

May 21, 2018

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on May 21, 2018.

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

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

Present: Robert Seader, Kenneth Baudendistel, Kenneth Bayer, Jason Cilento, Jessica Dunne and Joseph Petracca

Absent: Jeremy Lowder

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On the motion of Mr. Petracca and seconded by Mr. Cilento it was moved to accept the Minutes of May 7, 2018:

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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At this point, Mr. Robins read the following Proclamation:

## **PROCLAMATION**

### **Supporting the *Click It or Ticket* Mobilization of May 21 – June 3, 2018**

**WHEREAS**, there were 626 motor vehicle fatalities in New Jersey in 2017; and

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

**WHEREAS**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 21 – June 3, 2018 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94% to 95.5%; and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Dunellen declare their support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 21 – June 3, 2018 and pledge to increase awareness of the mobilization and the benefits of seat belt use.

At this point, Kevin Condu was appointed as a probationary police officer. There was the hiring resolution then a brief swearing in ceremony with oath of office and photographs.

**05-21-2018: #1**

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

Kevin Condu is hereby appointed as a probationary police officer in the Dunellen Police Department at an annual salary of \$42,073.00, effective starting date of 21 May 2018, subject to execution of Agreement and Promissory Note.

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Mayor's Appointments to Commissions and Authorities

Accept resignation of Leah Bartlome Michelle Klastava from the Dunellen Downtown Management Organization

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

**BOROUGH OF DUNELLEN**

**ORDINANCE 2018-04**

The following Amendment to Section 7.2, Relationship of the Plan to the Borough Land Development (Zoning) Regulations of Dunellen's Redevelopment Plan is being Introduced for first reading on May 21, 2018. It will be presented for Public Hearing and Adoption on June 4, 2018 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, and November 2017.

**7.2 Relationship of Plan to the Borough Land Development (Zoning) Regulations**

The land use controls and building restrictions set forth in this Redevelopment Plan shall apply to all new development within the Redevelopment Area and shall supersede any requirements set forth in the Borough of Dunellen Zoning Ordinance. All existing uses will be permitted to remain in the Redevelopment Area; however, any change in use or major alterations to any building or structures will be required to meet the land use and building requirements contained in this Redevelopment Plan. All the redevelopment regulations not addressed herein shall

remain applicable. It is recognized that all development is contingent upon all necessary state, county and local approvals.

Site plan approval from the Borough's Planning Board in accordance with the Municipal Land Use Law ("MLUL") shall be required for all development within the Redevelopment Area, together with any other local approvals that may be required under a Redevelopment Agreement, which shall also be required. The Planning Board shall have the authority to grant variances that would be considered (c) variances under the Municipal Land Use Law and design waivers during the site plan approval process.

Further, the Planning Board, which is a consolidated board pursuant to N.J.S.A. 40:55D-25(c), shall also have the authority to grant certain variances which are considered to be (d) variances under the MLUL, provided, however, that the power of the Planning Board to grant such variances shall be limited and restricted to those enumerated in N.J.S.A. 40:55D-70(d) 3, 4, 5 and 6.

Moreover, those (d) variances enumerated in N.J.S.A. 40:55D-70 (d)(1) and (2) shall not be within the jurisdiction of the Planning Board to grant but, rather, any such proposed variance under the aforesaid subsections (1) and (2) shall require an amendment to this Redevelopment Plan by ordinance in accordance with the local redevelopment and housing law.

**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 an amended Section 7.2; and
3. This Ordinance shall take effect in accordance with applicable law following final adoption and publication thereof.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

**ORDINANCE 2018-05**

**BOROUGH OF DUNELLEN**

**The following DUNELLEN SALARY ORDINANCE is being Introduced for first reading on May 21, 2018. It will be presented for Public Hearing and Adoption on June 4, 2018, at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Copies of this ordinance will be posted on the Municipal Bulletin Board, and will be available at the Office of the Borough Clerk for any interested members of the public.**

The following are base salaries, without longevity or benefits:

<u>Step</u>	<u>Minimum</u>	<u>Maximum</u>
11	\$100,000.00	\$150,000.00
10	\$75,000.00	\$110,000.00
9	\$60,000.00	\$74,999.00
8	\$45,000.00	\$63,000.00
7	\$35,000.00	\$55,000.00
6	\$30,000.00	\$48,000.00
5	\$25,000.00	\$40,000.00
4	\$15,000.00	\$25,000.00
3	\$8,000.00	\$19,999.00
2	\$2,000.00	\$12,000.00
1	\$1,000.00	\$4,999.00

**Full-Time Positions**

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

**Part-Time Salary Positions**

Municipal Attorney	7
Construction Code Official	6
Municipal Judge	5
Chief Financial Officer	5
Tax Assessor	4
Tax Collector	3
Municipal Prosecutor	3
Property Maintenance/Code Enf.	3
Sewer Inspector	3
Public Defender	2
Office of Emergency Management	2
Sub Code Official (Electrical, Fire, Plumbing)	2
Sign Ordinance Enforcement Officer	1

<b><u>Part Time – Hourly</u></b>	<b><u>Minimum</u></b>	<b><u>Maximum</u></b>
Sewer Inspector - Additional Hourly	\$30.00	\$48.00
Substitute Deputy Clerk (Court)	\$25.00	\$35.00
Interpreter	\$20.00	\$30.00
Tax Assessor Assistant	\$15.00	\$30.00
Acting Recreation Director	\$20.00	\$25.00
Planning Board Secretary	\$12.00	\$25.00
Tax Clerk	\$12.00	\$18.00
Construction Office Assistant	\$12.00	\$18.00
Head School Crossing Guard	\$12.00	\$17.00
Police Administrative Assistant	\$12.00	\$18.00
Clerk’s Administrative Assistant	\$9.00	\$16.00
Violations Clerk (Court)	\$10.00	\$15.00
Senior Citizen Van Driver	\$10.00	\$15.00
School Crossing Guard	\$10.00	\$15.00
Laborer	\$10.00	\$14.00
Janitor	\$9.00	\$13.00
Recreation Department part-time	\$8.00	\$15.00

**Part-Time - Monthly/Meeting**

Planning Board Recording Secretary	\$275/meeting	\$300/meeting
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**Elected Officials**

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

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

**ORDINANCE 2018-03**

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

**AN ORDINANCE TO VACATE A PORTION OF SOUTH AVENUE AND TO RELEASE  
AND EXTINGUISH THE PUBLIC RIGHTS EXISTING THEREIN**

**The following ordinance was Introduced for first reading on May 7, 2018. A public hearing and adoption is now being held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 21st day of May, 2018. Copies of this Ordinance have been posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance have been available at the Office of the Borough Clerk for any interested members of the public.**

**WHEREAS**, a portion of South Avenue is a street in the Borough of Dunellen, County of Middlesex, State of New Jersey; and

**WHEREAS**, said portion of South Avenue is adjacent to Block 85, Lots 1 and 2 on the Official Tax Map of the Borough of Dunellen; and

**WHEREAS**, Block 85, Lots 1 and 2 are part of the Redevelopment Area included in the Amended and Restated Dunellen Downtown Redevelopment Plan; and

**WHEREAS**, the designated Redeveloper has made application to the Mayor and Council of the Borough of Dunellen, for the vacation of the hereinafter described portion of South Avenue; and

**WHEREAS**, N.J.S.A. 40:67-1(b) authorizes the governing body of every municipality to adopt an ordinance to vacate any public street or any part thereof; and

**WHEREAS**, pursuant to N.J.S.A. 40:49-6 a municipality must publish ordinances that authorize vacations of land in the manner required by N.J.S.A. 40:49-2, except that every such ordinance, after being introduced and having passed a first reading, shall be published at least once not less than ten (10) days instead of one week prior to the time fixed for further consideration for final passage, and, at least one week prior to the time fixed for final passage, a copy of such ordinance, together with a notice of the introduction thereof and the time and place when and where the ordinance shall be considered for final passage shall be mailed to every person whose lands may be affected by the ordinance; and

**WHEREAS**, the Borough Council of the Borough of Dunellen has determined that it would fulfill a public purpose to vacate a portion of South Avenue (as more fully described on Exhibit A, attached hereto and made a part hereof) as same is not needed nor used as a public street.

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

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

Section 2. That a portion of South Avenue, as more fully described in Exhibit A, attached hereto and made a part hereof, be and hereby is vacated and the public rights therein be and hereby are released and extinguished.

Section 3. The Clerk and Mayor of the Borough are hereby authorized and directed to execute any documents which may be required to effectuate said vacation.

Section 4. That the Borough of Dunellen, pursuant to the provisions of N.J.S.A. 40:67-1(b), hereby expressly reserves and excepts from vacation all rights and privileges currently possessed by public utilities (as defined in N.J.S.A. 48:2-13) and by any cable

television company (as defined in N.J.S.A. 48:5-1, et seq.), to maintain, repair and replace their existing facilities, in, adjacent to, over or under the street, or any part thereof, to be vacated.

Section 5. The Clerk shall publish this Ordinance in the manner provided for in N.J.S.A. 40:49-6.

Section 6. Within thirty (30) days after this Ordinance becomes effective, the Clerk shall file a certified copy thereof, together with proof of publication thereof, in the office of the Middlesex County Clerk to be recorded in a book with property index to be provided for this purpose entitled "Vacations", in accordance with the provisions of N.J.S.A. 40:67-21.

Section 7. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudicated by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 8. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 9. This ordinance shall take effect in accordance with all applicable laws.

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

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

**05-21-2018: #2**

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

The bills, as per the attached list, are hereby authorized for payment.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

**05-21-2018: #3**

**RESOLUTION AUTHORIZING APPLICATION FOR A LOAN FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM**

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

Resolution Number: 05-21-2018: #3

Loan Number S 340916-03

WHEREAS, the Borough of Dunellen intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the:

Supplementary Railroad Culvert Flood Mitigation Project

NOW, THEREFORE, BE IT RESOLVED, THAT William Robins, Borough Administrator, be authorized to act as the Authorized Representative to represent the Borough of Dunellen in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at:

355 North Avenue  
Dunellen, NJ 08812  
732-968-3033

I do hereby certify that the foregoing is a correct and true copy of a Resolution adopted by the Borough of Dunellen at a meeting duly held on the 21<sup>st</sup> day of May, 2018.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

**05-21-2018: #4**

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

Tara Klezer is hired as a stenographer/reporter for the Dunellen Planning Board and is to be compensated for her appearance at a Planning Board Meeting on Monday, April 23, 2018, for an amount not to exceed \$250.00. This payment is to come out of Account # 8-01-21-180-000-220.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca



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

**05-21-2018: #5**

**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.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

**05-21-2017: #6**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Dunellen, County of Middlesex, State of New Jersey, hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Dunellen Municipal Alliance grant for fiscal year 2019 in the amount of:

Alliance DEDR Allocation	\$7,500.00
Cash Match	\$1,875.00
In-Kind Match	\$5,625.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

**05-21-18: #7**

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION  
BY RIDER FOR DONATIONS – ACCEPTANCE OF BEQUESTS AND GIFTS  
REQUIRED BY N.J.S.A. 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance, and

WHEREAS, N.J.S.A 40A:5-29 provides for receipt of Donations – Acceptance of Bequests and Gifts for the Dunellen Police Department for Fingerprinting by the municipality to provide for the operating costs to administer this act, and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Donations – Acceptance of Bequests and Gifts for the Dunellen Police Department for Fingerprinting are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Donations – Acceptance of Bequests and Gifts for the Dunellen Police Department for Fingerprinting, as authorized under N.J.S.A. 40A:5-9.
2. The Borough Clerk of the Borough of Dunellen, County of Middlesex is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

**05-21-2018: #8**

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

2018 Summer hours for employees of the Municipal Clerk’s Office, Tax Office, and Municipal Court will be as follows, for the term May 25, 2018 to August 31, 2018:

Monday through Thursday – 8:30 a.m. to 4:30 p.m., with a one hour lunch break

Friday – 8:30 a.m. to 1:00 p.m.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

**05-21-2018: #9**

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 and November 2017; and

Whereas, on May 21, 2018, the Dunellen Borough Council introduced for first reading Ordinance 2018-04, an Amendment to Section 7.2, Relationship of Plan to the Borough Land Development (Zoning) Regulations of Dunellen’s Redevelopment Plan; and

Whereas, the entirety of this amendment reads:

**7.3 Relationship of Plan to the Borough Land Development (Zoning) Regulations**

The land use controls and building restrictions set forth in this Redevelopment Plan shall apply to all new development within the Redevelopment Area and shall supersede any requirements set forth in the Borough of Dunellen Zoning Ordinance. All existing uses will be permitted to remain in the Redevelopment Area; however, any change in use or major alterations to any building or structures will be required to meet the land use and building requirements contained in this Redevelopment Plan. All the redevelopment regulations not addressed herein shall remain applicable. It is recognized that all development is contingent upon all necessary state, county and local approvals.

Site plan approval from the Borough’s Planning Board in accordance with the Municipal Land Use Law (“MLUL”) shall be required for all development within the Redevelopment Area, together with any other local approvals that may be required under a Redevelopment Agreement, which shall also be required. The Planning Board shall have the authority to grant variances that

would be considered (c) variances under the Municipal Land Use Law and design waivers during the site plan approval process.

Further, the Planning Board, which is a consolidated board pursuant to N.J.S.A. 40:55D-25(c), shall also have the authority to grant certain variances which are considered to be (d) variances under the MLUL, provided, however, that the power of the Planning Board to grant such variances shall be limited and restricted to those enumerated in N.J.S.A. 40:55D-70(d) 3, 4, 5 and 6.

Moreover, those (d) variances enumerated in N.J.S.A. 40:55D-70 (d)(1) and (2) shall not be within the jurisdiction of the Planning Board to grant but, rather, any such proposed variance under the aforesaid subsections (1) and (2) shall require an amendment to this Redevelopment Plan by ordinance in accordance with the local redevelopment and housing law.

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

4. The foregoing recitals are incorporated herein by reference as if fully set forth at length; and
5. The Redevelopment Plan is hereby amended to include an amended Section 7.2; and
6. 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 2018-04 be forwarded to the Dunellen Planning Board for review and a report containing its recommendation regarding the proposed amended ordinance.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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Reports:

Mr. Petracca: no report.

Mr. Baudendistel: 1) asked the Council if we might consider installing signs in our parks, similar to the "Welcome to Dunellen" signs, with sponsorships. He has spoken with John Gibney about their construction. Council approved the idea; 2) Dunellen Downtown Management Organization hung flower baskets on the North Avenue light poles; 3) we have banners that we cannot be hung on the poles and are now in the Yard, so if anyone has a placement idea for these until we fix the poles, please suggest it; 4) asked Mr. Bruder about the status of the Strip Joint. He is consulting with environmental attorneys. Ron is also getting quotes on demolition.

Mr. Bayer: 1) DPW have been focusing on filling potholes along the Memorial Day Parade route; 2) Nature's Choice, which is contracted to remove the brush from the Yard, has no room in their dumps so they are enforcing the 5-caliper rule. We could bring in a tub grinder and reduce the pile (at a cost) and then there would also be a removal fee. Fanwood did something like this, at \$5,000 per day. Various options were discussed including selling the resulting mulch.

Dr. Dunne: 1) from the School District: the National Arts Honor Society Induction is the following night and the High School Middle School Band Concert is Wednesday night.

Mr. Cilento: 1) Recreation/Memorial Day Parade is on May 28<sup>th</sup> at 10:00 am and starts at the Library; 2) please submit what you have for *The Dunellen Report*; 3) informed the Council on

the meeting held earlier today with the representatives from the North Jersey Transit Hub project. Himself, Ken Baudendistel, Dr. Robins, and Julie Grof. They just wanted to get to know us and the borough and they will be putting together a plan that will be presented to the Council; 4) DACC is working on the rail decoration project on Prospect Avenue.

Mayor Seader: 1) Memorial Day Parade looks like it will be well attended with marchers; 2) the redevelopers came before the Planning Board and will need at least one more meeting to complete their presentation.

Mr. Bruder: noted that Governor Murphy was moving ahead on his plans to legalize marijuana and many municipalities are taking action in opposition, mostly through resolutions that are being sent to Trenton as messages that they are against the use of recreational marijuana. He asked the Council if they wished him to put together a resolution that could be circulated and then Council could decide if they wanted it to be placed on the Agenda. A second action municipalities are taking is the adoption of ordinances making it unlawful to engage in the recreational use of marijuana. Municipalities are trying to get these in place before the Governor takes any action to legalize it. It may or may not “grandfather” it but a lot of municipalities are going that route. He continued that though state statutes do supersede local ordinances, there are a number of circumstances in which the state statute does permit such a “grandfathering.” The resolution would be a statement of opposition to recreational marijuana and the ordinance would ban the use or sale of recreational marijuana. Medicinal use would still be permitted. The ordinance would state that we do not want it in certain areas such as near schools or churches.

Mr. Baudendistel asked if there have been problems in states that have legalized it. Mr. Bruder responded that there have been problems such as an increase in DWIs. Mr. Petracca noted that stores that sell marijuana largely deal in cash which could lead to the potential for crimes.

Mayor Seader noted that Chief Nelson is against it because there is no machine that accurately measures how high a person is. Mr. Bruder responded that the Chief is partly correct. Marijuana has a half-life of 28 days so the argument could go that it is impossible to determine when ingestion occurred. But this is where Drug Recognition Experts come in where they run a battery of tests on an individual and based on those tests they call whether a person is under the influence of a controlled dangerous substance. Mr. Baudendistel raised the issue of whether marijuana sales might or might not be beneficial to our downtown businesses. Others wished to have more facts and data upon which to base their decisions. Mayor Seader stated that sometimes you have to vote your conscience on an issue. Mr. Bruder read some statistics gathered from Colorado: marijuana traffic deaths have more than doubled from 55 deaths to 125 deaths; Colorado’s marijuana youth rate is the highest in the nation; drug related student expulsions increased by 32%; college use rate is considerably higher than the national average; college students with access to marijuana get lower grades than those without; in 2013, 48% of adult arrestees tested positive for marijuana; 35% increase in marijuana related Emergency Room visits; and black-market sales of marijuana have increased rather than decreased since legalization. Mr. Bruder will put together a resolution for Council consideration.

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## **PUBLIC PORTION**

No one from the public spoke.

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

**05-21-2018: #10**

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

The Dunellen Borough Council Meeting of May 21, 2018 is adjourned.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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