as an exhibit to the tenant's lease.
2. The owner of a multiple dwelling that is subject to this Article shall provide evidence of a valid lead-safe certification obtained pursuant to this Article, as well as evidence of the most recent tenant turnover, at the time of any cyclical inspection performed pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq.

3. The owner of a dwelling that is subject to this Article shall maintain a record of the lead-safe certification, which shall include the name or names of a unit's tenants, if the inspection was conducted during a period of tenancy.
4. The owner of any dwelling subject to this Article shall inform the Borough of all tenant turnover activity to ensure any required inspection may be scheduled.
5. The owner of a dwelling shall provide a copy of this Article, and any lead-safe certifications issued pursuant thereto, along with the accompanying guidance document, "Lead-Based Paint in Rental Dwellings," to any prospective owners of the dwelling during a real estate transaction, settlement, or closing.

#### **L. Municipal Responsibilities and Enforcement Powers**

1. Pursuant to N.J.A.C. 5:28A-2.1(d), the Construction Official or Property Maintenance Code Official shall exercise appropriate oversight of a landlord or owner who chooses to hire a lead evaluation contractor to perform the periodic lead-based paint inspection.
2. Pursuant to N.J.A.C. 5:28A-3.2, the Construction Official or Property Maintenance Code Official shall maintain a record of: all dwellings subject to this chapter, which includes up-to-date information on inspection schedules, inspection results, and tenant turnover; all lead-safe certifications issued; and all lead-free certifications issued.
3. Pursuant to N.J.S.A. 52:27D-437.6 and N.J.A.C. 5:28A-4.1, the Construction Official or Property Maintenance Code Official is authorized to conduct investigations and issue penalties in order to enforce a multiple dwelling landlord's, owner's and/or agent's failure to comply with this Article.
  - a. The owner of the dwelling shall first be given a period of thirty (30) calendar days to cure any violation by conducting the required inspection or initiating any required remediation efforts.
  - b. If the owner of the dwelling has not cured the violation within that time period, they shall be subject to a penalty, not to exceed One Thousand (\$1,000) Dollars per week, until the required inspection has been conducted or the remediation efforts have been initiated.
  - c. Remediation efforts shall be considered to be initiated when the dwelling owner has hired a lead abatement contractor or other qualified party to perform leadhazard control methods.

**Section 2.** The Borough Administrator, and any and all other Borough officials, are hereby directed and authorized to perform all acts necessary to effectuate the purposes of this Ordinance.

**Section 3.** Any article, section, paragraph, subsection, clause, or other provision of the Borough Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**Section 4.** If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

**Section 5.** This ordinance shall take effect upon its passage and publication as provided for by law.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

### **ORDINANCE 2023-06**

#### **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 21, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Dunellen Council Chambers, in the Borough on March 6, 2023 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$904,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose: The acquisition of property located at 264 New Market Road, commonly known as St. Luke's Lutheran Church and more specifically known as Block 73, Lot 4 on the official tax maps of the Borough, including all costs incurred in connection with the acquisition of same, including survey, title, legal, environmental and other due diligence costs, and further including any feasibility studies completed in connection with such acquisition

Appropriation: \$950,000

Bonds/Notes Authorized: \$904,500

Grant Appropriated: N/A

Section 20 Costs: \$75,000

Useful Life: 40 years

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

**ORDINANCE 2023-07**

**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 21, 2023. It will be presented for Second Reading, Public Hearing and Adoption at a meeting of said governing body to be held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on March 6, 2023 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 will be available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who have requested same.

An Ordinance of the Borough of Dunellen Adding a New Chapter 130 to the Borough Code Entitled "Business and Insurance Registry" Pursuant to N.J.S.A. 40A:10A-2"

WHEREAS, on August 5, 2022, Governor Murphy signed Senate Bill S1368 into law as P.L. 2022, c.92, now codified at N.J.S.A. 40A: OA-2 (the "Law"); and

WHEREAS, the Law requires all business owners and rental unit owners to maintain a minimum of \$500,000 of liability insurance, and owner-occupied multi-family dwellings with four units or fewer must maintain a minimum of \$300,000 of liability insurance; and

WHEREAS, pursuant to the Law, municipalities are required to establish a business insurance registry for all business and rental unit owners; and

WHEREAS, pursuant to the Law, businesses and rental unit owners are required to provide municipalities with a certificate of insurance annually to establish compliance with the Law; and

WHEREAS, municipalities are permitted to charge an administrative fee in connection with such registration; and

WHEREAS, municipalities are permitted to enforce the provisions of the Law by imposing penalties; and

WHEREAS, the Borough of Dunellen is desirous of establishing a business and insurance registry as required by the Law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Dunellen as follows:

Section 1. The Code of the Borough of Dunellen is hereby amended and supplemented by adding a new Chapter 100 entitled "Business and Insurance Registry," as follows:

## CHAPTER 100. BUSINESS AND INSURANCE REGISTRY

- 100-1. Purpose.
- 100-2. Insurance Required.
- 100-3. Business Insurance Registration.
- 100-4. Certification of Registration.
- 100-5. Penalties.

### 100-1. Purpose

N.J.S.A. 40A: 10A-1, *et seq.* requires all business owners, owners of rental units, and owners of a multi-family home of four or fewer units, one of which is owner occupied, to maintain certain levels of liability insurance. That law further requires municipalities to establish a registry of all such individuals and entities and to annually collect proof of compliance with the provisions of the law. The purpose of this Chapter is to implement the requirements of the law within the Borough of Dunellen.

### 100-2. Insurance required.

A. Except as provided in Section 100-2(B) herein, business owners and owners of rental units located in the Borough of Dunellen must maintain liability insurance for negligent acts and omissions in an amount not less than \$500,000 for combined property damage and bodily injury to, or death of, one or more persons in any one accident or occurrence.

B. Owners of multi-family dwellings with four or fewer units, one of which is owner-occupied, must maintain liability insurance for negligent acts and omissions in an amount not less than \$300,000 for combined property damage and bodily injury to, or death of, one or more persons in any one accident or occurrence.

### 100-3. Business insurance registration.

Owners of businesses or rental units subject to the minimum liability insurance requirements set forth in this Chapter must annually register with the Borough of Dunellen and provide a compliant certificate of insurance issued by the owner's insurance company. To complete the annual registration, the owner must file with the Municipal Clerk a completed registration, along with a copy of the required insurance certificate and an administrative fee of \$50. The registration shall be in such form and shall include such information as is required by the Municipal Clerk. Annual registrations shall be due by January 31 of each calendar year, or within 30 days of registering the business or obtaining ownership of the rental units.

100-4. Certification of registration.

Upon satisfaction of the registration requirements in Section 100-3 hereof, the Municipal Clerk shall issue a certificate of registration to the owner in a form approved by the Municipal Clerk. This certificate of registration shall act as proof of compliance with this Chapter. A certificate of registration shall be valid for the calendar year in which it is issued.

100-5. Penalties.

If an owner fails to maintain the required level of insurance, or fails to file an annual registration, the owner shall be subject to penalties of \$500 for a first offense, \$1,000 for a second offence, and \$2,000 for a third or subsequent offense. This penalty may be collected through a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," N.J.S.A. 2A:58-110, *et seq.* Each year that an owner fails to register or fails to maintain adequate insurance shall be deemed a separate offense.

Section 2. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 3. Effective date.

This Ordinance shall take effect immediately upon adoption and publication as required by law.

Section 4. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

**ORDINANCE 2023-08**

**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 21, 2023. It will be presented for Second Reading, Public Hearing and Adoption at a

meeting of said governing body to be held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on March 6, 2023 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 will be available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who have requested same.

BE IT ORDAINED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that new Dunellen Municipal Code Chapter 270, Vacant and Abandoned Properties and Storefronts, is hereby enacted.

WHEREAS, the Mayor and Council of the Borough of Dunellen finds that vacant and abandoned properties can lead to neighborhood decline and become attractive nuisances causing the Borough to incur significant costs in the form of staff time for code enforcement actions seeking to maintain and ensure the acceptable conditions of these properties; and

WHEREAS, the Borough of Dunellen (the "Borough") contains buildings and storefronts which are vacant; and

WHEREAS, in many cases, the owners or responsible parties of these structures and storefronts are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures and storefronts cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

WHEREAS, the Borough incurs disproportionate costs in order to deal with the problems of vacant and abandoned buildings and storefronts, including but not limited to, excessive police calls, fire calls and property inspections; and

WHEREAS, it is in the public interest for the Borough to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures and storefronts in order to protect the health, safety and general welfare of the residents of the Borough; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with the registration of vacant and abandoned structures and storefronts in light of the disproportionate costs imposed on the Borough by the presence of these structures; and

WHEREAS, it is necessary for the Borough to take adequate steps to monitor such properties and protect Borough residents.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Dunellen that it hereby creates Chapter 270 of the Code entitled, "Vacant and Abandoned Properties and Storefronts" to read as follows:

## CHAPTER 270

### VACANT AND ABANDONED PROPERTIES AND STOREFRONTS.

#### 270-1. DEFINITIONS.

OWNER - shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (P.L. 2008, c. 127, sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Borough of Dunellen to have authority to act with respect to the property.

PROPERTY — any portion of improved or unimproved real estate located within the Borough of Dunellen which includes the buildings or structures or portions thereof located on it regardless of condition.

VACANT PROPERTY — shall mean any building or structure which is not at present legally occupied or at which all lawful business or construction operations or residential or other occupancy have substantially ceased for a period of six (6) months, including but not limited to, any property meeting the definition of vacant property in N.J.S.A. 55:19-80 *et seq.*

VACANT STOREFRONT — any area within a building or structure that may be individually leased or rented for any purpose other than residential use which is not present legally occupied or at which all lawful business or construction operations or other occupancy have substantially ceased for a period of six (6) months.

#### 270-2. REGISTRATION REQUIREMENTS.

The owner of any vacant property or vacant storefront as defined herein shall, within 30 calendar days after the building becomes vacant property or storefront or within 30 calendar days after assuming ownership of the vacant property or vacant storefront, whichever is later; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property or storefront with the Construction Officer on forms provided by the Borough for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately and only one statement is required for a property that meets both the definition of Vacant Property and Vacant Storefront.

- B. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
  
- C. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant property or portion thereof remains a vacant storefront and shall pay a registration or renewal fee in the amount prescribed in Section 5 of this ordinance, for each vacant property registered or vacant storefront. The owner shall be required to renew the registration annually as long as the building remains a vacant property or vacant storefront and shall pay a registration or renewal fee in the amount prescribed in Section 5 of this ordinance, for each vacant property or vacant storefront registered.
  
- D. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
  
- E. The owner shall notify the Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
  
- F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the property.

### 270-3. ACCESS TO VACANT PROPERTIES AND STOREFRONTS.

The owner of any vacant property or vacant storefront registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

### 270-4. RESPONSIBLE OWNER OR AGENT.

- A. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- B. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property or storefront and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered property by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough of Dunellen in writing of a change of authorized agent or until the owner files a new annual registration statement.
- C. Any owner who fails to register a vacant property or vacant storefront under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough of Dunellen by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

270-5. FEE SCHEDULE.

- A. The initial registration fee for each building or portion thereof shall be five-hundred dollars (\$500.00). The fee for the first renewal is one-thousand five hundred dollars (\$1,500.00), and the fee for the second renewal is three-thousand dollars (\$3,000.00). The fee for any subsequent renewal beyond the second renewal is five-thousand dollars (\$5,000.00). In the event that a property meets the definition of both a Vacant Property and Vacant Storefront, and they contain the same block and lot number as designated in official records of the municipality, there shall only be one registration fee applied.
- B. Vacant Property/Vacant Storefront Registration Fee Schedule

- (1) Initial Registration: \$ 500.00
- (2) First Renewal: \$1,500.00
- (3) Second Renewal: \$3,000.00
- (4) Subsequent Renewal: \$5,000.00

270-6. REQUIREMENTS OF OWNERS OF A VACANT PROPERTY AND/OR STOREFRONTS.

A. The owner of any building or storefront that has become vacant and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

- (1) Enclose and secure the building and/or storefront against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes; and
- (2) Post a sign affixed to the building and/or storefront indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to this Article), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and
- (3) Secure the building and/or storefront from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building and/r storefront is complete; and
- (4) Ensure that the exterior grounds of the structure or storefront, including yards, fences, sidewalks, walkways, rights-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and
- (5) Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete; and
- (6) Continue to maintain the property consistent with the requirements of the Borough

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Code, including but not limited to Chapter 217, entitled "Property Maintenance."

B. All areas of vacant storefronts visible by the public from the public street or sidewalk must be maintained in broom-clean condition and free of litter and debris.

#### 270-7. WAIVER OF FEES.

A waiver of the registration fee set forth herein may be granted, upon application, by the Borough Administrator for the current year if the following conditions are met:

A. All local municipal fees are paid in full; and

- B. A consistent good faith effort is shown to market, rent, sell, or lease the vacant property or storefront. Good faith efforts include but are not limited to contracts with a real estate licensee, newspaper, electronic advertisements or other methods provided that the effort is actually likely to generate interest in the property and the owner is actually willing to rent, sell or lease and the pricing is consistent with other similar properties or portions thereof as attested by a real estate licensee as licensed by the NJ Real Estate Commission. The mere placement of a "for sale" or "for rent or lease" sign on or in the building in and of itself does not meet the requirements of this subsection; and
- C. The Vacant Property or Storefront is in compliance with all Borough of Dunellen codes and ordinances.

270-8. VIOLATIONS.

- A. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$2,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- B. For purposes of this section, failure to file a registration statement within 30 calendar days after a building or portion thereof becomes vacant property or vacant storefront or within 30 calendar days after assuming ownership of a vacant property or storefront, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.
- C. The Construction Officer of the Borough Dunellen shall be the enforcement agent of the within Ordinance. Violations of the within Sections of the Code shall be heard in Municipal Court.

270-9. SEVERABILITY.

Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by the Council of the Borough of Dunellen that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by the Council of the Borough of Dunellen that this ordinance and requirement thereof shall take effect after passage and publication as required by law.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

## **ORDINANCE 2023-09**

### **AN ORDINANCE APPROVING THE TRAFFIC SIGNAL IMPROVEMENTS FOR THE INTERSECTION OF SOUTH WASHINGTON AVENUE (CR529), NEW MARKET ROAD (CR655) AND PARK LANE (PRIVATE DRIVEWAY) IN THE BOROUGH OF DUNELLEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

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 21, 2023. It will be presented for Second Reading, Public Hearing and Adoption at a meeting of said governing body to be held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on March 6, 2023 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 will be available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who have requested same.

**WHEREAS**, the Borough Council of the Borough of Dunellen, Middlesex County, finds it in the best interest of public safety to install a Traffic Signal at the intersection of South Washington Avenue (CR529), New Market Road (CR655) and Park Lane, a private driveway serving the Dunellen Station redevelopment project; and

**WHEREAS**, in a letter dated September 25, 2019, a copy of which is attached hereto and made a part hereof, Corey Chase, PE of Dynamic Traffic, LLC certified that the traffic signal at the intersection of South Washington Avenue (CR529), New Market Road (CR655) and Park Lane conforms to the applicable Middlesex County design criteria, the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), and the Public Right of Way Accessibility Guide (PROWAG).

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, as follows:

**Section 1.** That the intersection of South Washington Avenue (CR529), New Market Road (CR655) and Park Lane shall be controlled by a traffic control signal, in accordance with the Traffic Signal Plan prepared by Dynamic Traffic, LLC and dated December 21, 2017, last revised September 25, 2019 and as inspected by Josh Kamis, the Middlesex County Road Inspector, on September 23, 2022.

**Section 2.** That the traffic control signal shall be installed in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes and the New Jersey Administrative Code, and that same shall be operated in conformance with the designated plans.

**Section 3.** That the Mayor is hereby authorized to sign any and all documents necessary to effectuate the intentions of this Ordinance.

**Section 4.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

**Section 5.** Upon final adoption, the Municipal Clerk shall send a certified of this Ordinance to the Middlesex County Engineer, County Administrative Building, 5<sup>th</sup> Floor, 75 Bayard Street, New Brunswick, New Jersey 08901 for submission to the Middlesex County Board of Chosen Freeholders for a consenting resolution.

**Section 6.** That within five (5) days of the enactment of this ordinance, the Municipal Clerk shall send a certified copy of this Ordinance to the Commissioner of the New Jersey Department of Transportation, and that this ordinance shall take effect in accordance with New Jersey law and, if necessary, upon the written approval of the Commissioner.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

**ORDINANCE 2023-01**

**BOROUGH OF DUNELLEN**

The following Ordinance was introduced for first reading at a meeting of the Governing Body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on February 6, 2023. It is now being presented for Second Reading, Public Hearing and Adoption at a meeting of said governing body being held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on February 21, 2023 at 7:00 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk's Office for the members of the general public who have requested same.

Dunellen Municipal Code, Chapter 269, Traffic, is amended to add the following:  
Chapter 269-33, Idling of Vehicles.

- A. No person shall cause, suffer, allow or permit the motor of a diesel-powered or gasoline-powered vehicle to be in operation for more than three consecutive minutes if the vehicle is

not in motion, except that, where the ambient temperature is 25° F. or less, then the permitted period for idling shall be five consecutive minutes.

B. The provisions of Subsection A shall not apply to:

1. Buses discharging or picking up passengers.
2. Vehicles stopped in a line of traffic.
3. Municipal Vehicles in performance of their prescribed functions
4. Electric motor vehicles.
5. Emergency vehicles in performance of their prescribed function.  
(Vehicles whose primary and/or secondary power source is utilized, in whole or in part, for necessary and definitively prescribed mechanical operation other than propulsion.)

C. Trucks idling in any portion of a non-residential use which lies within 300 feet of either a residential zone or a lot developed for residential use which is not separated from the residential zone or lot developed for residential use by a noise abatement wall which has been approved by the municipality's engineer, shall comply with the following restrictions in those portions of any such property which lie within 300 feet of the residential zone or use.

1. The idling of truck engines for more than three consecutive minutes when the vehicle is not in motion shall be prohibited except for the following:
  - a. A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours and where the ambient temperature is 25° F. or less;
  - b. A motor vehicle may idle for 5 consecutive minutes in any one hour period while actively engaged in the process of connection, detachment or exchange of trailers.
2. At least two signs shall be posted on each lot on which a non-residential use meeting the criteria in subsection C is located. Said signs shall indicate the following: "The idling of engines for more than three minutes in a rear or side yard is prohibited and subject to a fine not to exceed \$2,000."
  - a. The sizes, lettering and locations of the required signs shall be determined by the Municipal Code Enforcer as applicable of the Borough's Sign Ordinance (Ordinance 2022-01) for applications within their respective jurisdiction.
  - b. The owner of any property meeting the criteria in subsection C shall be responsible for the proper placement and maintenance of said signs. Any owner failing to properly place or maintain signs in accordance with this section shall be subject to a fine of \$200 per sign, per violation.

- D. Unless as otherwise set forth herein, any individual or entity who shall violate any of the provisions of this section shall be subject to a fine of \$250 for a first offense, \$500 for a second offense, and a fine of up to \$2000 for a third or subsequent offense.

Public: no one from the public spoke.

Dr. Dunne asked whether this for anywhere in the borough, public and private? Such as her driveway. She acknowledged prior discussions on police discretionary enforcement. Dr. Robins replied that the ordinance does not differentiate between public and private. Mayor Cilento noted that the ordinance is in accord with New Jersey state statutes. Further, Mayor Cilento stated that this ordinance would be able to address large truck idling on North Avenue Ext. and other roadways, as well as congestion on High Street during Faber School drop-off and pick-up times. Notification will be made to residents and there will be a grace period before enforcement begins.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

### **ORDINANCE 2023-04**

#### **NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced for first reading at a meeting of the governing body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on February 6, 2023. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held at the Borough Council Chambers, in the Borough on February 21, 2023 at 7 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance have been available at no cost and during regular business hours at the Clerk's Office for members 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 A SUPPLEMENTAL APPROPRIATION OF \$4,500,000 FOR SECTION 3(b) OF BOND ORDINANCE #2022-06 PROVIDING FOR THE RENOVATION OF THE BOROUGH FIRE STATION IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$4,275,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose: The renovation of the Borough fire station, including all work and materials necessary therefor and incidental thereto, as described in Section 3(b) of Bond Ordinance #2022-06, finally adopted February 22, 2022

Supplemental Appropriation: \$4,500,000  
Supplemental Bonds/Notes Authorized: \$4,275,000  
Grant Appropriated: N/A  
Supplemental Section 20 Costs: \$900,000  
Useful Life: 20 years

Public: no one from the public spoke.

Dr. Dunne asked if any of this money will be reimbursed from insurance? Mayor Cilento replied that the insurance company is reviewing the bid specs and they will report to us what is eligible for reimbursement.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

**02-21-2023: #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: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

**02-21-2023: #2**

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

Approval is granted for the Municipal Clerk to make application for the 2023 Community Development Block Grant, for the projects and amounts as listed below:

Cleaning, Cameraing and Lining of	
Sewer pipes	\$13,000.00
Senior and Disabled Arts	
Programming	\$2,665.00
Code Enforcement	\$8,000.00
Senior Citizen Coordinator	\$6,000.00

Senior Citizen Van Driver	\$8,000.00
Morecraft Park landscaping and Facilities repair/upgrade	\$5,000.00
Senior Citizen Building Repair and Upgrade	<u>\$5,000.00</u>
	\$47,665.00

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

**02-21-2023: #2-A**

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

Whereas, emergent conditions have arisen with respect to either funds being needed for salaries and wages and/or payments being due to various vendors, and

Whereas, adequate provisions were not made in the 2023 Temporary Budget, and N.J.S.A. 40A:4-20 provides for creation of emergency temporary appropriations, and

Whereas, the total emergency temporary appropriations adopted in the year 2023 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total \$422,265 for the Current Fund and \$0 for the Sewer Utility,

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Dunellen (not less than two-thirds of all the members thereof affirmingly concurring):

Then, in accordance with N.J.S.A. 40A:4-20:

1. The emergency temporary appropriations listed below will be provided for in the 2023 budget under the titles shown and for the amounts given be and the same are hereby made as follows:

<u>Department</u>	<u>Account</u>	<u>Salaries &amp; Wages</u>	<u>Other Expenses</u>
Administration and Executive	20-100-000		
Legal Advertising	20-100-003		2,000
Telephone	20-100-004		
Financial Administration	20-130-000		
Assessment of Taxes	20-150-000		
Collection of Taxes	20-145-000		
Legal Services	20-155-000		
Borough Clerk	20-120-000		
Engineering Services	20-165-000		

Municipal Planner	21-181-299		
Public Buildings & Grounds	26-310-000		
Electric & Gas	31-461-000		
Planning Board	21-180-000	5,000	
Group Health Insurance	23-220-000		200,000
Other Insurance	23-210-000		
Mayor & Council	20-110-000		2,000
Gasoline	31-460-299		
Water	31-445-000		
Postage	20-100-001		2,000
Information Technology	20-140-000		
Fire	25-265-000		
Police	25-240-000		
Police - Overtime	25-240-001		
School Crossing Guards	25-240-002		
Emergency Management	20-252-000	2,100	
Road Repairs	26-290-000		
Tree Maintenance	26-290-002		
Transit Village	26-297-000		
Garbage & Trash	32-465-000		
Board of Health	27-330-000		
Recreation	28-370-000		
Senior Citizen Activities	28-370-001		
Construction Code	22-195-000		
Public Employees Retirement System (PERS)	36-471-000		
Social Security	36-472-000		
Police and Firemen's Retirement Syst (PFRS)	36-475-000		
Municipal Court	43-490-000		
Free Public Library	29-390-000		
Municipal Prosecutor	25-275-000	2,000	
Community Development Block Grant	41-710-250		47,665
Intergovernment/Dispatching	42-305-001		
Intergovernment/Recycling	42-305-000		
Intergovernment/Middlesex Health Services	42-305-002		
Capital Improvement Fund	44-901-299		45,500
	Subtotal	\$9,100	\$299,165
	Grand Total Current Fund		<u>\$308,265</u>

Mayor Cilento pointed out the increase in Group Health costs, and that the burden of paying for it is being placed solely on the local municipalities by the state Legislature. There will be elections in November.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

**02-21-2023: #2-B**

**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 2023 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 amended CY 2023 Temporary Dunellen Capital Budget is hereby adopted.

Dr. Dunne asked about the line regarding Acquisition of Property, before we actually purchased the property. Dr. Robins replied that it must be placed in the Capital Budget, hence its appearance here.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

**02-21-2023: #2-C**

**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 2022 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:

Account	Title	S&W	Other Expenses
26-290-299	Road Repairs		\$6,000
26-290-002	Tree Maintenance		6,700
	Subtotal		12,700

From		Total	<u>\$12,700</u>
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Whereas, there appears to be insufficient funds in the following 2022 Appropriation Reserve Accounts over and above the demands to be necessary; viz:

To:	Account	Title	S&W	Other Expenses
	20-150-205	Tax Assessor		\$900
	25-240-299	Police		800
	25-252-299	Emergency Management		50
	25-265-299	Fire		300
	26-290-101	Road Repairs	\$6,700	
	42-305-299	Intergovernment/Recycling		3,500
	43-490-299	Municipal Court		450
		Subtotal	6,700	6,000
Yes:		Total	<u>\$12,700</u>	

Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

**CONSENT AGENDA:**

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

**02-21-2023: #3**

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

The following establishments be issued a Clothing Bin permits by the Municipal Clerk as they have met the requirements and paid the proper fee:

American Recycling Tech, American Legion, DPW Yard,  
Jacqueline Mancuso, The Read Foundation, Columbian Club, 647 Grove Street

**02-21-2023: #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 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.

**02-21-2023: #5**

**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 PRO CAP 8 FBO FIRSTRUST BANK

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
22-16	66	8	M&M HOME INVESTORS 391 NORTH AVE	\$873.35	\$ 7.03	\$2100.00	\$2980.38

**TOTAL REFUNDED \$2,980.38**

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

Reports:

Mrs. Albertson: 1) Fire Department--after many years of being up on jack stands, and surviving the firehouse fire, Old Engine 1 (our 1934 Ward Lafrance antique engine) is hopefully on the way to running condition again. Tonight, Bobby from C.E.S. Towing & Recovery met with our members to remove Old 1 from the Firehouse to his shop. Bobby and his team are going to assess the apparatus and are confident that they can restore the apparatus mechanically. Once the total cost to repair the apparatus is estimated, we can determine the next steps and if it will be feasible to restore the apparatus. Thank you to owners Rob and Jenn and the entire team at C.E.S. Towing and Recovery out of Roselle. We look forward to seeing Old Engine 1 back on the road soon; 2) Mayor's Cannabis Task Force--we will be touring a Dispensary and speaking with someone from a Dispensary in early March. We are looking at applications and ordinances from other municipalities; 3) Dunellen Downtown Management Organization--will be hosting its annual Spring into Wellness event at the Open-air Market on May 7th from 11am to 3 pm.

Mrs. Rios: 1) Dunellen Public Library hosted author David Crownson with his book *Harriet Tubman: Demon Slayer*. He answered questions about his upcoming books and a possible TV series. As always, please visit our Facebook or website for more fun programs and activities throughout the month; 2) the Board of Education's meeting will be February 28 at 7:30 pm.; 3) with it being "Love Your Library" month, please come in and get a new library card, or renew

your old card.

Mr. VanDermark: 1) we just completed our maintenance for fire exit signs in Borough Hall, Police Department, Field House, and Senior Center. The Fire Alarm Service Test for Police Department and Field House is completed, along with our Generator test at Borough Hall. All are complete and in working order.

Dr. Dunne: 1) the Recreation Basketball season just ended and the Recreation Department would like to thank Kelly Seader and all the coaches for all their time and effort on a successful program. As a parent and volunteer in the program, I would also like to extend thanks to Kelly and her staff. This is an exceptionally well-run program and the kids all had so much fun. Parents – please don't hesitate to step up and help with the kids – I can't tell you how much fun and how rewarding it is to participate as a volunteer in the Rec programs. The Pickleball Winter program has been extended through March, each Tuesday and Wednesday 7:30-9:00 pm @ DHS Gym. The Recreation Department thanks the Dunellen School System for hosting this program, along with Recreation Commission Members Elena Buccino and Maureen Barnett for overseeing the program. Recreation Summer Camp Registration will be opening up any day now. It is always a good program and helpful to our residents. This year at the 48th annual NJRPA Annual Conference Awards Dinner on March 14th, the NJRPA will be presenting the "Fay S. Mathewson Award" in honor of Laura Ruskuski. Each year the NJRPA sends out an email asking all the towns if they have any nominees for certain awards. Mayor Cilento caught this and sat down with Alex and Julie and they applied for the award in honor of Laura.

The Award is: **To acknowledge and provide recognition to a "Friend of Recreation, Parks and Conservation."** Nominees must be an individual, school system, financial institution, commercial company, corporation, club, organization, or other group which has established a record of rendering outstanding service supportive of recreation, parks, or conservation at a local, county, state or national level. Laura's Family will be in AC at the awards ceremony.

The Recreation Commission Chair Jim Brennan would like to thank Mayor Cilento, Julie Grof, and Alex Miller for applying for the award on behalf of Laura Ruskuski.

Lastly, the Recreation Department had its Reorganization meeting on Monday, Feb 13th and Jim Brennan was voted in as Recreation Commission Chair, Kathy Wilson was voted in as Vice Chair, and Kelly Seader was voted in as Secretary.

Recreation Spring sports have just opened up for Tennis, Baseball, and Softball. Within the next few weeks, the Spring Track program will be open, along with an open soccer night program at Columbia Park.

Adult Jogging Club starts March 19<sup>th</sup>. This is a new program, for joggers at all levels. We meet at Washington Memorial Park at 8 am.

2) Municipal Alliance – hosted its Annual Fundraising Breakfast Wednesday, February 15<sup>th</sup> from 7:30-9:00 am at the Dunellen Hotel. Thanks to everyone who attended and supported the Alliance. At the Breakfast, the Dunellen Municipal Alliance honored Dunellen High School

Principal Paul Lynch. Not only has he been a strong supporter of everything they do, but when he first started as Assistant Principal of DHS he was also the Alliance Coordinator! Thank you, Mr. Lynch, for going above and beyond! In March, there will be a Wellness Fair sponsored by the Alliance – all students in LMS and DHS will attend; 3) Shade Tree Commission—as always, if you are interested in having a tree planted, please contact the DSTC. The next meeting will be March 8<sup>th</sup> at 7 pm in the Senior Center; 4) the Parking Authority will hold its next meeting on March 8<sup>th</sup> at 7 pm at the Parking Authority; 5) thank you to Cub Scout Pack 26 for sending Valentines to the Senior Club. I've heard from a few members of the Club who said it made their day.

Mr. Sigmon: 1) Department of Public works:

506 Serviced the hot box (trailer for potholes)

DPW crew has been cleaning the downtown daily and all our Borough Properties & Parks.

- Replaced Parking lot lights at McCoy Park.
- Cleaned McCoy Park.
- Filled potholes throughout the town.
- Inspected and cleared the catch basins at the Kline Place section of town.
- Total rebuild of a catch basin on Maple Avenue.
- Built a new catch basin across the street from the rebuilt basin and installed 31 feet of pipe.
- Repaired the section of the road where the pipe was installed with stone and with 8” of asphalt.

The catch basin and pipe install project was quoted for over \$15,000.00. With our DPW crew doing the work the estimated cost is around \$3,500.00. Prior to hiring new DPW staff members this past fall, Mayor Cilento and Alex Miller discussed trying to find a Public Works worker with a Masonry background, which we did and it will help save money for the Borough.

Mr. Paltjon: 1) Dunellen Police Department--there was a special Council meeting on Monday February 13 to swear in Gary Smith as a Probationary Police Officer. We would like to Welcome Gary to the Dunellen Police Department and wish him all the best; 2) PARSA--will oversee the sewer repair on the 300 Block of Orange Street that is taking place this week. We should have results on the CCTV findings of our sewer main shortly for the upcoming 2023 street paving projects; 3) Dunellen Rescue Squad--the Rescue Squad is still looking for anyone that would be interested in becoming a Volunteer. Please check out their new website, [DunellenRescue.org](http://DunellenRescue.org) for all new updates and volunteer information.

Mayor Cilento:

Middlesex County Pulaski Culvert Project--Middlesex County plans to advertise this project this Friday with a bid receipt of March 30th.

Dunellen Station Development--work continues on the buildings at the site. Both Prism and K Hovnanian are pursuing additional certificates of occupancy. Currently, 75 townhomes have sold, and 35 apartments have been leased to date.

Kline Place Road and Sewer Improvement Project--field work is completed by CME Associates. The design of the road and sewerage system improvements are underway.

PSE&G Street Paving Project--a meeting is planned later this week with PSE&G to discuss the pavement of roads that they did utility work on in 2022. These roads included: 800 block of First Street; 800 block of Dunellen Avenue; 700 & 800 blocks of Front Street and 200 block of Orange Street.

Center Street Improvement--in coordination with Piscataway Township, we are discussing the opportunity for a shared service agreement and time framing of the milling and paving of Center Street. We also requested that the short sections of Hall Street and Pulaski Street that are right off Center Street be considered for repavement too. We are working to schedule these improvements, so they do not disturb the operations of John P. Faber Elementary School.

New Jersey American Water--we are in discussions with NJAW about their utilities improvements this year and when they may begin their project along North Washington Avenue (from First Street to North Avenue); Penfield Place (South Washington to Maple Avenue); and Maple Avenue. Before these improvements occur, we will need to replace some sections of curbing and install new ADA compliant ramps at various intersections.

Finally, he wished congratulations to Homer Mosley and Gigi Mosley on their 50th wedding anniversary.

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Department Heads reports:

Homer Mosley, Jr., Office of Emergency Management:

OEM wants the Municipal Council and the public to know about two opportunities for Borough residents and our youth: 1) the Middlesex County Sheriff's Department is holding its 10th Sheriff's Civilian Academy. This 8-week training is open to all Middlesex County residents. It will be held at the Middlesex County Fire Academy in Sayreville weekly starting on Thursday April 20, 2023, from 7 to 9 pm. One Saturday class will be held. The program culminates with a graduation ceremony scheduled for Thursday, June 15th. Each session will highlight functions of the Sheriff's Office including Defensive Tactic, K8, Transportation, Fingerprinting, DAREW, Courts, Civil Process, and Foreclosures among others. There will also be a tour of the Middlesex County Sheriff's Office and the Main Courthouse in New Brunswick; 2) FEMA is seeking to recruit young leaders, grades eight to eleven, with a passion for preparedness to join the Youth Preparedness Council (YPC). The YPC offers the opportunity for teens to share their ideas and feedback with FEMA, grow their leadership skills, and work with like-minded peers to help strengthen preparedness and resilience across the country. Members will also participate in a summit in Washington, D.C. with FEMA leaders and other professionals to network and learn more about

the field of emergency management. Interested parties can learn more at a webinar being held on Tuesday, February 28 at 8 pm. Contact [FEMA-Prepare@fema.dhs.gov](mailto:FEMA-Prepare@fema.dhs.gov) with questions.

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Public Portion: no one from the public spoke.

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Mayor Cilento addressed our “friends” in the social media world: your complaints are best suited in an email or a phone call to your elected officials or administration staff or coming to a Council meeting or a Planning Board meeting or showing up at the Primary to vote. Everybody has a right to their freedom of speech, we respect that, but these Chambers are where business gets done so I would respectfully ask those who have complaints to please come to a Council meeting.

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On the motion of Mr. Sigmon and seconded by Dr. Dunne:

**02-21-2023: #6**

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

The Dunellen Borough Council Meeting of February 21, 2023 is adjourned.

Yes: Albertson, Dunne, Paltjon, Rios, Sigmon and VanDermark

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

<https://www.youtube.com/watch?v=GXAMqKhdV2I>