

March 15, 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 March 15, 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. Burke and seconded by Mrs. Narvesen it was moved to accept the Minutes of the Meeting of March 1, 2021.

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

Proclamation Declaring the Third Monday in March as COVID-19 Memorial Day:

**PROCLAMATION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF DUNELLEN, NEW JERSEY PROCLAIMING THE
THIRD MONDAY IN MARCH AS COVID-19 MEMORIAL DAY**

WHEREAS, the THIRD Monday in March, has been designated as COVID-19 Victims and Survivors Memorial Day; and

WHEREAS, COVID-19 (SARS-CoV-2) is an illness caused by a virus that can transmit from person to person and has spread across the world, creating a global pandemic that is having catastrophic effects on human life, our community, and our economy; and

WHEREAS, local and state governments, health departments, and public servants have taken bold actions to protect residents, support struggling local economies, and find innovative ways to provide services; and

WHEREAS, in response to the spread of COVID-19 and stay-at-home orders, essential workers have stepped up to provide critical services to help protect our communities and save lives, sacrificing their own health and safety; and

WHEREAS, the Dunellen community has come together to support each other during these difficult times with food drives, COVID-19 diagnostic testing, the Miracle Mile fund raiser to assist small downtown businesses, and providing rides to Seniors to supermarkets and doctors; and

WHEREAS, COVID-19 has had a disproportionate impact on low-income communities and communities of color, exacerbating inequities already prevalent in our systems that we must address as a nation; and

WHEREAS, public health guidance and policies targeted at prevention, such as social distancing, wearing masks in public, and staying home help mitigate the spread of COVID-19, prevent illness, and lessen the burden on individuals and society; and

WHEREAS, the symptoms and severity of COVID-19 can vary dramatically by individual and the long-term health implications for survivors is largely unknown, as many survivors suffer with lingering side-effects of the disease long after they no longer test positive; and

WHEREAS, more than 2,667,314 people worldwide and 547,300 people in the United States have lost their lives due to COVID-19, and, in New Jersey, more than 23,903 lives have been lost to this deadly virus, and

WHEREAS, twelve residents of Dunellen have died, each one a brother or sister, a husband or wife, father or mother, a grandparent, all precious lives gone from us forever.

NOW, THEREFORE, BE IT PROCLAIMED that the Mayor and Council of the Borough of Dunellen, New Jersey hereby supports the designation of the third Monday in March as COVID-19 Memorial Day, in remembrance of those who have lost their lives and in honor of those who are forever marked by COVID and continue to suffer from the impact of this virus.

Mayor Cilento noted that March 13 marked a year since we set the guidelines for the town and March 17 was the date in which we had our first confirmed case. As mayor of the town that raised him, he could not be more proud of how we came together during that year, supporting our neighbors. We really are a neighbor helping neighbors community and he is beyond proud of how we all worked together, saddened by the deaths we have seen, but optimistic with the news of the vaccinations. We are seeing the light at the end of the tunnel.

Proclamation Honoring March as Women's History Month:

Proclamation

Honoring Women's History Month

WHEREAS, throughout history, women have made significant contributions to the growth and strength of our borough, state, and nation in countless ways; and

WHEREAS, through leadership, innovation, and ingenuity, generations of women have made significant contributions in science, technology, business, politics, entrepreneurship, and arts and culture; and

WHEREAS, women have been leaders in securing their own rights of suffrage and equal opportunity and in the abolitionist, emancipation, industrial labor, civil rights, and peace movements have created a more fair and just society for all; and

WHEREAS, whether serving in elected positions across America, leading groundbreaking civil rights movements, venturing into unknown frontiers, or programming technologies, generations of women opened new doors, having a profound and positive impact on our community.

NOW, THEREFORE, BE IT PROCLAIMED that I, Mayor Jason F. Cilento, and the Borough Council of Dunellen, New Jersey, hereby celebrate the month of March 2021 as Women’s History Month and encourage others to celebrate too.

Presentation to Council by Chelsea Builders, LLC., developers of 440 North Avenue. Kenneth McPherson of the law firm of Porzio Bromberg and Ken from Chelsea Builders made the presentation. 440 North Avenue is currently a two-unit structure next to the Quick-Chek on North Avenue. They propose a mixed-use development of a one-unit of retail on the ground floor and 9 units of residential on the second and third floors.



Additional drawings can be found by going to the YouTube presentation:
<https://youtu.be/ctwysPkilHA>

There is approximately 420 square feet of commercial space which they will try to lease as a restaurant. Council President Dunne asked about residential unit size and parking. There will be one space for each unit. 8 two bedroom and one 1 bedroom. Mayor Cilento asked about lighting and about sidewalk dining space. There will be goose-neck lighting. There might not be room for setback of the building in order to maximize the parking spaces. Mr. Reid complimented them on their existing building on Lincoln Avenue.

Mayor Cilento commented that their next step is to go before the Dunellen Planning Board.

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

ORDINANCE 2021-07

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 March 15, 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 April 5, 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 186-3, Littering and Dumping Prohibited:

It shall be unlawful for any person to:

- A. Throw, drop, discard, scatter or otherwise place litter of any nature upon any public or private property other than in a litter receptacle or waste disposal bin.
- B. Throw, drop, discard or otherwise place or dump any household trash, construction debris or materials, refuse, junk, vehicles or vehicle parts, tires, appliances, furniture or other private property on any public or private property or along any road, street or right-of-way, except by written consent of the owner of the property and in an area specifically designated for the purpose of solid waste storage or disposal.
- C. Place or dump any quantities of household or commercial garbage or solid waste generated on private property in a private litter receptacle or waste disposal bin without the written consent of the owner of the receptacle or bin.
- D. Place or dump any quantities of materials designated for recycling in a litter receptacle or waste disposal bin unless the receptacle or bin is identified as a collection container for recyclables.
- E. No place of business or residence shall deposit trash, garbage, rubbish, paper or trade waste in any public litter receptacle placed upon the streets of the borough for use by the public to prevent littering of streets and sidewalks.
- F. No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pool, lake, stream or other body of water in or adjacent to any tributary stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in pollution of such waters.

Mayor Cilento noted that this is an amendment to our current littering ordinance, and we added a "D" and "E" to address the issue of people putting household garbage into the public dumpsters and an "F" regarding placing litter into our streams.

Council President Dunne asked about enforcement of "D." How do we identify household garbage? Mr. Bruder responded that it is a "common sense" approach and a case-by-case observation. Enforcement will be left to the police and Code Enforcement Officer. It is a matter of what kind of proofs you might have. It might be difficult to enforce, but the ordinance does give the municipality the ability to prevent people from putting such garbage into the public receptacles. Dr. Robins commented that he and Alexander Miller, Public Works Manager, have met with Jimmy Aiello of Preferred Maintenance. Mr. Aiello can have his crews examine the receptacles to find and identify household garbage. This we can act upon.

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

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

ORDINANCE 2021-08

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 March 15, 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 April 5, 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.

The following Dunellen Code Chapter is amended as follows:

Dunellen Municipal Code, Chapter 256-1, Time limit for removal of snow or covering of ice.

§ 256-1 Time limit for removal of snow or covering of ice.

A. The owner or occupant of lands abutting or bordering upon sidewalks, public streets or public places in the Borough is hereby required to remove all snow and ice from the sidewalks abutting said property within 24 hours after the snow ceases.

B. In the case of ice which may be so frozen as to make removal impractical, the owner or occupant of lands abutting or bordering upon sidewalks, public streets or public places in the

Borough is hereby required to thoroughly cover such ice on the sidewalks abutting said property with sand, salt or cinders within 24 hours after the same shall fall or be formed thereon.

C. Owners of corner properties are additionally required to remove snow and ice so as to provide pedestrian, stroller and wheelchair access from their sidewalk to at least one of the streets forming the corner.

D. The owner, tenant or occupant of any lands abutting upon the public streets of the Borough are additionally required to remove all snow and ice from abutting sidewalks and which is on or around fire hydrants, and the owner or tenant or occupant of property containing handicapped parking spaces shall remove all snow and ice from the handicapped parking spaces within 24 hours after the inclement weather has ended

Mrs. Burke asked who would do the enforcement? George Deene, Code Enforcer. Mr. Bruder added that the police could also enforce the ordinance. Mr. Sigmon suggested that paragraph "C" be amended so that all streets on a corner intersection be accessible from the sidewalks.

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

Ordinance 2021-08 be amended

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

ORDINANCE 2021-08

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 March 15, 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 April 5, 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.

The following Dunellen Code Chapter is amended as follows:

Dunellen Municipal Code, Chapter 256-1, Time limit for removal of snow or covering of ice.

§ 256-1 Time limit for removal of snow or covering of ice.

A. The owner or occupant of lands abutting or bordering upon sidewalks, public streets or public places in the Borough is hereby required to remove all snow and ice from the sidewalks abutting said property within 24 hours after the snow ceases.

B. In the case of ice which may be so frozen as to make removal impractical, the owner or occupant of lands abutting or bordering upon sidewalks, public streets or public places in the Borough is hereby required to thoroughly cover such ice on the sidewalks abutting said property with sand, salt or cinders within 24 hours after the same shall fall or be formed thereon.

C. Owners of corner properties are additionally required to remove snow and ice so as to provide pedestrian, stroller and wheelchair access from their sidewalk to the streets forming the corner.

D. The owner, tenant or occupant of any lands abutting upon the public streets of the Borough are additionally required to remove all snow and ice from abutting sidewalks and which is on or around fire hydrants, and the owner or tenant or occupant of property containing handicapped parking spaces shall remove all snow and ice from the handicapped parking spaces within 24 hours after the inclement weather has ended

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

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

ORDINANCE 2021-09

The following ordinance is being Introduced for first reading on March 15, 2021, and a second reading and public hearing will be held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 5th day of April, 2021, and copies of this Ordinance shall be posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance shall be available at the Office of the Borough Clerk for any interested members of the public.

BOROUGH OF DUNELLEN **COUNTY OF MIDDLESEX, NEW JERSEY**

CALENDAR YEAR 2021 **MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION** **LIMITS AND TO ESTABLISH A CAP BANK** **(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Dunellen, in the County of Middlesex finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 2.5% increase in the budget for said year, amounting to \$143,436.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Dunellen, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Dunellen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$200,811.07, and that the CY 2021 municipal budget for the Borough of Dunellen, be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Cilento noted that this is not an ordinance to exceed the revenue or expenditure 2% limitation. It is a mechanism to be used in an emergency. Dr. Robins noted that it allows the borough to exceed the statutory 1% up to 3.5%, if needed. We do not need to spend it, but we can "bank" it for the next two years.

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

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

Ordinance 2021-10

The following revision and amendment to the Dunellen Downtown Redevelopment Plan is being Introduced for first reading on March 15, 2021. It will be presented for Public Hearing and Adoption on April 5, 2021 at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey, or at an appropriate time thereafter subject to Dunellen Planning Board review. Notice will be given in advance of the date for the Public Hearing and Adoption.

Copies of this ordinance will be posted on the Municipal Bulletin Board, and will be available at the Office of the Borough Clerk for any interested members of the public.

This ordinance amends the Dunellen Downtown Redevelopment Plan, Phase One, that was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, November 2014, February 2016, November 2017, September 4, 2018 and October 1, 2018.

Gabe Bailer of DMR Architects made some recommendations to amend the Redevelopment Plan. The following are the changes suggested:

The following contains sections being modified and reflect the amended versions:

For

6.1.1 Site #1. Train Station North- (Block 69/All Lots) and 6.1.3 Site #2. Train Station South- (Block 70/Lot 13 and 13.01) and 6.1.2 Remainder Parcels In Vicinity of Route 28

While this Plan envisions that this site will be redeveloped with non-residential uses, the Borough shall require any redevelopment project containing a residential component to include an affordable housing set-aside for qualified low and moderate income individuals and households in accordance with the Borough's Housing Element and FairShare Plan prepared February 1, 2016, as may be amended from time to time, and the terms of the settlement agreement between the Borough and the Fair Share Housing Center (FSHC) in the Matter of the Application of the Borough of Dunellen, County of Middlesex, Docket No. MID-L-3947-15. Any redevelopment project containing a residential component shall provide a mandatory minimum fifteen percent (15%) affordable housing set-aside for rental units and a mandatory twenty percent (20%) set-aside for for-sale units. In the event that the inclusionary set-aside percentage (15% for rentals / 20% for-sale) of the total number of residential units does not result in a full integer refer to §89-13.B(4) of Dunellen's code. Such units shall be constructed, marketed, administered and occupied by income eligible households in accordance with the Uniform Housing Affordability Controls (UHAC, N.J.A.C. 5:80-26.1 et seq.).

Site #1. Train Station North (Block 69/All Lots), Site #2. Train Station South (Block 70/Lot 13 and 13.01), and 7.4.4 Remainder Properties Designated as Next Phase(s) Redevelopment Areas

1. Minimum unit size:

- a) One (1) bedroom unit – 700 sf inclusive of balconies or other outdoor seating areas.
- b) Two (2) bedroom unit – 800 sf inclusive of balconies or other outdoor seating areas.

- c) Three (3) bedroom unit – 1,000 sf inclusive of balconies or other outdoor seating areas.
2. Materials. Materials used shall be conducive to creating a Railroad Town (Transit Village) environment, encouraging the use of brick, awnings, planters and wrought iron railings.
3. Front, side, and rear setback requirements. Front yard setback shall be the furthest from the adjacent properties measured to the face of the curb. Setback does not include overhangs such as awnings and balconies and must meet building code of minimum clearance of 8 feet. There shall be no side yard or rear yard setback requirements.

8.13 Transit Supportive Parking Requirements

Parking standards within the transit village district should reflect proximity to high frequency transit service, pedestrian-friendly built forms, and mix of uses.

1. There will be no minimum on-site parking requirement for sites under 20,000 sf.
2. For new and rehabbed sites 20,000 sf or over the on-site parking requirements for residential uses are as follows:
 - a. One (1) bedroom unit – one (1) parking space per unit
 - b. Two (2) bedroom units – one and half (1.5) parking space per unit
 - c. Three (3) bedroom units – one and three quarters (1.75) parking space per unit
3. For new and rehabbed sites 20,000 sf or over, there will be no minimum on-site parking requirements for ground floor restaurants, commercial, retail, personal service establishment uses, theaters, bars and nightclubs.
19. If a proposed new development requires a parking variance a Payment in Lieu of Parking (PILOP) will be made to of \$5,000 per deficient parking space. The PILOP paid by any developer shall be deposited into its duly established PILOP trust fund.

The full text of the Amended Dunellen Downtown Redevelopment Plan, Ord. 2021-10, can be found here:

www.dunellen-nj.gov/redevelopment/index

The main changes are in regard to eliminating the density requirement and instead basing it on building height (three stories) and minimum unit size, establishing a new formula for affordable housing units and providing for payment in lieu, and setting rules for on-site parking requirements for developments

over 20,000 square feet. There would also be a payment in lieu of parking. There is also a recommendation regarding front-yard setbacks.

Dr. Dunne inquired about parking. Mr. Bailer responded that under 20,000 square feet there is no minimum requirement. Mrs. Burke asked if the Council needs to consider all the proposed changes or just some of them. Dr. Robins responded that the ordinance is considered as presented but could be amended.

Mr. Bailer informed Council that after this Introduction, the ordinance goes to the Planning Board of review and comment.

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

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

2021-04

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, held on March 1, 2021. It is now being further considered for final passage, after public hearing thereon, at a meeting of said governing body being held in the Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on March 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 have requested the same.

AN ORDINANCE TO CREATE A NEW CHAPTER ENTITLED, "SALE OF ELECTRONIC SMOKING DEVICES AND ELECTRONIC SMOKING DEVICE PRODUCTS" FOR THE BOROUGH OF DUNELLEN, NEW JERSEY

Section 1. Purpose

The purpose of this ordinance is to license and limit the establishments that sell electronic smoking devices and prevent the sale of electronic smoking devices to those under the age of 21. A portion of the funds collected by licensing of such establishments may be designated by the Mayor and Borough Council for salient purposes such as funding smoking cessation, prevention or control programs by the Dunellen Police Department and/or other organizations deemed appropriate.

Section 2. Definitions

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in

the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Borough – the term “Borough” as used herein shall refer to the Borough of Dunellen, its officers, employees and representatives.

Display Window – window in a shop/store displaying or advertising items for sale or otherwise designed to attract customers to the store.

Electronic Smoking Device – an electronic or other powered device that can be used to deliver a product such as or containing nicotine or any other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo, hookah or pipe.

Electronic Smoking Device Product – any product such as or containing nicotine or any other substance designed for consumption through inhalation from an electronic smoking device.

Electronic Smoking Device Establishment – any establishment that sells or offers for sale electronic smoking devices and / or electronic smoking device products designed for consumption through inhalation, regardless of whether the sale of such devices or products is the establishment’s primary purpose.

Sale – shall mean every delivery of electronic smoking devices or electronic smoking device products, whether the same is by direct sale or the solicitation or acceptance of an order, including the exchange, barter, traffic in, keeping and exposing for sale, displaying for sale, delivering for value, peddling and possessing with intent to sell.

Section 3. Licensing Fees

- A. No person shall conduct, maintain or operate an establishment that sells electronic smoking devices without first having obtained a license from the Borough Clerk or his/her designee.
- B. Each person or establishment wishing to sell electronic smoking devices or electronic smoking device products must submit a completed license application on a form obtained from the Borough Clerk’s office, together with the appropriate fee as set forth herein, in order to be considered for an Initial License.
- C. Fees in accordance with the following schedule shall be paid before any license required in this article shall be issued:
 - o Electronic Smoking Device Establishment Initial License: \$750.00
 - o Electronic Smoking Device Establishment Annual Renewal License: \$250.00
- D. Initial or Renewal Licenses issued under the provisions of this ordinance, unless revoked earlier by the Board of Health or Borough Clerk, shall expire annually on the 31st day of December of each year;
- E. The annual license renewal fee must be paid annually by the 31st day of December for the upcoming calendar year, or a renewal license shall not issue and the person or establishment wishing to continue to sell electronic smoking devices or electronic smoking

device products shall be prohibited from selling them until such time that the fee is paid and a renewal license is issued;

- F. Licenses are not transferable; and
- G. The license issued by the Borough shall be posted conspicuously in the establishment, in a location and manner visible to all customers and all police officers or other inspectors on behalf of the Borough.
- H. The Borough shall inspect each such establishment prior to the issuance of an Initial License to determine if the applicant satisfies the requirements of this chapter in order to qualify to obtain a license. The Borough shall thereafter conduct random periodic inspections during normal business hours of the establishment after issuance of an Initial or Renewal license to determine whether the establishment is acting in compliance with the provisions of this Chapter. Such inspections may be conducted by members of the Dunellen Borough Police Department, Health Department, Dunellen Borough Code Enforcement Office and the Dunellen Borough Clerk's Office.

Section 4. Penalties for Sales without license

- A. Any person or establishment found to be selling or offering any electronic smoking device or any electronic smoking device product without having first obtained a valid license issued by the Borough shall pay a fine of \$500.00 for a first such offense. In addition, any such person or establishment found to be selling or offering any electronic smoking device or electronic smoking device product shall be ineligible to sell any such devices or products unless and until a license is obtained from the Borough of Dunellen. For a second or subsequent offense, any person or establishment so violating this section shall be subject to a fine of not less than \$1,000.00 and not exceeding \$2,000.00. In addition, any person or establishment violating this section for a second or more time may be subject to permanent disqualification for obtaining an electronic smoking device license, within the discretion of the Borough Clerk and/or Borough Council.
- B. Each sale shall constitute a separate offense for purposes of this section.

Section 5. Display Regulations

- A. No electronic smoking device, electronic smoking device product or advertisement relating to either an electronic smoking device or electronic smoking device product shall be displayed in such a manner so as to be visible from the exterior of the establishment.

Section 6. Restriction on Sale of Electronic Smoking Device Establishment:

- A. No electronic smoking device establishment shall be located within 500 feet of a school or public park

Section 7. Sale to any persons under the age of twenty-one years old prohibited

- A. No person or electronic smoking device establishment shall sell electronic smoking devices or electronic smoking device products to anyone under the age of twenty-one (21) years old.

Section 8. Penalties for Sale to any persons under the age of twenty-one years old; Display Regulations; or Location violation

- A. Penalties for sale to persons under the age of twenty-one years old. Any person or establishment found to have sold an electronic smoking device or an electronic smoking device product to any person under the age of twenty-one years old shall pay a fine of not less than \$500.00 for a first such offense. In addition, any person or establishment found to be in violation of this section may have their license revoked for the remainder of the calendar year. Upon conviction for a second or subsequent offense of selling an electronic smoking device or electronic smoking device product to anyone under the age of twenty-one years old, any person or establishment shall be subject to a fine of not less than \$1,000.00 nor more than \$2,000.00. In addition, any person or establishment violating this section for a second or subsequent time shall have their license revoked for the remainder of the calendar year. In addition to the other penalties as set forth herein, any person or establishment found guilty of selling an electronic smoking device or electronic smoking device product for a third or subsequent time shall have their license permanently revoked.
- B. Jurisdiction for Enforcement of this section shall be laid in the Municipal Court of the Borough of Dunellen or any other court so designated by the Municipal Court of the Borough of Dunellen.
- C. These penalties are in addition to any penalties that may be imposed pursuant to the New Jersey Code of Juvenile Justice, N.J.S.A. §2A:170-51 *et seq.* and N.J.S.A. 2C:33-13.1 *et seq.* or any other statute of the State of New Jersey which pertains to the sale of electronic smoking devices or the consumption of electronic smoking device products.
- D. Penalties for Display or Location Violations. Any person or establishment found guilty of the improper display of an electronic smoking device, product or advertisement as set forth in Section 5 of this chapter, or the sale of an electronic smoking device or product at any location in violation of Section 6 of this chapter shall, for a first such offense, be subject to a fine of \$500.00 For a second or subsequent violation of this section, any such person or establishment shall be subject to a fine of not less than \$1000.00 nor more than \$2,000.00. In addition, any person or establishment violating this section for a second or subsequent time shall have their license revoked for the remainder of the calendar year. Any person or establishment found guilty of this section for a third or subsequent time shall have their license permanently revoked.

Section 9. Enforcement

- A. Enforcement shall be by the Dunellen Borough Police Department, Health Department and Dunellen Borough Code Enforcement Office.

Mayor Cilento opened this portion of the meeting to the public. Diana Starace, 436 Second Street, thanked the Borough for working with the Municipal Alliance and others in enacting this ordinance.

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

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

2021-05

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, held on March 1, 2021. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held in the Municipal Council Chambers, 355 North Avenue, Dunellen, NJ on March 15, 2021 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 at the Municipal Clerk's Office for the members of the general public who have requested the same. The summary of the terms of such bond ordinance follows:

Title: "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADWAYS AND A PARKING LOT IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$540,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$514,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF"

Purpose: Improvements to various roadways, as more fully described on a list on file in the office of the Borough Clerk, which list is hereby incorporated by reference as if set forth at length, and the Fire Department parking lot, including all work and materials necessary therefor and incidental thereto.

Appropriation: \$540,000

Bonds/Notes Authorized: \$514,000

Grants Appropriated: N/A

Section 20 Costs: \$50,000

Useful Life: 10 years

Mayor Cilento opened this portion of the meeting to the public. No one from the public spoke. This portion was closed.

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

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

2021-06

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, held on March 1, 2021. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held in the Municipal Council Chambers, 355 North Avenue, Dunellen, NJ on March 15, 2021 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 at the Municipal Clerk's Office for the members of the general public who have requested the same. The summary of the terms of such bond ordinance follows:

Title: "BOND ORDINANCE PROVIDING FOR THE STABILIZATION AND RESTRUCTURING OF AN EMBANKMENT AND RETAINING WALL IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$420,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF"

Purpose: Stabilization and restructuring of the embankment and retaining wall which abuts the Firehouse parking lot, including all work and materials necessary therefor and incidental thereto.

Appropriation: \$420,000

Bonds/Notes Authorized: \$400,000

Grants Appropriated: N/A

Section 20 Costs: \$40,000

Useful Life: 20 years

Mayor Cilento opened this portion of the meeting to the public. No one from the public spoke. This portion was closed.

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

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

03-15-2021: #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 Mrs. Burke and seconded by Mrs. Rios it was moved to accept the following:

03-15-2021: #2

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

WHEREAS, 376 North Avenue/Joseph Villani did provide performance guarantees for developments on Block 32, Lot 11, in the amounts of:

| | |
|------------------|------------|
| 10% Cash Portion | \$440.76 |
| 90% Bond Portion | \$3,966.84 |

Total Performance Guarantees: \$4,407.60

WHEREAS, all improvements have been completed, and it is the recommendation of CME Associates, the Borough's engineer, that the performance guarantees be released subject to the posting of a maintenance guarantee in the amount of \$661.14 (the required amount not to exceed 15% of the cost of the improvement for a period not to exceed two (2) years after final acceptance..

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that performance guarantees provided by 376 North Avenue/Joseph Villani, be released as follows: the cash bond in the amount of \$440.76 and the bond portion of \$3,966.84 be returned to 376 North Avenue/Joseph Villani, subject to the posting of a maintenance guarantee of \$661.14.

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

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

03-15-2021: #3

Resolution in Support of Amending A5342 (1R)

WHEREAS, on February 22, 2021 the New Jersey State Legislature passed into law Assembly Bill A5342 amending P.L. 1979 c. 264 (2C:33-15) regarding the underage possession or consumption of alcoholic beverages and amending provisions of Assembly Bill A21 (passed both

Houses on December 17, 2020) regarding the underage consumption or use of marijuana, hashish or any cannabis item, which was signed into law by Governor Murphy on the same day; and

WHEREAS, this amendment, in part, created a graduated system of written warnings for all persons under the age of 21 who interact with law enforcement and are found to be under the influence of or in possession of alcohol or marijuana, hashish or any cannabis item; and

WHEREAS, the amendment appears to treat all persons under the age of 21 the same, even though a “minor” is defined as someone under the age of 18, and possession or consumption is not permitted until the age of 21; and

WHEREAS, the first offense or “first warning” directs law enforcement officers to issue a written warning to all persons under the age of 21 but does not specify if another type of notification to parents or guardians of minors under the age of 18 is permissible; and

WHEREAS, the amendment does not provide specific instructions to law enforcement officers regarding notification other than written warnings to parents or guardians; and

WHEREAS, the amendment repeatedly and specifically puts law enforcement officers on notice they may be charged with an indictable offense for improper investigation or detention of persons under the age of 21 regarding such offenses, meaning any notification or action not specified in the statute may result in officers being charged with a serious criminal offense; and

WHEREAS, guidance from the Office of the Attorney General, which is binding upon all law enforcement officers in the State of New Jersey, and the Middlesex County Prosecutor’s Office, which is binding upon all law enforcement officers in the County of Middlesex, regarding the amendment is that law enforcement officers are prohibited from taking any action not specified in the statute as amended; and

WHEREAS, parents and guardians, in the best interest of minors under the age of 18, have a need to know the actions of such minors who have been encountered by law enforcement officers in possession of, or under the influence of, alcoholic beverages or marijuana, hashish or any cannabis item; and

WHEREAS, the entire community has an interest in the effective and timely notification to parents or guardians by law enforcement of minors under the age of 18 found in possession of, or under the influence of, alcoholic beverages or marijuana, hashish or any cannabis item;

NOW, THEREFORE, BE IT RESOLVED, on behalf of the people of our community, that the governing body of the Borough of Dunellen implores both Houses of the New Jersey State Legislature to draft and advance forthwith legislation to require notification by law enforcement officers to parents or guardians of all minors under the age of 18 found in possession of, or under the influence of, alcoholic beverages or marijuana, hashish or any cannabis item and to provide specific and detailed direction to law enforcement officers regarding such notifications so as to remove the possibility of officers being charged with a criminal offense when acting in good faith while performing such notifications; and,

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to all Members of the New Jersey State Assembly, all members of the New Jersey State Senate, Governor Phillip Murphy, Attorney General Gurbir Grewal and the New Jersey State League of Municipalities.

Mayor Cilento noted that under the current legislation, a Police Officer is limited in what he/she can do regarding when individuals below age 18 are caught in violation of the law, and regarding parental notification. Mr. Bruder stated that the resolution addresses the issue of police being charged with criminal offenses when they notify parents (the resolution recommends notification to parents when individuals are below age 18). It does not criminalize underage individuals; it merely allows such notification and takes away penalties from police who do so.

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

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

03-15-2021: #4

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

WHEREAS, it is necessary to determine the responsibilities for maintenance and to prevent future legal issues in the area of North Avenue between Pulaski Street and Bound Brook Road; and

WHEREAS, the State of New Jersey and the Borough of Dunellen, in consideration of the mutual covenants set forth in the attached Agreement, have described and delineated these responsibilities.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF DUNELLEN, that Mayor Jason F. Cilento and Municipal Clerk William Robins are authorized to sign the Agreement with the State of New Jersey concerning legal and maintenance issues for Route 28 between Pulaski Street and Bound Brook Road, in the form substantially attached hereto and subject to any additional revisions deemed necessary or advisable by the Borough Attorney.

Dr. Robins noted that this Agreement does not add to the existing municipal responsibility already being undertaken regarding this section of North Avenue but does satisfy NJ DOT requirements. Mayor Cilento added that these projects often encompass streetscape improvements and this Agreement touches upon the municipality's obligation to maintain them.

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

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

03-15-2021: #5

Whereas, the Dunellen Downtown Redevelopment Plan, Phase One, was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, November 2014, February 2016, November 2017, September 2018 and October 1, 2021; and

Whereas, on March 15, 2021, the Dunellen Borough Council introduced for first reading Ordinance 2021-10, a proposal to revise and amend the Dunellen Downtown Redevelopment Plan, pertaining to affordable housing unit percentages, minimum unit size, front, side, and rear setback requirements, and Transit Supportive parking requirements.

Whereas, the entirety of this revision is contained in the attached Plan document.

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

1. The foregoing recitals are incorporated herein by reference as if fully set forth at length; and
2. The Redevelopment Plan is hereby amended to include amended sections for affordable housing unit percentages, minimum unit size, front, side, and rear setback requirements, and Transit Supportive parking requirements; and
3. This Ordinance shall take effect in accordance with applicable law following final adoption and publication thereof.

Now, Therefore, be it Resolved, by the Mayor and Council of the Borough of Dunellen, that Ordinance 2021-10 be forwarded to the Dunellen Planning Board for review and a report containing its recommendation regarding the proposed revised and amended ordinance.

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

CONSENT AGENDA:

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

03-15-2021: #6

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 Appropriations” be made:

| From Account | Title | S&W | Other Expenses |
|----------------|-----------------|-----|--------------------|
| 20-100-005-299 | Grants Writer | | \$4,000.00 |
| 23-220-000-299 | Group Insurance | | 10,000.00 |
| 31-461-000-299 | Electric & Gas | | 6,000.00 |
| 36-472-000-299 | Social Security | | 2,600.00 |
| | Subtotal | | 22,600.00 |
| | | | |
| | Total | | <u>\$22,600.00</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 |
|----------------|---------------------|------------|--------------------|
| 20-145-000-299 | Collection of Taxes | | \$600.00 |
| 25-265-000-204 | Fire Department | | 10,000.00 |
| 26-290-000-103 | Road Department | \$6,000.00 | |
| 26-290-002-299 | Tree Maintenance | | 6,000.00 |
| | Subtotal | 6,000.00 | 16,600.00 |
| | | | |
| | Total | | <u>\$22,600.00</u> |

03-15-2021: #7

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 legal work towards the following application(s):

150 NORTH AVENUE

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u> | <u>Amount</u> |
|-------------|--------------------|------------------------------|---------------|
| 0275775 | PB182 | Resolution Compliance Review | \$1,817.75 |

216-34 NORTH AVENUE

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u> | <u>Amount</u> |
|-------------|--------------------|----------------|---------------|
|-------------|--------------------|----------------|---------------|

| | | | |
|---------|-------|------------------|---------|
| 0275776 | PB180 | Site Observation | \$89.50 |
|---------|-------|------------------|---------|

376 NORTH AVENUE

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u> | <u>Amount</u> |
|-------------|--------------------|-----------------------------|---------------|
| 0275777 | PB181 | Engineering Review & Report | \$89.50 |

100 SOUTH WASHINGTON AVE – PRISM (Retail, Apartments, Clubhouse)

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u> | <u>Amount</u> |
|-------------|--------------------|------------------|---------------|
| 0275779 | PE21 | Site Observation | \$2,195.50 |

BRUDNER REDEVELOPMENT - FORCE MAIN

| <u>Inv.</u> | <u>P.O. Number</u> | <u>Purpose</u> | <u>Amount</u> |
|-------------|--------------------|--------------------------|---------------|
| 0275778 | PE20 | Construction Observation | \$2,435.75 |

03-15-2021: #8

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 PORCAP 8

| TSC | Block | Lot | Owner/Address | Principal | Interest | Premium | Total |
|------|-------|-----|-----------------------------------|-----------|----------|---------|---------|
| 19-9 | 37 | 9 | US BANK TRUST NA 619 SECOND ST | 998.29 | 49.82 | 1100.00 | 2148.11 |

TOTAL REFUNDED \$2148.11

03-15-2021: #9

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 Veterans of Foreign Wars Post #5479.

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

03-15-2021: #10

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.

Reports:

Mrs. Rios: 1) for the Dunellen Arts and Culture Commission, Wednesday will be the last day for Shamrock Showers and the Yarn Bomb is on their Facebook page. It was very popular last year and we are asking the public to donate a 9 inch by 31 inch crocheted or woven rectangle for placement on the downtown parking meters, donations to be dropped off at the Dunellen Library; 2) the Dunellen Downtown Management Organization will be having an event in Washington Park called Spring into Fitness on April 17th; 3) there will be a food drive on March 20th with donations being accepted on 3/19 at the Living Hope Church on Whittier Avenue; 4) the Easter Bunny will be going around town on a Dunellen Fire Truck on March 28th; 5) check out the hours of the Dunellen Public Library on their Facebook page; 6) the Dunellen PTO will be having a Tricky-Tray on May 15th.

Mrs. Burke: 1) articles for *The Dunellen Report* are due this weekend; 2) thanked OEM Coordinator Homer Mosley who has arranged for elected officials training; 3) thanked the Dunellen Police—in February, 337 summonses were issued. Thanked Detective Goldman who investigated and arrested an individual responsible for multiple burglaries.

Mr. Reid: 1) the Department of Public Works started work cleaning up the Strip Joint property; 2) the Buildings and Grounds Committee began an assessment of our properties. We have repaired a leak in the Police Locker room; 3) are reviewing Library roof repair quotes

Dr. Dunne: 1) Finance Committee is looking at a long-term capital plan; 2) the Parking Authority

meeting was last week and the PA is hitting some financial difficulties and they are trying to come up with new ideas. Thanked Mayor Cilento for attending a portion of that meeting; 3) the Diversity and Inclusion Committee has received a number of applications so thanks to all of you who have submitted. They are still requesting applications; 4) she is still at home observing safety guidelines and she encourages all to wear masks and to maintain social distancing; 5) thanked all the women who paved the road before us and she believes we are one of only two majority female Councils in Middlesex County. Acknowledged Ruth Bader Ginsberg's birthday today and offered this quote from her: "Fight for the things that you care about, but do it in a way that will lead others to join you."

Mr. Sigmon: for Recreation, Baseball and Softball and Tennis registration is open. Information on their website; 2) Police and Rescue Squad are also helping with Bunny Around Town. The Recreation Commission opted for this way of observing the holiday due to the State only allowing 50 people in outdoor gatherings. We are just trying to keep everyone safe.

Mrs. Narvesen:

Department of Public Works Report

- Routinely cleaning up downtown.
- Pothole repairs throughout town, also asphalt repairs around various catch basins.
- Removed the asphalt from the concrete road on the intersection of Madison & South Avenue (area heavily riddled with potholes).
- Rebuilt a catch basin on First Street.
- Columbia Park: Crack fill repaired on the walking path, repaired sections of the split rail fence, and put up nets on the Tennis courts.

Rich "Mechanic" Repairs:

- Police Vehicles: #501, #503, #505, and #506
- Fire Chief's truck.
- DPW: Cat Backhoe, and Truck #2

2) the Dunellen School Board will have a later start to next year's opening, due to the renovations; 3) the DDMO's Spring into Fitness on April 17th will have many local fitness vendors: Zumba and Yoga and food and fun; 4) next Green Brook Flood Control Commission meeting will be Wednesday, April 7th at 7:30 pm

Mayor Cilento:

Over the past week, he has been in contact with our federal representatives. Dunellen will be a recipient of \$707,000 in stimulus funds. This will be distributed sixty days from the bill's enactment. Uses will be COVIS-19 related expenses and for lost revenue due to COVID. Funds cannot be used to fund pensions and must be used by December 31, 2024.

We received our first payment from Dunellen Stations for permit fees in the amount of \$330,000, part of the prism project. This is a great sign of the progress of the project. He encourages the Finance Committee to use these monies to keep property taxes down. Regarding marijuana, we have 190 days to decide if we want to opt out of the current legislation. If we do not, we need to decide what classes we wish to go into. Most municipalities are opting out so as to get a sense of what we want to do and to understand the legislation. Even if we opt out, we can opt back in. If we do not opt out, we must remain under the legislation for five years.

Covid-19 Update:

Since my last report on 3/12/2021, we have been made aware of eight more new cases added to Dunellen's cumulative total of 703; averaging 3 cases per day. Dunellen's cumulative death total remains at twelve.

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. The State has also set up a call support line for individuals over 75 years of age that are still waiting to schedule or reschedule their COVID-19 vaccine appointment. That number is 1-856-249-7007. 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.

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 when it is your time to get a vaccine, please consider to do so.

Dunellen Station (Art Color) Development Update:

Properties along Washington Avenue should have received a notice today from Kmetz, Inc. that work would be commencing on or about March 15th. This company is a contractor working with the Dunellen Station (Art Color) project. They issued these letters door-to-door to inform nearby property owners of the work to be conducted over the next several weeks. The contractors will be working onsite and along Washington Avenue as part of the force main and pump station improvements. If you have any further questions, please call the contractor at (732) 821-0533 or Borough Hall at (732) 968-3033.

Redevelopment:

Tonight, at the Borough Council meeting, Chelsea Builders LLC presented a conceptual architectural design of 440 North Ave. This multi-use project consists of 9-residential units and 1 -

420 Sq. ft. commercial space. The developer hopes to make the commercial space an eatery or coffee shop. The next step for the developer is to present before the planning board.

Capital Improvement Projects:

South Madison Avenue – The water company is scheduled to relocate their facilities at Lehigh the week of 3/22/2021 to facilitate storm water improvements. Our engineers, CME, are working with the gas company to relocate lines as well. Once these two are relocated, Reivax will return to the site and complete the storm pipe and concrete work, then followed by mill and pave. The timelines for completion of this project is still Spring of this year.

NJ Board of Public Utilities Regarding the Public Hearings on Optimum (Altice USA):

Tomorrow, March 16th, I will be speaking at the public hearing on the "Operations of Altice USA in New Jersey" investigation to the NJ Board of Public Utilities regarding Optimum's (Altice, USA) poor service. The public who wish to submit comments for the March 16th public hearing on the "Operations of Altice USA in New Jersey" investigation can do so by emailing board.secretary@bpu.nj.gov in PDF or Word format and must contain in the subject the caption "Docket No. CX21020139" or submitting comments through the Board's External Access Portal. Directions for e-filing can be found on the Board's website at: <https://www.bpu.state.nj.us/> by March 23rd.

Public Comment:

No one from the public spoke.

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

03-15-2021: #11

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

The Dunellen Borough Council Meeting of March 15, 2021 is adjourned.

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