

May 7, 2018

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on May 7, 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. Cilento and seconded by Mr. Petracca it was moved to accept the Minutes of April 2, 2018:

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

Abstain: Dunne, due to her absence at that meeting

Mayor's Appointments to Commissions and Authorities

Accept resignation of Michelle Klastava from the Dunellen Public Library Board of Trustees

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

05-07-2018: #1

RESOLUTION AUTHORIZING THE CY 2018 MUNICIPAL BUDGET TO BE READ BY TITLE ONLY

BE IT RESOLVED, that the Borough Council of the Borough of Dunellen, in the County of Middlesex, by majority vote of the full membership, does hereby determine that the **CY 2018 Municipal Budget** shall be read by its title only, and we further declare that the conditions set forth in **N.J.S.A. 40A:4-8(1A & 1B)** of said section have been met.

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

At this point, Mayor Seader opened the meeting to the public for comment on the proposed CY 2018 Budget. No one from the public spoke. This portion was closed.

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

Resolution 05-07-2018: #3

**BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX**

RESOLUTION TO ADOPT 2018 MUNICIPAL BUDGET

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Dunellen, County of Middlesex, that the budget herein set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$5,167,978.00 (Item 2 below) for Municipal Purposes
- (e) 196,542.00 (Item 3 below) Minimum Library Tax

SUMMARY OF REVENUES

1.General Revenues	
Surplus Anticipated	\$ 426,500.00
Misc. Revenue Anticipated	\$ 1,211,367.34
Receipts from Delinquent Taxes	\$ 308,390.00
2. Amt. to be Raised by Taxation for Mun. Purposes (Item 6 {a}, Sheet 11)	
	\$ 5,167,978.00
3. Amt. to be Raised by Taxation Min. Library Levy	
	<u>\$ 196,542.00</u>
Total Revenues	<u>\$ 7,310,777.34</u>

SUMMARY OF APPROPRIATIONS

1.General Appropriations	
Within "CAPS"	
(a&b) Operations Including Contingent	\$ 4,799,300.00
(e) Deferred Charges and Statutory Charges	\$ 702,677.00
Excluded from "CAPS"	
(a) Operations	\$ 545,054.34
(c) Capital Improvements	\$ 50,000.00
(d) Municipal Debt Service	\$ 683,746.00
(e) Deferred Charges – Municipal	\$ 50,000.00
(m) Reserve for Uncollected Taxes	<u>\$ 480,000.00</u>
Total Appropriations	<u>\$7,310,777.34</u>

Sewer Utility Fund

Operating Surplus Used	\$ 83,227.00
Sewer User Fees	\$ 777,900.00
	<hr/>
Total Revenues	\$ <u>861,127.00</u>

Total Appropriations \$ 861,127.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 16th day of April, 2018. It is further certified that each item of revenue and appropriations is set forth in the same amount and by the same title as appeared in the 2018 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Borough Clerk

Certified by me
This 7th day of May, 2018

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

On the motion of Mr. Cilento 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 is being Introduced for first reading on May 7, 2018, and a second reading and public hearing will be held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 21st day of May, 2018, and copies of this Ordinance shall be posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance shall be available at the Office of the Borough Clerk for any interested members of the public.

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.

Mr. Robins explained that this is a "paper street" in the middle of the Art Color Complex. The owners have asked us to "vacate" it so that they can have complete clear title for their redevelopment project.

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

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

05-07-2018: #4

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

05-07-2018: #5

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

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

B&L Tire Service , Inc.
100 Minue Street, Carteret, NJ

The term of this award is from January 1, 2018 until December 31, 2018.

M. Bruder pointed out that the appointment of a new towing company in the middle of the term is irregular and that he would like to do some further research. The resolution or the ordinance might need to be amended. It was agreed to table this resolution.

05-07-2018: 5-A

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

Resolution 05-07-2018: 5 is tabled.

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:

05-07-2018: #6

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

Whereas, in accordance with provisions of NJSA 40A:11 any expenditure of public funds in excess of \$17,500 requires the advertisement for proposals for delivery of said services or goods, and

Whereas, a need has been determined for improvements to the Washington Avenue Streetscape project; and

Whereas, the following bids were solicited and opened on Tuesday, March 27, 2018:

AA Berms LLC 106 Mill Street, Belleville, NJ 07109	\$198,548.08
Your Way Construction 404 Coit Street, Irvington, NJ 07111	\$229,847.52
Seacoast Construction 15 Addington Court, East Brunswick, NJ 08816	\$234,478.40
T. Fiotakis Construction 197 Central Avenue, Edison, NJ 08817	\$245,327.00
Assuncao Brothers 29 Wood Avenue, Edison, NJ 08820	\$255,656.16

J.C. Contracting, Inc. 681 Mill Street, Rahway, NJ 07065	\$266,376.00
Berto Construction, Inc. 625 Leesville Avenue, Rahway, NJ 07065	\$268,716.80
Black Rock Enterprises 1316 Englishtown Road, Old Bridge, NJ 08857	\$340,560.00
Abhzeen Design Inc. 2152 Whitesville Road, Toms River, NJ 08755	\$349,951.00

Whereas, it is the recommendation of the Borough Engineer that the bid of AA Berms LLC, be accepted and a contract be awarded, and

Whereas, funds for said have been certified as available from the Chief Financial Officer. This award is subject to New Jersey Department of Transportation approval.

Now therefore be it resolved that the Mayor and Municipal Clerk are hereby authorized to execute the necessary agreement with AA Berms LLC, for improvements to Washington Avenue Streetscape project at a cost not to exceed \$198,548.08.

Mr. Baudendistel noted that the low bid came in less than the projected project cost and asked if the project could then be extended. Mr. Robins will inquire to the engineers.

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:

05-07-2018: #7

RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO A JURISDICTIONAL AGREEMENT BETWEEN THE STATE OF NEW JERSEY AND THE BOROUGH OF DUNELLEN

WHEREAS, the Borough proposes to construct streetscape improvements along Route 28 along Blocks 2 and 86 (100 and 200 blocks of North Avenue); and

WHEREAS, the Borough of Dunellen proposes improvements at select locations, and to install lights, including conduit, hereinafter referred to as "Construction"; and

WHEREAS, in order to prevent future legal or maintenance issues in these areas, the State of New Jersey requested the Borough of Dunellen to enter into a Jurisdictional Agreement to apportion jurisdiction for highway maintenance and highway control in an equitable manner pursuant to *N.J.S.A. 27:7-1, et. seq.*;

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Dunellen hereby authorizes the entry into and the execution of a Jurisdictional Agreement between the Borough of Dunellen and the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid in the form acceptable in contents by the Mayor, Council President and legal counsel; and

BE IT FURTHER RESOLVED that the Mayor and Borough officials and employees are hereby authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution, including but not limited to the final approval and execution of Jurisdictional Agreement in the form acceptable in contents by the Mayor, Council President and legal counsel.

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:

05-07-2018: #8

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 redevelopment, subject to the refunding of the Account:

<u>Windels Marx File Number</u>	<u>Bill Number</u>	<u>Amount</u>
0305764-0000001	80204	\$877.36
0305764-0000001	82643	\$552.76
	Total	<u>\$1,430.12</u>

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

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

05-07-2018: #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 check to the Law Offices of John E. Bruder, from the Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the account:

<u>John E. Bruder</u>	<u>Bill Number</u>	<u>Amount</u>
April 2017	RD-04-17	\$1,180.00
May 2017	RD-05-17	\$200.00
June 2017	RD-06-17	\$280.00
	Total	<u>\$1,660.00</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:

05-07-2018: #10

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

Whereas, there exists a need to replace the traffic light at the corner of Prospect Avenue and Grove Street; and

Whereas, quotes have been received from:

Orchard Holdings 1913 Atlantic Avenue, Manasquan, NJ	\$17,155.00
Fai-Gon Electric 140 11 th Street, Piscataway, NJ	\$27,500.00

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that a traffic light be purchased from and installed by Orchard Holdings, for an amount not to exceed \$17,155.00.

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:

05-07-2018: #11

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

Whereas, there exists a need for certain air card telecommunications requirements for the laptop computers installed in Borough of Dunellen Fire Department vehicles; and

Whereas, the Local Public Contracts Law (NJSA 40A:11-1 et. seq.) requires that the resolution authorizing the award of the contracts for "Professional Services" without competitive bids must be publicly advertised.

Now therefore be it resolved by the Governing Body of the Borough of Dunellen as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with Verizon for telecommunications regarding the laptop computers in Fire Department motor vehicles.
2. The cost of this service for 5 laptop computers is \$38.01 each per month, for a total yearly amount of \$2,280.60, with \$50.00 overages, for a total yearly amount of \$2,330.60.
3. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contract Law because the services rendered are professional services of a recognized profession whose practice is regulated by law.
4. Further be it resolved that the cost of this Professional Services Contract will not exceed \$2,330.60. Payment is from Account # 7-01-25-265-000-202
5. Be it further noted that the contract is a one-year contract and funds are hereby authorized only for the term April 1, 2018 through March 31, 2019.
6. A copy of this resolution shall be published in The Courier as required by law within ten days of its passage.

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

Abstain: Lowder, as he is the Fire Chief

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

05-07-2018: #12

**BOROUGH OF DUNELLEN
RESOLUTION TO AUTHORIZE THE EXECUTION OF AN AMENDMENT TO
ENVIRONMENTAL REMEDIATION ESCROW AGREEMENT**

WHEREAS, the Borough of Dunellen as Buyer and Edelman and Penn as Seller previously entered into an agreement dated June 8, 2009 and an Amended Agreement dated

April 6, 2011 for the Sale and Purchase of certain real estate and improvements designated as 500 Mountainview Terrace, Borough of Dunellen, County of Middlesex, State of New Jersey, also known as Block 41, Lot 1.01, in the Borough of Dunellen; and

WHEREAS, Seller and Purchaser, as part of the above-referenced agreement and amended agreement, also entered into an Environmental Remediation Escrow Agreement (“Agreement”) on or about July 13, 2011, pursuant to which Seller had agreed to deposit into escrow with the Escrow Agent (Wilentz, Goldman & Spitzer) the sum of \$760,000, representing one hundred and fifty percent of the estimated environmental costs of remediation; and

WHEREAS, the Environmental Remediation Escrow Agreement required that the escrow fund retain a minimum balance at all times of at least \$260,000.00; and

WHEREAS, Seller has requested that the Environmental Remediation Escrow Agreement be amended to allow the balance of the escrow fund to be reduced below the minimum balance, in order to allow the Escrow Agent to make payments to Seller’s Licensed Site Remediation Professional (TRC Environmental Corporation) upon the completion of certain designated tasks; and

WHEREAS, Seller has instituted litigation against the Borough and others with respect to the property in question, and the Borough has answered and denied the claims, and has instituted counterclaims as against Seller; and

WHEREAS, the parties wish to work towards resolving all outstanding litigation claims, and Seller has requested that the Borough be agreeable to the modification as set forth above to the Environmental Remediation Agreement as a means of working towards a settlement of all claims; and

WHEREAS, the disbursements to be made for the tasks as set forth in the Amendment to the Environmental Remediation Escrow Agreement would reduce the minimum balance by up to \$59,040.00, leaving in excess of \$200,000.00 remaining in the escrow account; and

WHEREAS, except as expressly amended in the Amendment document, the Agreement shall remain unchanged and in full force and effect.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Dunellen that it hereby authorizes the Mayor and / or his designee to execute the Amendment to the Environmental Remediation Escrow Agreement, which amendment document is annexed hereto and made a part hereof.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

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

05-07-2018: #13

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

Boy Scout Troop 29 is approved to hold a town wide garage sale on June 9, 2018 (rain date June 16, 2018), from 8:00 am to 3 pm. All fees for this event are waived.

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:

05-07-2018: #14

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

Lauren Staats is hired as a part-time secretary for the Dunellen Planning Board, working approximately 5 hours per month, at a salary of \$25.00 per hour, effective April 23, 2018. This is a position without benefits and is to be paid for by the Dunellen Planning Board.

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:

05-07-2018: #15

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

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

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

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

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

The term of this resolution is for the period April 1, 2018 through March 31, 2019.

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

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

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

05-07-2018: #16

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

The Mayor and Borough Council of the Borough of Dunellen hereby appoint Jonathan Desmelyk as a Probationary Firefighter, in the Dunellen Fire Department, said probation period to be one year, effective 7 May 2018.

Yes: Baudendistel, Bayer, Cilento, Dunne and Petracca

Abstain: Lowder, as the Fire Chief

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

05-07-2018: #17

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

Lucy Singura is hired as an Assistant in the Dunellen Tax Assessor Office, at a rate of \$25.00 per hour, not to exceed in total \$225.00. This award is to come out of Account # 8-01-20-150-000-133.

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:

05-07-2018: #18

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

Whereas, the Tax Collector and Chief Financial Officer desire to upgrade the software utilized in the Tax Office for tax and sewer utility payments; and

Whereas, this presents an opportunity to integrate tax activities associated with the Collector with the Accounts Payable software currently used by the Chief Financial Officer for the Borough's Accounts Payable and General Ledger systems, streamlining and integrating the activities in each office; and

Whereas, Edmunds & Associates currently supports both modules with proprietary software and has provided a quote for Tax Collection Software; and

Whereas, the cost for such software can be incorporated into the Borough's 2018 Capital Plan;

Now, therefore be it resolved, the Borough Council authorizes the purchase of Tax and Utility Collection modules from Edmunds & Associates in an amount not to exceed \$17,200, to be charged to the Tax Collector's operating budget until such time as a capital bond ordinance, which includes the purchase of this software, can be adopted.

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:

05-07-2018: #19

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

Whereas, there exists a need for improvements to Prospect Avenue Roadway Improvements; and

Whereas, the Local Public Contracts Law (NJSA 40A:11-1 et. seq.) requires that the resolution authorizing the award of the contract for Professional Services without competitive bidding must be publicly advertised.

Now therefore be it resolved by the Governing Body of the Borough of Dunellen as follows:

1. The cost of said services for design and bid phase and for construction phase is not to exceed \$116,227.00.
2. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for survey and base mapping services, design phase services, final design, coordination with NJDOT, preparation of bid documents, and bid phase services, \$55,890.00, and

Construction Phase Services, \$60,337.00
3. This contract is awarded without competitive bidding as a Professional Service under the provisions of the Local Public Contract Law because the services rendered are professional services of a recognized profession whose practice is regulated by law.
4. A copy of this resolution shall be published in The Courier as required by law within ten days of its passage.

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

CONSENT AGENDA

The following resolutions are introduced, seconded, and adopted as a group:

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

05-07-2018: #20

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

The Treasurer is hereby authorized to issue the following proceeds for tax sale redemption(s):

Payable to Trystone Capital Assets
P O Box 1030
Brick, NJ 08723

TSC	Block	Lot	Owner/Address	Principa1	Interest	Premium	Total
17-21	75	1.04	Puckett, Cristina 315 Oak Parkway	830.97	14.07	1,100.00	1,945.04
17-10	49	21	Thomas, Michael & Pauline 640 North Ave	645.90	10.37	700.00	1,356.27
17-2	10	1	Stevenson, Mariana	712.87	10.41	700.00	1,423.28
16-44	81	2	Leonard, Lawrence & Betsy 1848 West 4 th Street	1,214.46	61.10	1,100	2,375.56
TOTAL REFUNDED							\$7,100.15

05-07-18: #21

WHEREAS, the following properties were sold in tax sale on April 24, 2018

WHEREAS, the mortgage banks and or taxpayers have tendered funds to stay out of the tax sale on April 24, 2018 and

WHEREAS, said action took place within 10 days of the tax sale and the tax sale certificates were not executed

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

That the proper borough officers be and they are hereby authorized and directed to refund the following:

Block	Lot	Name	Amount
83	25	Tovichien, Joseph V 203 South Washington Ave Total Amount to be Refunded Check payable and Mail to: Trade Money LLC 29 Palisades Rd Old Bridge NJ 08857	\$1,049.06
62	40	Kaufmann, Jenny & O'Hare, Jill 351 Whittier Ave. Total Amount to be Refunded Check payable and Mail to: Trade Money LLC 29 Palisades Rd Old Bridge NJ 08857 Total Amount to be Refunded	1,009.81
59	23.02	Cieri, Andrea 721 Walnut St. Total Amount to be Refunded Check payable and Mail to: Trade Money LLC 29 Palisades Rd Old Bridge NJ 08857	\$1,049.06

05-07-2018: #22

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

WHEREAS, it has been determined by information obtained from the assessor's office that the following sewer units are to be cancelled due to merged property or subdivision

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

That the proper City officers be and they are hereby authorized and directed to cancel 2018 sewer units.

Block	Lot	Name	Amount
8	14.01	Alape, Michael & Aida 243 Second St. (Single Family Unit) No Refund Required	\$70.00

05-07-2018: #23

WHEREAS, the property owner received a homestead benefit credit towards second quarter taxes; and

WHEREAS, the property owner has prepaid their property taxes for the entire year 2018.

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

That the proper borough officers be and they are hereby authorized and directed to refund the following:

Block	Lot	Name	Amount
41	8	Walsky, Donald & Janice 558 Mountainview Terrace Total Amount to be Refunded Check payable and Mail to: Walsky, Donald & Janice 558 Mountainview Terrace Dunellen NJ 08812	\$368.74

05-07-2018: #24

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

Whereas, a request was made by Sheri Muha to hold a block party on Sunday, May 27, 2018, (rain date May 28, 2018), on the 300 block of Third Street, from 11:00 AM to 8:00 p.m.

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

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

Sheri Muha
328 Third Street
Dunellen, NJ 08812

05-07-2018: #25

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

Whereas, a request was made by Roger Dalton to hold a block party on Saturday, June 23, 2018, on the 700 block of Walnut Street between Pulaski Street and High Street, from 11:30 AM to 4:30 p.m.

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

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

Roger Dalton
747 Walnut Street
Dunellen, NJ 08812

05-07-2018: #26

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

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

Bridgeville Ice Cream (Alice's Crew, Inc.)

713-C East Main Street, Bridgewater, NJ

05-07-2018: #27

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

The Municipal Clerk is hereby authorized to issue food handler licenses to the following establishments:

Robert's Kitchen
330 North Avenue

Uncle Louie G
500 North Avenue

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

Mr. Robins made a presentation to the Council and Public on Stormwater regulations:

Stormwater Regulations
Presentation to the Dunellen Borough Council
May 7, 2018

Stormwater regulations and ordinances adopted by the Dunellen Borough Council can be found on the Dunellen Web Site: <http://www.dunellen-nj.gov>
They include the following items, with links to the full documents:

Stormwater Regulations, Ordinances, and Documents

Dunellen Borough Ordinances:

Stormwater Regulations--Waste Disposal, Illicit Connections, and Wildlife Feeding, Ordinance [2005-15](#)

Stormwater Management, Ordinance [2006-10](#)

Refuse and Roll-off Containers, Ordinance [2007-03](#)

Dumpsters, Ordinance [2010-06](#)

Private Storm Drain Inlet Retrofitting, Ordinance [2010-07](#)

Flood Damage Prevention, Ordinance [2010-08](#)

Documents:

What is [Groundwater?](#)

Improving Water Quality and the Quality of [Life](#)

What is Nonpoint Source [Pollution?](#)

What's a [Watershed?](#)

Mosquito [Precautions](#)

For additional educational material on stormwater related matters, go to www.cleanwaternj.org

Reports:

Mr. Petracca: no report.

Mr. Baudendistel: 1) asked Mr. Robins if he had heard from PSE&G regarding the old poles to be taken down after the new, higher poles are in place. Mr. Robins had not heard but he will reach out to PSE&G; 2) asked Mr. Bruder about the Strip Joint. Mr. Bruder reminded the Council that there were no funds left from traditional sources for clean-up, but there is a possibility of some monies from a Hazardous Discharge Remediation Fund and Middlesex County, the Wilentz law firm whom Mr. Bruder has consulted for their environmental law expertise, and CME think that because we have this area designated for redevelopment we may be eligible. If it is determined that we can get additional funds, that is a recommended route. If not, then we might sell the property; 3) Dunellen Shade Tree Commission celebrated Arbor Day with Faber School children on April 27th; 4) he is applying for a \$30,000 grant called a C-Sip grant and he will let us all know if he is successful; 5) noted that Towne Pharmacy has an expectation of the borough removing certain trees bordering that building, but they did not give enough money to cover the cost. It is thus unlikely that we will do so and he has conveyed that to the owners; 6) asked Ron about the downtown clean-up person. Ron said that he will have him attend to the sidewalks.

Mr. Bayer: 1) Planning Board had a “waiver meeting” in April and on May 14th there will be a presentation to the Planning Board on site approval; 2) asked Mr. Bruder about passing costs of tax map revisions on to applicants. Mr. Bruder said that CME thought it could not be done and our next step might be to contact the Division of Local Government Services; 3) raised the question of whether we could now advertise for a new DPW laborer to replace Charlie and was given the go-ahead; 4) thanked Mr. Lowder for the time he has put in installing six new security cameras in the DPW Yard. The recordings are being monitored on a DVR in Ron’s office.

Mr. Safar: successful in applying for a Recycling Enhancement grant for a new fence at the Yard.

Dr. Dunne: no report.

Mr. Cilento: 1) Playground Committee met for a clean-up and there were approximately 150 people participating, cleaning, spreading mulch; 2) the Baseball 11 and under Travel Team is 5 and 1 this season and are in first place; 3) registration is still open for Summer Camp and Summer Arts Camp; 4) Memorial Day Parade is Monday, May 28th, 10:00 at the Library; 5) *Dunellen Report* deadline June 1st for the July edition; 6) the Seniors Club has requested that someone come to speak with them. Mr. Robins will attend on a Friday in June; 7) the Dunellen Arts and Culture Commission had an arts work shop this past Friday with 8 people; 8) DACC is looking to start a monthly arts program for seniors; 9) Julie Grof met with Mayor Seader regarding the DACC survey and they are hoping to appear before the Council soon to present their findings; 10) we were accepted to be part of the North Jersey Project, Transit Hub, and there will be a meeting on May 21st.

Mr. Lowder: 1) installed the cameras in the Yard at no cost to the Borough.

Mayor Seader: 1) asked Mr. Robins about the PSE&G paving on Prospect Avenue. Mr. Robins will pursue with the PSE&G representative.

PUBLIC PORTION

No one from the public spoke.

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

05-07-2018: #28

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

The Dunellen Borough Council Meeting of May 7, 2018 is adjourned.

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