

March 4, 2019

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on March 4, 2019.

Mayor Robert J. Seader called the meeting to order at 7:00 p.m. and he led the Pledge of Allegiance.

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

Present: Robert Seader, Kenneth Bayer, April Burke, Jason Cilento, Jessica Dunne, Stacy Narvesen, and Joseph Petracca

On the motion of Mr. Petracca and seconded by Mr. Bayer it was moved to accept the Minutes of February 19, 2019:

Yes: Bayer, Burke, Cilento, Narvesen and Petracca
Abstain: Dunne, due to her absence from that meeting

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

ORDINANCE 2019-02

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 19, 2019. 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 4, 2019 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.

**AN ORDINANCE ESTABLISHING PAVEMENT RESTORATION REQUIREMENTS
FOR STREET EXCAVATIONS**

WHEREAS, the Governing Body of the Borough of Dunellen is charged with establishing and maintaining safe passage and safe conditions on streets within the Borough; and

WHEREAS, a great deal of extensive utility work has been undertaken throughout the Borough which has left streets with only partial trench repairs or, at best, half-width repaving; and

WHEREAS, this situation has left numerous streets in an unsightly and unsafe condition.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that Chapter 256, Streets and Sidewalks, be amended as follows:

Add: new Chapter 256, Article III, Street Repair, Section 256-9, Restoration of Surfaces.

The permittee shall restore the surface of all streets, broken into or damaged as a result of excavation of work, to its original condition in accordance with the specifications of the Department of Public Works.

In the case of utility work undertaken by a public or private utility, which work involves placing new or replacing, or repairing of existing utility infrastructure, such as gas lines, water lines, electrical lines, and sewer lines, where the area to be trenched is greater than 50 linear feet, upon completion or within a reasonable amount of time as determined by the Borough Engineer, the permittee shall mill and repave the entire pavement surface from edge to edge, or curb to curb for the full length of the excavation in accordance with the specifications of the Department of Public Works.

This ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

At this point, Mayor Seader opened the meeting for public comment on the ordinance. No one from the public spoke. This portion was closed.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

ORDINANCE 2019-03

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 19, 2019. 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 4, 2019 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk's office for members of the general public who shall request the same.

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

Section 233-37. Sewer rates.

The sanitary sewer rates shall be as follows:

A. Owners of single family residential properties connected to the Borough sanitary sewer system shall pay a flat annual rate in the amount of \$350.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the first day of April and September, following each period for which sewer service has been provided.

B. Owners of multi-family residential properties (properties with two, three or four residential units) connected to the Borough sanitary sewer system shall pay a flat annual rate for each residential unit in the amount of \$350.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the first day of April and September, following each period for which sewer service has been provided.

C. Owners of non-residential properties, including residential properties with five or more units and mixed residential/commercial properties connected to the Borough sanitary sewer system, shall pay for sewer service based upon the amount of water supplied to the commercial property as determined by meter readings supplied by New Jersey American Water of the previous year, payable semi-annually. The apartments or rental units above or adjacent to the Commercial property will be billed at a flat rate of \$350.00 to be paid in equal installments semi-annually, and the sewer fee for the commercial parts of a mixed-use commercial/residential, or of a solely non-residential property, shall be \$4.25 per 1,000 gallons of water used at the property, whether determined by meter or estimate. Where water usage cannot be determined by meter reading, the Sewer Utility fee shall be based on the property's estimated water usage, which estimate shall be calculated using best engineering practices for the property in question. Sewer user fees are to be paid to the Dunellen Borough Sanitary Sewer Utility on the first day of April and September, following each period for which sewer service has been provided.

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

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

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

At this point, Mayor Seader opened the meeting for public comment on the ordinance. No one from the public spoke. This portion was closed.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

03-04-2019: #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: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

03-04-2019: #2

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 Trade Money LLC
29 Palisades Rd.
Old Bridge NJ 08857

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
18-18	57.02	26.02	Bayview Loan Servicing 423 High St.	868.61	13.69	1,300.00	2,182.30
TOTAL REFUNDED							\$2,182.30

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

03-04-2019: #3

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

The following FAX Machines and Printer are to be leased through Wells Fargo for a combined price of \$246.00 per month:

Clerk's Office, Account # 7-01-20-120-000-205 (\$61.50 per month) (FAX Machine)
Police Department, Account #7-01-25-240-000-205 (\$123.00 per month) (Printer)
Construction Office, Account #7-01-22-195-000-205 (\$61.50 per month) (FAX Machine)
Plus \$75.00 one-time processing fee.

With a total amount of \$3,027.00 per year.

The initial contract is for the period May 1, 2015 through December 31, 2015.

The term of this resolution is for the period April 1, 2019 through March 31, 2020.

A continuation of the contract is subject to the availability of funds in future calendar years.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

03-04-2019: #4

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

The Municipal Clerk is hereby authorized to issue a mobile food vendor license to the following establishment:

Bridgeville Ice Cream (Alice's Crew, Inc.)
713-C East Main Street, Bridgewater, NJ

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

03-04-2019: #5

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

On Time Electrical, South Plainfield, NJ, is awarded a contract to repair lighting fixtures in the Municipal Building, at an amount not to exceed \$2,200.00.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

03-04-2019: #6

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

WHEREAS, The Interlocal Services Act, N.J.S.A. 40:8-1 et seq. authorizes municipal local units to enter into contracts with one another for the purpose of providing shared services; and

WHEREAS, The Borough of Dunellen is desirous of procuring Animal Control Shelter Services for the period of January 1, 2019 through December 31, 2021 inclusive, to comply with the laws of the State of New Jersey; and

WHEREAS, The Township of Edison is desirous of supplying and undertaking the duties of Animal Control Shelter Services and fulfilling the obligations thereof as prescribed by law; and

WHEREAS, the Borough of Dunellen represents that the funds to meet the costs of this contract are included in the current budget of appropriations, or in the alternative, that there has been and there will continue to be an Ordinance authorizing the appropriation sufficient to meet the costs of carrying out the provisions of the contract.

WHEREAS, the cost of this Agreement is \$14,357.52 in 2019; \$14,644.67 in 2020; and \$14,957.56 in 2021, payable in monthly installments equal to one twelfth (1/12) of the total contract price for the respective year.

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

1. The Mayor and Municipal Clerk are hereby authorized to execute the attached interlocal service agreement with the Township of Edison for the purpose of providing Animal Control Services to said Borough.
2. The Municipal Clerk is directed to forward and execute interlocal service agreement to the Township Clerk, at 100 Municipal Boulevard, Edison, N.J. 08817, with the instructions to return a fully signed copy to the Borough for its records.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

03-04-2019: #7

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

The Dunellen American Legion Post 119 is hereby granted permission to run a penny drive (canning) fund raiser on Saturday, May 4, 2019, Sunday, May 5, 2019, Saturday, November 16, 2019, Sunday, November 17, 2019, and Saturday, November 23, 2019, on the corners of North Avenue and Washington Avenue, North Avenue and Madison Avenue, and Grove Street and Prospect Avenue, and outside business establishments (with retailers' permission) in downtown Dunellen, for the purpose of raising funds for the organization's supported charities.

The American Legion Post 119 has been notified that they must also apply to the New Jersey Department of Transportation for a permit to fund raise on state roads, and to the County of Middlesex for a permit to fund raise on county roads, and that this Dunellen Borough Council approval is granted subject to the final approval of the NJDOT and the Middlesex County Department of Transportation.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

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

03-04-2019: #8

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

Whereas, a request was made by Kimberly Trotta to hold a block party on Monday, May 27, 2019, on the 200 block of Second Street, from 12:00 PM to 8:00 p.m.

Now therefore be it resolved that permission is hereby granted to Kimberly Trotta to hold a block party, and

Be it further resolved that by virtue of this resolution, the Police Department will be notified of the street closing and the Public Works Department will supply the necessary road barricades.

Kimberly Trotta
202 Second Street
Dunellen, NJ 08812

Yes: Bayer, Cilento, Dunne, Narvesen and Petracca
Abstain: Burke, as a resident of the 200 block of Second Street

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

03-04-2019: #9

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

Robert Venezia is hired as a consultant to the Dunellen Department of Public Works to review department policies, procedures and practices, for an amount not to exceed \$5,000.00.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca

Reports:

Mr. Petracca: no report.

Mrs. Burke: 1) the Dunellen Public Library will be offering computer classes to the public on Saturdays, 12:30 – 2:30, registration required; 2) Friends of the Library fund raiser at Texas Roadhouse on March 14th; 3) thanked Mrs. Willoughby at Faber School Library for organizing “Read Across America,” a very nice event.

Mr. Bayer: 1) for the Dunellen Planning Board, the Devines application and resolution are 100% complete; 2) four teams in Little League this year and a softball team for the girls, 1st through 3rd grades; 3) opening day parade is April 13th. Alex Miller noted that there is a Girl’s Traveling Softball Team with 13 members, 1st through 3rd grades. The older girls are playing baseball on our Little League.

Dr. Dunne: 1) thanked Mr. Safar and the DPW for their hard work over the past weekend with the snow removal. She has received a number of compliments on their behalf; 2) the head of Dunellen Rugby (her husband, Chris) was recently named one of thirty coaches across the United States to receive a scholarship to go to England to study Rugby. He will bring his knowledge back to Dunellen; 3) She, Jason and Bill have received the mock-ups for the new web site and we will be reviewing them.

Mr. Cilento: 1) both the Transit Hub Study and the Bloustein SID Study are moving along well and will report to the Council in April; 2) the beer and wine fund raiser for the Dunellen PBA will be April 5th at the Knights of Columbus; 3) asked Bill about the Altice Franchise Agreement. Bill responded that he has repeatedly asked Marilyn Davis for the answers to the questions posed at the public hearing, but she has not yet delivered on them.

Mrs. Narvesen: 1) she met with the Playground Committee and they are brainstorming ideas on getting the community involved in cleaning things up and making everything pretty.

Mayor Seader: 1) Judge Fackelman is retiring in April so we will be searching for a new judge; 2) suggested that the Playground Committee may want to get involved in the planned new Gazebo in Columbia Park, specifically a fund raiser of a brick memorial walkway adjacent to the Gazebo. A price might be \$100 per engraved brick. This might be done in conjunction with an Eagle Scout project. Stacy will convey the idea to the Playground Committee at their next meeting; 3) asked Ron for a status update on the Orange Street project. Ron related the current situation and problems encountered; 4) tennis courts should start later next month though the football field hit a small snag as we need a DEP permit to install a drain under the field itself; 5) an estimate to refinish the running track is \$325,000; 6) though we are planning to pave Grove

Street this year, this might be pushed back as we found some broken sewer pipes underneath that will first need repair; 7) will be having a meeting with the new owners of the property under which will go the Railroad Culvert in order to explain what our plans are; 8) cannot fix the Gertrude Terrace pipe until we fix the Grove Street pipes. Bill reported that CME is still reviewing cameraing of the pipes in that area; 9) and we hope to get the NJDOT grant to pave South Madison Avenue and we will hear in May.

COUNCIL DISCUSSION

Social Media Policy:

Mr. Cilento presented the draft policy to the Council. He explained how the current version was written by Jason, Jessica, John and Bill using models from other municipalities. In brief, the purpose of the Social Media Policy is to set forth and establish guidelines for borough employees and agencies who own or contribute to social media platforms.

Dr. Dunne noted the policy includes definitions of who is a borough employee and what is a borough agency or entity as they relate to the issue of social media. Those sites that are not borough entities but whose purpose is, in part, to include information about the borough (Dunellen 411 as an example) would contain disclaimers that they are not borough entities and will have links to our policy.

Mayor Seader asked: what if someone sets forth a complaint against one of our departments on Dunellen 411, what are we supposed to do about that? Dr. Dunne responded that when that happens, councilpersons should advise the resident to contact them directly via email or would direct the resident to the appropriate department. It would be, not so much correct as to re-direct the resident.

Mr. Cilento continued, in the “comments” section of the policy, it is stated that any official borough social media site is not the proper forum for complaints. Rather, residents should be directed to borough departments or offices.

Mayor Seader posed the actual example of someone a few weeks ago who had made allegations against a police officer, charges that were later determined to be totally unfounded. Dr. Dunne responded that the proper response would be a “no comment” policy and the police (or other particular agency) should be separately notified so they are aware of what was posted.

Mayor Seader asked if there is anyone designated to respond to these kinds of complaints from social media? Mr. Cilento responded that there is not, but this policy prevents any borough official from responding in a “political” or “partisan” way to any social media comment. He noted that borough officials who have personal social media pages might be able to respond as private persons. Dr. Dunne noted that the policy calls for a borough official or employee to identify himself as an official and clearly state that his/her posting is in an official capacity, or not.

Mr. Petracca questioned this, noting that he deems it impossible to separate the private from the public figure and that anyone reading a “private” comment from a public official or employee would quite naturally regard any statement as being voiced in an official capacity. You simply cannot differentiate between the two. “You cannot change the hats.”

Mrs. Burke noted that if she were to make a comment on a private site on a clearly non-official topic, then that would be OK. But if she commented on an official page, it would be as a public official.

Mayor Seader asked how OPRA requests would be handled? Mr. Bruder responded that these sites are subject to OPRA. Mr. Robins agreed and noted that there is the additional issue of providing material that had been posted but was subsequently removed. This deleted information might be subject to OPRA, but how to obtain what is no longer there? He is investigating companies that “archive” social media sites. Mr. Bruder reminded councilmembers that emails are also subject to OPRA and he advised everyone to use only their official emails for borough business. Furthermore, he cautioned councilmembers against responding directly to complaints on social media sites; rather, they should direct the commenter to the appropriate municipal office. You want to avoid explaining as much as possible. Dr. Dunne responded that 19 times out of 20, none of us is responding to the comments. Mr. Bruder agreed: you do not want to get caught up in the fray.

Mrs. Burke asked whether other borough entity sites have any say in this? No; they are expected to follow the policy as approved by the Council.

Dr. Dunne also noted that we will have “alias accounts” so the borough will have access to all official sites. This enhances continuity for these sites in the event their own administrator leaves.

Mrs. Burke asked: who will maintain the borough’s Facebook page? At this point, we do not have one. Mr. Bruder stated that under the policy, the mayor would appoint a Social Media Committee to oversee and monitor such sites.

Mayor Seader stated that his main concern is if someone posts something that is untrue, how do we handle this? How do we hold these people accountable? Mr. Bruder responded that if anyone posts to a private site (ex., Dunellen 411) there is no recourse to regulate them. But if the scenario is that on a private page, a poster uploaded something derogatory, and then a borough employee endorsed that statement, the employee might be subject to discipline as if they had said it verbally to anyone else. The Social Media Policy holds that employees are bound by all other borough policies and will be held to the same standards as if they were sitting here in chambers.

The next step is for councilpersons to review and send comments to Mr. Robins who would then send on to Mr. Bruder. Then placed on the Agenda for adoption by the Council.

PUBLIC PORTION

Hal Vandermark, 130 Kline Place: 1) praised the DPW for their snow removal efforts over the past weekend; 2) noted that there appears to be an increase in speeding in town. Dunellen used to have the reputation of the town where you should not speed; and 3) the right turn only sign at Front and North Washington. Mayor Seader responded that the police cannot enforce that sign because we do not have an ordinance. To obtain such an ordinance, we would need a traffic study that could cost more than \$6,000 and which might not in the end justify such a sign.

Ellen Kelly, 519 Lincoln Avenue: is very concerned regarding social media. She agreed: once you get elected to the Council, people regard you only as an official of the town. And she agreed that a councilperson’s personal accounts could be subject to subpoena.

Homer Mosely, 113 Pearl Place: advised not to commingle a personal account with official borough business.

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

03-04-2019: #10

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

The Dunellen Borough Council Meeting of March 4, 2019 is adjourned.

Yes: Bayer, Burke, Cilento, Dunne, Narvesen and Petracca
