

December 17, 2018

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on December 17, 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, Jeremy Lowder and Joseph Petracca

On the motion of Mr. Petracca and seconded by Mr. Baudendistel it was moved to accept the Minutes of December 3, 2018:

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

Mayor's Appointments to Commissions and Authorities

Mayor Seader accepted the resignation of Robert Abrams from the Dunellen Playground Committee

Mayor Seader noted that Mr. Abrams is moving to Maine for his job; he wished him well and thanked him for his service.

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

ORDINANCE 2018-15

The following ordinance was for first reading on December 3, 2018. It is now being presented for Public Hearing and Adoption on December 17, 2018. Copies of this ordinance have been available to the public on the municipal bulletin board and from the Municipal Clerk's Office.

This ordinance amends Ordinance 2017-11, adopted on November 6, 2017.

ORDINANCE OF THE BOROUGH OF DUNELLEN AMENDING THE BOROUGH CODE CHAPTER 82 ENTITLED "CLOTHING BINS"

WHEREAS, the Borough Administrator has recommended an amendment to Dunellen Code Chapter 82; and

WHEREAS, the Council desires to enact such an amendment.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Dunellen, in the County of Middlesex and State of New Jersey as follows: The Dunellen Borough Code, is hereby

amended as follows:

Chapter 218, Clothing Bins

218-1 Permit Required

In accordance with N.J.S.A. 40:48-2.61, notwithstanding any other provision of law to the contrary, no person or entity shall place, use, or employ a donation clothing bin, for solicitation purposes, within the Borough of Dunellen unless the person or entity shall obtain a permit, valid for a period of one year, issued by the Borough Clerk, upon approval of the Borough Council, in accordance with this Chapter 218. Such a permit will be valid for one year, beginning January 1st of any new year and ending on December 31st of that year.

218-2 Issuance of Permit

1. An application shall be filed with the Borough Clerk on forms designated by the Borough Clerk which shall include the following:

- (a) the location where the bin would be situated, as precisely as possible;
- (b) the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;
- (c) the name, and telephone number of the bona fide office required pursuant to subsection b. of this section, of any entity which may share or profit from any clothing or other donations collected via the bin; and
- (d) written consent from the property owner to place the bin on his property; and

2. The Borough Council shall not grant an application for a permit to place, use, or employ a donation clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases. Furthermore, no clothing bin shall be placed within twenty (20) feet of a sidewalk or public right-of-way;

3. The applicant shall pay to the Borough of Dunellen an annual permit fee of \$25, to offset the costs involved in enforcing this Chapter and N.J.S.A 40:48-2.60 et seq.

4. The person, and any other entity which may share or profit from any clothing or other donations collected via the bin, must maintain a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this subsection, an answering machine or service unrelated to the person does not

constitute a bona fide office.

218-3 Renewal of Permit

1. An expiring permit for a donation clothing bin may be renewed upon application for renewal and payment of a \$25.00 fee for such renewal, to offset the costs involved in enforcing Chapter and N.J.S.A 40:48-2.60 et seq. Such application shall include:

(a) the location where the bin is situated, as precisely as possible, and, if the person intends to move it, the new location where the bin would be situated after the renewal is granted and written consent from the property owner to place the bin on his property;

(b) the manner in which the person has used, sold, or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal; and

(c) The name, and telephone number of the bona fide office required pursuant to subsection 4 of Section 218-2 of this Ordinance, of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal.

218-4 Display of Information on Bin

1. All bins shall comply with the following display requirements:

(a) The permit number and its date of expiration shall be clearly and conspicuously displayed on the exterior of the donation clothing bin, in addition to the information required pursuant to subsection (1)(c) of Section 218-3 of this Ordinance;

(b) The person, and any other entity which may share or profit from any clothing or other donations collected via the bin, maintains a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office; and

(c) The following information is clearly and conspicuously displayed on the exterior of the donation clothing bin:

(1) The name and address of the registered person that owns the bin, and of any other entity which may share or profit from any clothing or other donations collected via the bin;

(2) The telephone number of the person's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any

clothing or other donations collected via the bin;

(3) In cases when any entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person who owns the bin, and identifying all such entities which may share or profit from such donations; and

(4) A statement, consistent with the information provided to the Borough of Dunellen in the most recent permit or renewal application pursuant to subparagraph (b) of paragraph (1) of subsection a. of this section and subparagraph (b) of paragraph (4) of subsection a. of this section, indicating the manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

218-5 Complaints

1. The Borough of Dunellen shall receive and investigate, within 30 days, any complaints from the public about the bin. Whenever it appears to the Borough of Dunellen that a person has engaged in, or is engaging in any act or practice in violation of N.J.S.A. 40:48-2.61 or any provisions of this Chapter, the person who placed the bin shall be issued a warning, stating that if the violation is not rectified or a hearing with the Borough Council is not requested within 45 days, the bin will be seized or removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.

2. In the event that the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, the Borough of Dunellen may seize the bin, remove it, or have it removed, at the expense of the person who placed the bin, and sell at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be paid to the Borough of Dunellen.

218-6 Penalties

1. In addition to any other penalties or remedies authorized by the laws of this State, any person who violates any provision of N.J.S.A. 40:48-2.60 et seq. which results in seizure of the donation clothing bin shall be:

(a) Subject to a penalty of up to \$20,000 for each violation. The Borough of Dunellen may bring this action in the municipal court or Superior Court as a summary proceeding under the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq, and any penalty monies collected shall be paid

to the Borough of Dunellen; and

(b) Deemed ineligible to place, use, or employ a donation clothing bin for solicitation purposes pursuant to N.J.S.A .40:48-2.61. A person disqualified from placing, using, or employing a donation clothing bin by violating the provisions of N.J.S.A .40:48-2.60 et seq. may apply to the Borough Council to have that person's eligibility restored. The Borough Council may restore the eligibility of a person who:

- (1) Acts within the public interest; and
- (2) Demonstrates that he made a good faith effort to comply with the provisions of

N.J.S.A..40:48-2.60 et seq. and this Chapter and all other applicable laws and regulations, or had no fraudulent intentions.

218-7 Sections held invalid

If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

218-8 Invalid sections

All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

218-9 Effective Date

The Ordinance shall take effect immediately after final passage and publication in the manner provided by 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: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

ORDINANCE 2018-16

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced for first reading at a meeting of the governing body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on December 3, 2018. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held at the Borough Council Chambers, in the Borough on December 17, 2018 at 7:00 o'clock p.m. During

the week prior to and up to and including the date of such meeting, copies of the full bond ordinance have been available at no cost and during regular business hours at the Clerk's office for the members of the general public who have requested the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO COLUMBIA PARK IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$219,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose: Improvements to Columbia Park, including, but not limited to, the purchase and installation of artificial turf, track resurfacing, design and permits and further including all work, materials, related costs and expenditures necessary therefor and incidental thereto

Appropriation: \$230,000

Bonds/Notes Authorized: \$219,000

Grant Appropriated: Middlesex County Open Space Grant in an amount equal to \$1,400,000 (the "County Grant") (which County Grant shall also provide for the construction of a gazebo and construction of tennis courts, all located in Columbia Park as more fully set forth in Section 3(i) and (j) of bond ordinance #2018-06, finally adopted on June 18, 2018)

Section 20 Costs: \$230,000

Useful Life: 15 years

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, Lowder and Petracca

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

12-17-2018: #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: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #2

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

The following establishments be issued an Amusement Games License by the Municipal Clerk as they have met the requirements and paid the proper fee:

American Legion Post #119
Columbian Club of Dunellen
Maggie Murray's Pub House
North Tavern
Veterans of Foreign Wars
Zupko's Tavern

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #3

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

The following companies are hereby awarded a Tow Operator's License and placed on the Borough's towing rotation for 2018.

West 7th Corporation, T/A as Piscataway Auto and Truck Repair, Piscataway
Majestic Towing and Transport, Inc., South Plainfield
J&L Auto Center, South Plainfield
SHT Corp, T/A as Somerset Hills Towing, Bridgewater
Mike's Towing & Recovery, Bridgewater
JVD Towing Service, LLC, South Plainfield
M&W Towing Service, LLC., Plainfield
B&L Tire Service, Carteret

The term of this award is from January 1, 2019 until December 31, 2019.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

0305764-0000002	99471	\$90.00
	Total	<u>\$2,126.00</u>

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #6

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

AUTHORIZE 2019 MUNICIPAL DEBT SERVICE PAYMENTS

That, in accordance with the provisions of N.J.S.A.40A:4-19, the following appropriations for Interest and Debt Redemption charges for the year 2019 be and the same are hereby appropriated as follows:

Municipal Debt Service

Principal – Middlesex County Improvement Authority (2012)	\$270,791.20
Interest – Middlesex County Improvement Authority (2012)	35,479.80
Total	<u>\$306,271.00</u>
Principal – Middlesex County Improvement Authority (2017)	\$133,477.54
Interest – Middlesex County Improvement Authority (2017)	50,375.68
Total	<u>\$183,853.22</u>
NJ Environmental Infrastructure – Trust Loan	\$72,875.00
NJ Environmental Infrastructure – Fund Loan	47,598.51
Total	<u>\$120,473.51</u>
Bond Anticipation Note	75,912.00
Interest on Bond Anticipation Note	32,728.83
Special Emergency Note	49,000.00
Interest on Special Emergency Note	3,570.06
Total	<u>161,210.89</u>
Grand Total	<u>\$771,808.62</u>

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #7

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

CANCEL OUTSTANDING CHECKS

WHEREAS, there exists outstanding checks on the reconciliation of the Current Fund, and

WHEREAS, these checks have been investigated and it has been determined that these checks should now be canceled.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the following outstanding checks in the amount of \$1,065.00 be and are hereby canceled:

<u>ACCOUNT</u>	<u>CHECK #</u>	<u>AMOUNT</u>	<u>DATE</u>	<u>VENDOR</u>
Current	31169	\$1,000.00	3/6/17	Lou Porchetta Paving
	32107	65.00	10/16/17	League of Municipal.
Total – Current		\$1,065.00		

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #8

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

WHEREAS, the last council meeting of the year 2018 is December 17, 2018, and

WHEREAS, the first and second payrolls of 2019 are January 2 and 14, 2019, respectively and the last check run is December 31, 2018, and

WHEREAS, some payments are owing and due prior to the first regular meeting in 2019, and

WHEREAS, there is no subsequent council meeting scheduled to approve the transfer of appropriations from surplus accounts to salary and wages and other expenses requiring additional funds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the Borough CFO be and is hereby authorized and directed to transfer funds as needed such that all the accounts that are charged for the January 2 and 16, 2019 payrolls, December 31, 2018 check run and all subsequent payments that are owed and due prior to the first regular meeting in January are properly funded.

FURTHER RESOLVED that an itemized list of appropriation transfers be provided to the Mayor and Council members by the first regular meeting in January 2019.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #9

TRANSFER 2017 APPROPRIATION RESERVES TO ACCOUNTS PAYABLE

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

WHEREAS, the 2017 Appropriation Reserves contains unexpended balances of certain appropriations that will not be paid in 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the following appropriation reserve balances be transferred to an Accounts Payable in the amount set forth below:

Sewer Fund:		
7-07-55-500-000-220	Sewer System - Stormwater	\$1,352.50
	Total	<u>\$1,352.50</u>

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #10

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

Whereas, there appears to be a surplus in the following CY 2018 Operating Accounts over and above the demands to be necessary, and

Whereas, N.J.S.A. 40A:4-58 provides for the transfer of unexpended balances in those appropriations having an excess over the amount required to those deemed to be insufficient.

Now, therefore be it resolved that the following “Transfer of Appropriations” be made:

From

Account	Title	S&W	Other Expenses
31-461-299	Gasoline		11,100.00
	Subtotal		11,100.00
	Total		<u>\$11,100.00</u>

Whereas, there appears to be insufficient funds in the following CY 2018 Operating Accounts over and above the demands to be necessary; viz:

To:

Account	Title	S&W	Other Expenses
20-100-101	Administration	\$50.00	
20-120-101	Borough Clerk	50.00	
20-130-299	Finance Administration		\$500.00
31-445-299	Water		500.00
31-461=299	Electric & Gas		10,000.00
	Subtotal	100.00	11,000.00
	Total		<u>\$11,100.00</u>

Yes:

Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #11

CANCEL GRANT RECEIVABLES BALANCES

WHEREAS, there exists various reserves on the balance sheet of the Grant Fund, and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves should be canceled.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the following reserves in the amount of \$3,283.17 are hereby canceled:

Pedestrian Safety Grant	\$2,750.00
Middlesex County Municipal Alliance On Alcohol and Drug Abuse	<u>\$533.17</u>
Total	\$3,283.17

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #12

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

CME Associates is awarded a contract to undertake engineering services associated with the requirements of the Tier A Municipal Stormwater General Permit renewal, at a cost not to exceed \$12,808.00.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #13

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

CANCEL ACCOUNTS PAYABLE BALANCES

WHEREAS, it is necessary, from time to time, to formally cancel Accounts Payable balances from the balance sheet from which encumbrances will not be paid, and

WHEREAS, the Borough Finance Officer is hereby directed to cancel such receivables to Operations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the following Accounts Payable balances in the amount of \$27,641.89 are hereby cancelled:

Accounts Payable (2016)	\$15,415.12
Accounts Payable (2014)	1,020.00
Accounts Payable (2012)	10,000.00
Accounts Payable (2010)	1,206.77
<u>Total</u>	\$27,641.89

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #14

SCHEDULE OF SCHOOL LEVY PAYMENTS

WHEREAS, it has been agreed to turn over to the Board of Education its total monthly allotment as close to the beginning of the month as is reasonable,

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the Borough Treasurer be and she is hereby authorized and directed to draw checks and issue same to the Custodian of School Monies, in accordance with the following schedule:

Levy of \$6,001,148 from January 1, 2019 to June 30, 2019

<u>Date</u>	<u>Amount</u>
January 14, 2019	956,862.00
February 4, 2019	1,086,850.00
March 4, 2019	956,862.00
April 1, 2019	956,862.00
May 6, 2019	1,086,850.00
June 3, 2019	<u>956,862.00</u>

Total \$6,001,148.00

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #15

CANCEL IMPROVEMENT AUTHORIZATIONS IN THE CAPITAL FUND

WHEREAS, it is necessary to formally cancel Improvement Authorizations from the General Capital Fund that are no longer active, and

WHEREAS, the Borough CFO is hereby directed to cancel such Improvement Authorizations to Capital Fund Balance or to Deferred Charges to Future Taxation Unfunded,

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the following Improvement Authorization balances be canceled:

Ord. No.	Description	Total	Fund Balance	Deferred Charges
2001-09/ 2002-01	Sanitary Sewer/ Pump Station Improvements	\$3,819.42		\$3,819.42
2004-01	Columbia Park Improvements	548.01		548.01
2005-09	Purchase Various Equipment	189.41		189.41
2005-10	Dunellen Redevelopment Project	3,810.07		3,810.07
2005-12	Resurfacing of Whittier Avenue	4,897.05		4,897.05
2005-20	Emergency Equipment	264.80		264.80
2006-25	Acquisition of Equipment	585.43		585.43
2007-02	Various Capital Improvements	2,116.59		2,116.59
2007-15	McCoy Park Improvements	313.29		313.29
2007-18	West 4 th Street Improvements	1,106.06		1,106.06
2007-21	Boiler Replacement	798.81		798.81
2008-07	First Street Phase II Improvement	612.72		612.72
2008-08B	Various Improvements	548.07		548.07
2008-17	McCoy Park Improvements	427.25		427.25
2008-22C	Various Improvements	540.03		540.03
2009-14	Streetscape Improvements	250.00		250.00
2014-03	Various General Improvements	19,556.18		19,556.18
2015-07	Acquisition of Fire Pumper	18,975.77		18,975.77
2016-11	Various Capital Improvements	340.00		340.00
2016-12	Parking Lot Improvements	105,238.00		105,238.00
	Total Canceled	\$164,972.96	\$0.00	\$164,972.96

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #16

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

WHEREAS, by Resolution 12-05-2011: #3, approval was granted by the Mayor and Dunellen Borough Council to implement a Flexible Benefits Plan; and

WHEREAS, by resolution 12-05-2011: #3, the Borough of Dunellen hereby recognized and authorized Flex Facts, LLC to provide a Section 125 Flexible Benefits Plan for its employees with employee voluntary contributory Flexible Spending Accounts with the following specifications:

- Medical Expense Reimbursement: \$2,500.00 Annual Maximum.
- Dependent Care Expense Reimbursement: \$5,000.00 Annual Maximum.

WHEREAS, it was further resolved that the Borough of Dunellen recognized and authorized payment of discounted administrative fees to Flex Facts, LLC as a Third Party Administrator in the following amounts: 1) Initial Account Setup Fee – Waived for 36 months, 2) Annual Renewal Fee – Waived for 36 months, and 3) \$4.00 per month per participant fee with a minimum total monthly fee of \$50.00; and

WHEREAS, it was further resolved that the Borough of Dunellen recognized and authorized Colonial Life representatives through their employee education, communication and affirmative enrollment process to enroll its employees in their pre-tax elections by means of Colonial's electronic enrollment systems with electronic signatures, the results of which will be provided back to the municipality for its records and payroll deduction implementation; and

WHEREAS, it was further resolved that the Borough of Dunellen recognized and authorized that these enrollment meetings be mandatory for Section 125 compliance purposes and consist of group and individual meetings for all benefit eligible employees and which are to be conducted at the worksite during normal working hours and further agrees to provide a complete "site" listing of all employment locations with the number of employees working at each to help determine enrollment schedule and that a roster of employees will be provided and checked against the attendees by an employer representative for all meetings; and

WHEREAS, it was further resolved that the Borough of Dunellen agreed to instruct its managers and supervisors to fully support such mandatory group and individual employee meetings for their subordinates and will wholeheartedly support and encourage employee attendance of said meetings; and

WHEREAS, it was further resolved that the Borough of Dunellen agreed to provide Colonial representatives with a complete employee census and employee premium contribution amounts for all benefit plans to be enrolled in a timely manner, which information will be loaded on Colonial's systems solely for employee enrollment purposes; and

WHEREAS, it was further resolved that the initial Section 125 Enrollment period will run concurrent with the Open Enrollment period for Colonial Supplemental Insurance which shall be in effect from December 1, 2011 until December 31, 2011 and have a plan effective date of January 1, 2012. Subsequent Section 125 Open Enrollment periods will start on the first day of November and conclude on the last day of December with a plan effective of the first day of the following year unless and until determined otherwise; and

WHEREAS, it was further resolved that such payroll deductions for participation in Section 125 pre-tax premiums and pre-tax contributions shall take effect with the first payroll after January 6, 2012; and

WHEREAS, the Borough of Dunellen wishes to and hereby does amend the Flexible Benefits Plan authorized in Resolution 12-05-2011: #3 to change the Medical Expense Reimbursement annual maximum to \$2,700; and

WHEREAS, the Borough of Dunellen as employer has the power to implement the plan.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the form of Health Flexible Spending Account under the Cafeteria Plan Code Section 105 and Dependent Care under the Cafeteria Plan Code Section 129 of the Internal Revenue Code of 1986, presented to this meeting is hereby adopted and approved and that the proper Officers of the Employer are hereby authorized and directed to execute and deliver to the Plan Administrator one or more copies of the Plan.

AND BE IT FURTHER RESOLVED, that the proper Officers of the Employer shall act as soon as possible to notify employees of the Employer of the implementation of the Plan by delivering to each employee a copy of the summary plan description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved. The undersigned certifies that attached hereto as Exhibits A and B respectively are true copies of the Plan Document and Summary Plan Description for Borough of Dunellen Flexible Benefits Plan approved and adopted in the foregoing resolutions.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #17

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

WHEEAS, in 2017 Joseph Keleman, a member of the Dunellen Department of Public Works, was grievously injured in a fire at his home in Piscataway; and

WHEREAS, by Resolution 08-07-2017: #6, Joseph Keleman was granted an unpaid Leave of Absence for personal illness, for three months, from August 15, 2017 until and including November 14, 2017; and

WHEREAS, during this three-month period, the Borough of Dunellen paid the Health Benefits, medical and dental, for Joseph Keleman; and

WHEREAS, by Resolution 11-06-2017: #14, this unpaid Leave of Absence was extended to July 14, 2018, with Joseph Keleman being responsible for paying the employee share of his medical and dental benefits from November 15, 2017 to and including July 14, 2018; and

WHEREAS, by Resolution 07-02-2018: #19, Joseph Keleman was granted a further period of unpaid Leave of Absence, from July 15, 2018 to and including December 31, 2018, with no contribution by the Borough of Dunellen of his medical and dental benefits; and

WHEREAS, Joseph Keleman was notified by certified letter that his Leave of Absence would conclude on December 31, 2018.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that Joseph Keleman be terminated as a member of the Dunellen Department of Public Works, effective December 31, 2018.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

Abstain: Lowder, who is Chief of the Fire Department and Mr. Keleman is a volunteer in the Dunellen Fire Department

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

12-17-2018: #18

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

WHEREAS, the County of Middlesex is undertaking a project for the replacement of Culvert 2-C-142 located under Pulaski Street over the Bonygutt Brook (“The Pulaski Street Culvert Project”); and

WHEREAS, in order to effectuate this project, the County of Middlesex is requesting that the Borough of Dunellen grant a Temporary Construction Easement and transfer by a Deed of Conveyance a parcel adjacent to the culvert.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that Mayor Robert J. Seader be authorized to sign the documents titled “Temporary Construction Easement Agreement” and “Deed of Conveyance” necessary for the advancement of the Pulaski Street Culvert Project.

Mr. Bruder noted that he has reviewed the documents and they allow easements or sale adjacent to the Pulaski Street Culvert that will now permit the County to undertake the work.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #19

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

The Municipal Clerk is hereby authorized to issue a Limousine License for CY 2019 to:

Ambitrans, LLC.
634 Bound Brook Road
Dunellen, NJ

All fees and requirements of said license have been met.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

12-17-2018: #20

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 2020 in the amount of:

DEDR	\$12,275.00
Cash Match	\$3,068.75
In-Kind	\$9,206.25

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, Lowder and Petracca

Reports:

Mr. Petracca: no report

Mr. Baudendistel: 1) asked about 519 Front Street; Mr. Robins responded that he has reached out to the Tax Collector who is on vacation. He will follow up and report the results to Mr.

Baudendistel; 2) Decorative Lighting project is progressing nicely; 3) the DDMO benches have not been assembled so placement will be in the spring; 4) demolition at the Art Color complex is moving along. He asked if there were any issues? Mayor Seader responded that there have been no complaints at all on rodents or asbestos. They should be done by April. Mr. Baudendistel asked about the water tower. We will be notified when that is scheduled to come down. Third pumping station? Mayor Seader responded that the new force main will go up North Washington Avenue and we are in discussions on who will pay for it; 5) Traffic Light Plan? Mr. Robins responded that the borough's review of the proposed Agreement is complete and has been forwarded to the developers who will now send it to the County for further review and negotiations; 6) noted two snapped/broken PSE&G poles. Mr. Robins has notified the utility; 7) asked Mr. Bruder to continue working on a resolution to the Strip Joint; 8) as well as supporting the Shade Tree Commission; 9) and supporting the Dunellen Downtown Management Organization and cleaning up the downtown.

He thanked the Council and public for allowing him to serve for the past eighteen years. He expressed a desire to continue as a member of the Shade Tree Commission.

Mayor Seader thanked him and stated that the whole town appreciates his hard work.

Mr. Bayer: 1) with Mr. Keleman's departure, we can now hire another member of the DPW; 2) Ron has a lead on a replacement garbage truck.

Dr. Dunne: will be meeting with Ray Murray regarding the Green Brook Flood Control Commission; 2) She, Mr. Cilento, and Mr. Robins have been working on the Social Media Policy and on developing the new web site.

Mr. Cilento: 1) Holiday Decoration Contest from December 18 – December 21st; 2) Santa Around Town on December 24th; 3) The Middlesex County Office on the Aging will present a program at the Senior Center on January 11 at 11:30 am; 4) Recreation thanks the Mayor and Council for their support throughout the year; 5) thank you to Ken Baudendistel for his service.

Mr. Lowder: will be meeting with DEP this Wednesday on stream cleaning; 2) Annual Fire Department Installation will be on Saturday, January 12, at 6:00 pm.; 3) thanked Mr. Baudendistel and it was a pleasure working with him.

Mayor Seader: 1) asked Mr. Lowder to speak to the DEP people on the work recently done on South Avenue and the new catch basins that were installed and the manner of their drainage; 2) He also thanked Mr. Lowder for his service and acknowledged how Mr. Lowder saved the borough thousands of dollars in electrical work and good advice; 3) yesterday, Bill and himself went to Matthew Nielsen's Eagle Scout and he asked that that accomplishment be placed on the Washington Park board. His project was repainting the VFW Auxiliary plaques; 4) asked Ron to look at the brook at Pedestal Pallet; 5) the very end of Dunellen Avenue, the water is building up; 6) reminded Ron of the snow plowing procedure at Faber School; 7) asked if the Water Company had ever come back to repair the road at New Market Road? Ron replied that they have not, but he will call them; 8) asked Ron to do some pot holes before it gets too cold; 9) light is out at South Washington and Orange street; 10) revaluation is almost complete and Mr. Gianchiglia has been checking recent sales against the revaluation assessment and they are very, very close; 11) Scott Luthman had a record year with building permits, about \$132,000.

COUNCIL DISCUSSION: Citizen of the Year and Lifetime Achievement Award

After some discussion, it was decided to honor Karl Geiger as Citizen Volunteer of the Year for 2018 and Laura Murray for the Lifetime Achievement Award.

PUBLIC PORTION

Janine McNair, 219 Gertrude Terrace, asked for more details on what will be happening on Pulaski Street. Mayor Seader explained the culvert rehabilitation project and how it will affect the flooding (moving water downstream faster) and how this project and the other ones (South Madison Avenue and the Railroad Culvert Project) will hopefully lead to a redrawing of the FEMA flood maps.

Ellen Kelly, 519 Lincoln Avenue, asked how many foreclosed properties there are in Dunellen? Mr. Robins responded that there is no list though he does get notices from banks of foreclosure actions. How many properties do we have that have been seized by the town? Strip Joint and a small property on North Washington Avenue. She asked about the fire burned properties on North/Bound Brook Road. She was informed that it is privately owned and being developed.

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

12-17-2018: #21

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

The Dunellen Borough Council Meeting of December 17, 2018 is adjourned.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca
