

November 16, 2020

Note: This meeting was held by teleconference for the public with all Council members in person.

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on November 16, 2020.

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, Kenneth Bayer, April Burke, Jessica Dunne, Stacy Narvesen, 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 November 2, 2020.

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

At this point, the following Proclamation was read into the record:

World Remembrance Day for Road Traffic Victims Proclamation

Whereas, recognizing road traffic deaths claim 1.35 million people worldwide annually, the United Nations has designated the second Sunday in November as World Remembrance Day for Road Traffic Victims; and

Whereas, the purpose of this day is to

- remember all people killed and seriously injured on the roads;
- acknowledge the crucial work of the emergency services;
- advocate for better support for road traffic victims and victim families;
- promote actions to prevent and eventually stop further road traffic deaths and injuries and.

Whereas, in 2019, according to State Police records, there were 529 road traffic fatalities, including drivers, passengers, bicyclists, and pedestrians ages 17 to 80+; and

Whereas, through November 9, 2020, there have been 487 fatalities in New Jersey, including 58 in Middlesex County; and

Whereas, the causes of these deaths include accidents at intersections, unsafe speeds, distracted driving, driving under the influence of alcohol, and driver inexperience; and

Whereas, improvements to road design and infrastructure, combined with effective laws, policies, education, and funding, improve the safety of all road users.

Now therefore be it Proclaimed, that the Borough of Dunellen, joins the United Nations in designating November 16, 2020 as World Remembrance Day for Road Traffic Victims, in recognizing roadway fatalities are not inevitable, and in promoting actions and policies to improve road safety.

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

ORDINANCE 2020-16

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION UNDER N.J.S 40A:4-53, AS AMENDED

COVID -19 SPECIAL EMERGENCY

The ordinance, the summary terms of which are included herein, is being introduced for first reading at a meeting of the governing body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on November 16, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Borough Council Chambers on December 7, 2020 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 ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such ordinance follows:

Title: ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$230,000, OR SUCH OTHER AMOUNT CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

Purpose: To provide for (i) the immediate preparation, response, recovery, and restoration of public services during such time as a public health emergency, pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), declared in response to COVID-19 remains in effect, in the amount of \$0, pursuant to N.J.S.A. 40A:4-53(l) and (ii) a deficit in operations experienced by the Borough during fiscal year 2020, in which a public health emergency pursuant to the "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency, pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.), or both, has been declared by the Governor in response to COVID 19, in the amount of \$230,000, pursuant to N.J.S.A. 40A:4-53(m).

Appropriation: \$230,000

Dr. Robins explained that his ordinance permits the municipality to pay off certain extraordinary COVID-19 related expenses in future budget years.

Dr. Dunne commented that it might be best to pay off in current years. Dr. Robins responded that this ordinance enables

us to take advantage of the extended pay-off plan. It would be up to the Finance Committee as to whether we do so.

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

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

BOROUGH OF DUNELLEN

ORDINANCE NO. 2020-15

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 November 2, 2020. 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 November 16, 2020 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance have been available at no cost and during regular business hours, at the Clerk's office for the members of the general public who have requested the same.

AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF DUNELLEN, NEW JERSEY TO CSC TKR, LLC D/B/A CABLEVISION OF RARITAN VALLEY

WHEREAS, the governing body of the Borough of Dunellen (hereinafter referred to as the "Borough") determined that CSC TKR, LLC d/b/a Cablevision of Raritan Valley (hereinafter referred to as "the Company" or "Cablevision") had the technical competence and general fitness to operate a cable television system in the Borough, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise (the "Franchise") for the placement of facilities and the establishment of a cable television system in the Borough; and

WHEREAS, by application for renewal consent filed with the Borough and the Office of Cable Television & Telecommunications on February 17, 2016, Cablevision has sought a renewal of the Franchise; and

WHEREAS, the Borough having held public hearings has made due inquiry to review Cablevision's performance under the Franchise, and to identify the Borough's future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Borough's future cable-related needs and interests;

WHEREAS, the governing body of the Borough has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision's proposal for renewal embodies the commitments set forth below, the Borough's municipal consent to the renewal of the Franchise should be given; and

WHEREAS, imposition of the same burdens and costs on other competitors franchised by the Borough is a basic assumption of the parties;

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

SECTION 1. DEFINITIONS

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) “Act” or “Cable Television Act” shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) “Application” shall mean Cablevision’s application for Renewal of Municipal Consent, which application is on file in the Borough Clerk’s office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) “Board” shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) “Borough” shall mean the governing body of the Borough of Dunellen in the County of Middlesex, and the State of New Jersey.
- (e) “Company” shall mean CSC TKR, LLC d/b/a Cablevision of Raritan (“Cablevision”) the grantee of rights under this Ordinance.
- (f) “FCC” shall mean the Federal Communications Commission.
- (g) “Federal Act” shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) “Federal Regulations” shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) “Standard installation” shall mean the installation of drop cable to a customer’s premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (j) “State” shall mean the State of New Jersey.

- (k) “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

SECTION 2. STATEMENT OF FINDINGS

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Borough hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision’s operating and construction arrangements are adequate and feasible.

SECTION 3. GRANT OF AUTHORITY

The Borough hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Borough of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

SECTION 4. DURATION OF FRANCHISE

This consent granted herein shall be non-exclusive and shall be for a term of ten (10) years from the date of issuance of a Certificate of Approval by the Board.

SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Borough and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any certificate of approval) into a system-wide franchise.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Borough and any property hereafter annexed.

SECTION 7. SERVICE AREA

Cablevision shall be required to proffer video programming service along any public right-of-way to any person's residence within the portion of the Franchise territory, as described in the Application for municipal consent, at Cablevision's schedule of rates for standard and nonstandard installation.

SECTION 8. EXTENSION OF SERVICE

Cablevision shall extend service along any public right of way outside its service area to those residences within the franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent.

SECTION 9. FRANCHISE FEE

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Borough, as an annual franchise fee, a sum equal to two percent (2%) of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Borough. The Company may use electronic funds transfer to make any payments to the Borough required under this Ordinance. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

SECTION 10. FREE SERVICE

Subject to FCC regulations, Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries. Furthermore, Cablevision shall, upon written request, provide free of charge, standard installation and monthly cable television reception to the following municipal departments:

1. Municipal Clerk's Office, 355 North Avenue, Dunellen, NJ
2. Recreation Office, 355 North Avenue, Dunellen, NJ
3. Office of Emergency Management, 355 North Avenue, Dunellen, NJ
4. Dunellen Police Station, 355 North Avenue, Dunellen, NJ
5. Construction Office, 101 Prospect Avenue, Dunellen, NJ
6. Dunellen Fire House, 231 South Madison Avenue, Dunellen, NJ
7. Dunellen Public Library, 100 New Market Road, Dunellen, NJ
8. Dunellen Department of Public Works, 265 Hall Street, Dunellen, NJ
9. Dunellen Senior Center, Columbia Park, Dunellen, NJ
10. Dunellen Rescue Squad, 415 North Avenue, Dunellen, NJ
11. Dunellen Parking Authority, 345 Front Street, Dunellen, NJ

Subject to FCC regulations, Cablevision shall, upon written request, provide free of charge one (1) Internet connection to Borough Hall, located at 355 North Avenue, Dunellen, NJ; and one (1) Internet connection to the Dunellen Public Library located at 100 New Market Road, Dunellen, NJ. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Borough:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Borough, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

SECTION 13. LOCAL OFFICE OR AGENT

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall

be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

SECTION 14. DESIGNATION OF COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

SECTION 15. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of five-hundred thousand dollars (\$500,000) for bodily injury or death to one person, and one million dollars (\$1,000,000) for bodily injury or death resulting from any one accident or occurrence stemming from or arising out of the Company's exercise of its rights hereunder.

SECTION 16. PERFORMANCE BOND

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the municipality in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

SECTION 17. RATES

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. Cablevision shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior citizen discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment

offered by the Company, including any premium channel services and pay-per-view services; and,

- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

C. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Borough files, in accordance with N.J.S.A. 48:5A-30(d), that it is capable of serving sixty percent (60%) or more of the households within the Borough. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

SECTION 18. EMERGENCY USES

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Borough pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Borough shall utilize the state-approved procedures for such emergency uses.

SECTION 19. EQUITABLE TERMS

In the event that the service of another multi-channel video program provider not subject to the Borough's regulatory authority within the Borough creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Borough lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Borough acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Borough shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, Borough shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Borough's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Borough agrees to

support the Company's petition to the Board for modification of the consent in accordance with NJS 48:5A-47 and NJAC 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

SECTION 20. REMOVAL OF FACILITIES

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS

A. Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services to the residents of the Borough as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.

B. The Borough agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Borough is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Borough's provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 21.

D. In consideration of the rights granted in this Ordinance, **Cablevision shall provide the Borough with a one-time PEG grant of up to FIFTEEN THOUSAND DOLLARS (\$15,000.00)** payable as follows: (i) an initial grant payment of SIX-THOUSAND DOLLARS (\$6000.00) within ninety (90) days of the issuance of the Certificate of Approval by the Board of Public Utilities (the "Initial Grant"); and (ii) nine (9) grants of ONE THOUSAND DOLLARS (\$1,000.00), each provided in annual installments upon written request by the Borough after the first anniversary of the effective date of this consent (the "Annual Grant"). The Annual Grant shall be payable to the Borough within ninety (90) days from receipt of the Borough's annual written request. Cablevision shall not be obligated to make any additional payments beyond year ten of the franchise term.

E. The Borough agrees that the Initial Grant and the Annual Grant provided pursuant to Paragraph E shall be used for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. On request, the Borough shall provide Cablevision with a certification of compliance with this Section 21(E).

F. The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1.

SECTION 22. INCORPORATION OF APPLICATION

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

SECTION 23. CONSISTENCY WITH APPLICABLE LAWS

This consent shall be construed in a manner consistent with all applicable federal, State and local laws, as such laws, rules and regulations may be amended from time to time.

SECTION 24. SEPARABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 25. NOTICE

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Altice USA
1111 Stewart Avenue
Bethpage, NY 11714
Attention: Vice President for Government/Public Affairs

With a copy to:

Cablevision of Raritan Valley
1111 Stewart Avenue
Bethpage, NY 11714
Attention: Legal Department

Notices to the Borough shall be mailed to:

Borough of Dunellen
355 North Avenue
Dunellen, New Jersey 08812
Attention: Borough Administrator

Notwithstanding anything herein to the contrary, regulatory notices from the Company to the Borough which are required pursuant to federal and state law and regulations may be served electronically upon the Borough, instead of by first class mail as described above, to an email address provided by the Borough.

SECTION 26. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL

This Ordinance shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon the passage, and publication as required by law.

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

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

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

11-16-2020: #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, Dunne, Narvesen, Rios and Sigmon

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

11-16-2020: #2

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

To:

Account	Title	S&W	Other Expenses
20-120-101	Borough Clerk	\$1,600	
20-130-101	Financial Administration	500	
20-165-299	Engineering Services		\$10,000
25-265-299	Fire Hydrant Service		1,000
26-290-101	Road Repairs	10,000	
36-477-000	Defined Contrib. Retirement		700
43-495-000	Public Defender		4,500
	Subtotal	\$12,100	\$16,200
	Total	\$28,300.00	

Dr. Dunne asked the purpose of this resolution. Dr. Robins responded that when the Budget is adopted each year, appropriations are set for each department. Toward the end of the fiscal year, the last two months, some departments may need additional funds while others will not need their total appropriation. After November 1st it is permissible to transfer between departments. Scott Olsen, CFO, confirmed this. He explained each of the requested transfers.

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

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

11-16-2020: #5

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

CME Associates, on behalf of the Borough of Dunellen, is authorized to make application to the New Jersey Department of Transportation for a Transportation Alternatives Set-Aside grant.

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

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

11-16-2020: #6

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

The Dunellen Municipal Clerk is authorized to advertise a Request for Proposals for an Information Technology Consultant for the borough.

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

Resolution 11-16-2020: #7 was removed

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

11-16-2020: #7-A

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

RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY TO SUBMIT AN APPLICATION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL OF A SPECIAL EMERGENCY IN THE AMOUNT OF \$230,000, OR SUCH OTHER AMOUNT CERTIFIED BY SUCH DIRECTOR, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M)

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than a majority of all members thereof affirmatively confirming) AS FOLLOWS:

Section 1. The Borough of Dunellen, in the County of Middlesex, New Jersey (the "Borough") hereby approves the application prepared by the Chief Financial Officer of the Borough in the form attached hereto as Exhibit A, seeking the approval of the Director of the Division of Local Government Services (the "Director") of a special emergency in the amount of \$230,000, or such other amount certified by the Director, for the purposes set forth in N.J.S.A. 40A:4-53(l) and/or N.J.S.A. 40A:4-53(m).

Section 2. The Borough hereby further authorizes and directs the Chief Financial Officer of the Borough to submit said Application to the Director by no later than December 1, 2020. If necessary for any reason, the Borough hereby further authorizes the Chief Financial Officer of the Borough to submit to the Director a written request for an extension of the December 1, 2020 deadline and to file such Application on or prior to such extended deadline granted by the Director, if any.

Section 3. This resolution shall take effect in accordance with applicable law.

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

CONSENT AGENDA:

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

11-16-2020: #8

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

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

Highland Babba – 14 South Washington Avenue

11-16-2020: #9

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

Be it resolved by the governing body of the Borough of Dunellen, New Jersey, that:

The Treasurer is hereby authorized to issue the following checks to King Moench Hirniak & Mehta, LLP., from the Interim Cost Agreement Escrow Account for legal work done toward Dunellen Stations redevelopment, subject to the refunding of the Account:

<u>King Moench</u>	<u>Purpose</u>	<u>Amount</u>
91653	Redevelopment	\$464.00
	Total	\$464.00

11-16-2020: #10

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

Be it resolved by the governing body of the Borough of Dunellen, New Jersey, that:

The Treasurer is hereby authorized to issue the following checks to Windels Marx Lane & Mittendorf, LLP., from the Interim Cost Agreement Escrow Account for work done toward **Dunellen Stations** redevelopment, subject to the refunding of the Account:

<u>Windels Marx File Number</u>	<u>Bill Number</u>	<u>Amount</u>
0305764-0000001	47742	\$19,579.60
	Total	\$19,579.00

11-16-2020: #11

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

Be it resolved by the governing body of the Borough of Dunellen, New Jersey, that:

The Treasurer is hereby authorized to issue the following checks to CME Associates from the “100 South Washington Street Escrow Account” for engineering work done for the Dunellen Planning Board:

<u>CME Associates</u>	<u>Amount</u>
0269811	\$255.00
Total:	<u>\$255.00</u>

11-16-2020: #12

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

Be it resolved by the governing body of the Borough of Dunellen, New Jersey, that:

The Treasurer is hereby authorized to issue the following checks to CME Associates from the “Storm Bypass Site Observation Account” for engineering work done for the redevelopment at Dunellen Stations, subject to the refunding of the Account.

<u>CME Associates</u>	<u>Amount</u>
0269812	\$252.00
Total:	<u>\$252.00</u>

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

REPORTS:

Mrs. Rios: 1) the Library is offering free Wi-Fi outside the building and has contactless pickup; 2) the Municipal Alliance is having a contest called the Great American Smoke-out which encourages children to live healthy, happy drug-free lives. It is a video contest with a due date of November 30th. For more information, go to the Municipal Alliance Facebook page.

Mrs. Burke: 1) thanked Mayor Cilento for virtually visiting her Girl Scout troop on Election Day where he discussed his role while the girls earned their Democracy badge; 2) the Police Department had over 250 motor vehicle stops in October and over 300 summonses were issued; 3) the Police Department continues to collect data on the digital speedometers. To date, they have

been placed on Madison, Jackson, Walnut, Prospect and Second Street. She encourages residents to contact the police if they believe there is excessive speeding on their streets; 4) the officers are participating in “no shave November” in honor of Chief Cappella. A scholarship will be awarded to a graduating senior; 5) the Fire Department will be selling Christmas Trees which are expected to arrive around Thanksgiving; 6) OEM completed a shelter site check and visited the schools; 7) the deadline for the next issue of the *Dunellen Report* is December 15th; 8) she suggested that we use Google Calendar for borough events.

Mr. Bayer: 1) last week he and Councilperson Narvesen had a meeting with the Maurer House Committee. They went over plans for the house and ideas for future financing. A full report will be forthcoming; 2) the Finance Committee met last night where they discussed the COVID-19 ordinance; 3) the DPW contract is being moved forward as is the PBA contract; 4) Middlesex County took samples for the mill and pave project.

Mr. Sigmon: 1) we now have an official Facebook page: “Borough of Dunellen, NJ” and he encourages everyone to use this as an official site for borough information.

Dr. Dunne: 1) she reminded the public that if anyone has a concern, a Facebook page is not the best way to make your issue known. The better way is to contact Borough Hall, Councilmembers, or the Mayor; 2) she thanked the men of the DPW for speedily cleaning up after last night’s storm. Over the past two weeks, the DPW has been busy with leaf cleanup and pick up. They have also undertaken daily cleaning of downtown, have placed flags on the streetlight poles for Veterans Day (Downtown), then removed them after Veterans Day, have cleaned catch basins lids throughout the town, have installed a new flagpole in Columbia Park (by the gazebo) and it looks great, have checked headwalls before and after heavy rain, removed stump grinding at multiple locations, and have cleaned basins on the 200 block of Prospect Avenue. Our Mechanic, Rich, has been busy working on the following equipment: serviced the Jet Vac; seasonal maintenance work on the Salt Spreader; maintenance on the Leaf Vac, maintenance to Roll Off Truck, and serviced police car #502.

3) the Shade Tree Commission has a few Maples looking for placement; 4) she hopes to begin the Diversity and Inclusion Committee before the end of the year; 5) the next meeting of the Green Brook Flood Control Commission will be on December 2nd. These are virtual meetings and information can be found on their web site.

Mrs. Narvesen: 1) the Recreation Commission worked with the American Legion and the VFW on Veteran’s Day and on the ceremony dedicating the Frank T. Bieniek Memorial in Columbia Park; 2) in the past month, Parks and Recreation has purchased a 16 foot bike rack, a 25 foot flag pole, and 250 feet of liner fence for McCoy Park. These items were all paid for through field use fees; 3) Holiday Tree Lighting is scheduled for Sunday, December 6th at 6:00 pm, Washington Memorial Park. This event is subject to COVID-19 restrictions; 4) the next food drive will be December 5th with drop offs on Wednesday, December 2nd from 10 am to 12 pm and Thursday, December 3rd from 5 pm to 7 pm; 5) the Sign Committee met last week and there should be a report to Council by the end of the year.

Dr. Robins: reported that he had distributed to all Departments a directive on employee safety for COVID-19 which included a health check list and a thermometer for each office. This guide is to assist in maintaining a safe workplace for our employees and the people they meet.

Mr. Miller: reported on holiday decorations for the downtown.

Mayor Cilento:

Covid-19 Update:

As of today, we have currently a cumulative total of 309 for Dunellen; that's an additional twenty-one cases since my last report on 11/12/2020, five of which were reported in the last 24 hours. Dunellen still only has 9 deaths. As a reminder these are cumulative totals and are based off the information being provided from the County.

Dunellen and Middlesex County's cumulative totals can be found at www.discovermiddlesex.com/total-cumulative-cases/. Please also visit the Middlesex County website for a schedule for free flu shots, as well as locations for COVID-19 testing.

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

Please continue to practice social distancing and wearing of a mask. Preventing further spread is going to be a team effort in making sure we move beyond another State shutdown. Governor Murphy will be limiting indoor capacity to 10 people after tonight and limiting outdoor gatherings to 150 persons.

If you are in need of assistance due to a health crisis please contact the crisis text line by texting "NJ" to 741741 or call the family helpline at 1-800- 843-5437. We encourage you to utilize these resources during this challenging time. You matter, and we want you to be safe. If you believe a business is violating a state order regarding COVID-19, there is information on the state website on how to report this.

Capital Improvements:

Railroad Avenue Project – Our engineers have reported that NJ Transit provided comments from their insurance department regarding the project application. The contractor has addressed these comments and our engineer has sent over the revised certificates to NJ Transit. They are currently under review by NJ Transit's insurance department and we await a reply.

Grove Street Improvements– Contractor is on site working on curbs and sidewalks. Shortly thereafter, they'll begin the road work.

South Madison Avenue Improvements – We held a pre-construction meeting on November 2nd. Contractor anticipates beginning within two weeks. As a date becomes firmer, I will provide an update. I informed Gene Mosley, Superintendent of Schools today about the project and prospective timeframe so the school district may plan accordingly.

Cable Franchise Renewal (Altice USA Cablevision): The public should know that Ordinance #2020-15, Cable Franchise Renewal, is a non-exclusive franchise agreement. It does not exclude other cable or internet companies from operating in Dunellen. In fact, we welcome other entities into Dunellen so there may be competition and we will continue to make overtures to competitors. However, I think it is important to highlight what the Borough of Dunellen was able to negotiate in the current agreement. The Borough will receive an increased grant amount (from \$10,000.00 to \$15,000.00) when there was an initial offer that was less than our original agreement almost a decade ago. The Borough will save thousands of dollars in free cable hook-ups in municipal

buildings and will receive higher internet speed in Borough Hall and at the Dunellen Public Library. Higher internet speed in these buildings will provide for greater efficiency in work for staff, as well as services for residents in the both the library and Borough Hall.

Community Visual Preference Survey:

As part of our Community Vision Plan process, DMR has developed the Downtown Dunellen Visual Preference Survey as a tool to better understand the community's preferences as we continue to welcome the redevelopment of Dunellen's downtown. The survey will be open from November 1-30 and can be taken on-line via the Dunellen website (www.dunellen-nj.gov) or community members can pick up a paper version from the Dunellen Public Library or Borough Hall. The survey will also be available in Spanish. In December 2020, we will host a public meeting, either in-person or via telecommunication, to discuss the results of the survey. Direct links to the survey can be found here: http://www.dunellen-nj.gov/news_detail_T30_R17.php

Dunellen Arts and Culture Commission: The commission will begin painting storefront windows on Sunday, November 22nd to celebrate the holidays. Anyone who is interested in volunteering, please contact DACC via their Facebook page.

Small Business Saturday: I applied to have Dunellen included in the Shop Small program through AMEX and we were accepted. They will be issuing us promotional material to promote shopping small in Dunellen on Saturday, November 28th for Small Business Saturday. Please be on the lookout for more information on this program as how we shop and dine downtown may change due to COVID-19. We must continue to support our downtown businesses.

Transportation Alternatives Set Aside Program (TAP) Grant: Tonight, the Council approved a resolution supporting the grant concept plan I presented to them in September 2020. This program provides federal funds for community based "non-traditional" surface transportation projects designed to strengthen the cultural, aesthetic, and environmental aspects of the nation's intermodal system. Dunellen is applying for the grant with a concept plan that would recognize pedestrian safety in downtown Dunellen, sidewalk improvements with ADA compliant ramps, streetscape improvements such as new trees with open space for foliage to assist in storm water management, added benches, planters, bike racks, garbage/recycling cans, Victorian lighting, and wayfinding signage. The concept plan spans from Sanford Avenue to Jefferson Avenue. The application will be submitted by November 24th. If Dunellen receives these funds, we hope it will assist in the continued efforts of beautifying our downtown; creating a more walkable and bicycle friendly downtown and spurring more economic development.

Veterans Day: Thank you to the Dunellen American Legion Post 119, Dunellen VFW Post 5479 and the Dunellen Parks and Recreation Commission for making sure we held a safe ceremony in honoring our veterans. It was a beautiful ceremony and we should all be grateful for all that our servicemen and women have done for our great nation.

PUBLIC PORTION

Hal VanDermark: 130 Kline Place. [Hal's connection was lost. Mayor Cilento suggested that he wanted to invite the public to the Grand Opening of his Inspire Art Studio, 440 North Avenue, at 10:00 am on November 21st.]

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

11-16-2020: #13

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

Whereas, the Open Public Meetings Act (NJSA 10:4-6) permits the closing of meetings to the public under certain circumstances; and

Whereas, there exists such a circumstance; and

Whereas, the Governing Body wishes to enter into Executive Session for the purpose of discussing matters concerning personnel; and

Whereas, minutes of the Executive Session will be kept and will be released when the matters under discussion during the Executive Session are no longer confidential.

Therefore, be it resolved, that the Borough Council will enter into Executive Session.

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

Mayor Cilento informed the public that the teleconference would temporarily end as Council is going into Executive Session and when it comes out of Executive Session, the Council meeting will begin again, and action may be taken. We will mute the audio and the YouTube channel and then unmute both when we come out of the Executive Session.

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

11-16-2020: #14

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

The Dunellen Borough Council will return to Regular Session.

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

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

11-16-2020: #15

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

The Mayor and Council of the Borough of Dunellen endorse the Agreement made between Officer Michael Lowder and Dunellen Police Chief Daniel Smith to extend his probationary period until February 4, 2021, subject to the performance requirements referenced within the Agreement and the Addendum to the Agreement.

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

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

11-16-2020: #16

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

The Dunellen Borough Council Meeting of November 16, 2020 is adjourned.

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