

November 20, 2017

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on November 20, 2017.

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, Kevin Bachorik, Kenneth Bayer and Jason Cilento

Absent: Jeremy Lowder and Joseph Petracca
Mr. Lowder arrived at 7:20 pm

Mayor's Appointments to Commissions and Authorities

Mayor Seader appointed Ruben Woolcott to the Dunellen Downtown Management Organization. Municipal Clerk Robins administered the Oath of Office

On the motion of Mr. Bachorik and seconded by Mr. Cilento it was moved to accept the Minutes of November 6, 2017.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

Ordinance 2017-12

NOTICE OF PENDING ORDINANCE AND SUMMARY

The 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 November 6, 2017. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Dunellen Borough Council Chambers, in the Borough on November 20, 2017 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 have been 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 \$160,000 FOR THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION OF REAL PROPERTY AND ALL RELATED EXPENSES IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

Purpose: The preparation and execution of a complete program of revaluation of real property and all related expenses for the use of the local assessor

Appropriation: \$160,000

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, Bachorik, Bayer and Cilento

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

11-20-2017: #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, Bachorik, Bayer and Cilento

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

11-20-2017: #2

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:

| <u>Windels Marx File Number</u> | <u>Bill Number</u> | <u>Amount</u> |
|---------------------------------|--------------------|-------------------|
| 0305764-0000001 | 67876 | \$4,131.00 |
| | Total | <u>\$4,131.00</u> |

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

RESOLUTION AUTHORIZING THE ISSUANCE OF \$160,000 SPECIAL EMERGENCY NOTES FOR THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY AND ALL RELATED EXPENSES IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

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

Section 1. An ordinance of the Borough of Dunellen, in the County of Middlesex, New Jersey (the "Borough"), authorizing a special emergency appropriation in the amount of \$160,000 for the preparation and execution of a complete program of revaluation of real property and all related expenses has been finally adopted on November 20, 2017 and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2. (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Borough is hereby authorized to borrow the sum of \$160,000 and to issue special emergency notes therefor in accordance with the Local Budget Law of the State of New Jersey (N.J.S.A. 40A:4-55).

(b) The special emergency notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of special emergency notes authorized herein, as determined by the chief financial officer of the Borough pursuant to this resolution.

(c) The Borough may finance the special emergency appropriation from surplus funds available or may borrow money in the manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

Section 3. The following matters in connection with the special emergency notes are hereby determined:

(a) All special emergency notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such special emergency notes and the renewals thereof shall mature and be paid in each year so that all special emergency notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of adoption of this resolution;

(b) All special emergency notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer; and

(c) The special emergency notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the special emergency notes shall be conclusive as to such determinations.

Section 4. The chief financial officer is hereby authorized and directed to determine all matters in connection with the special emergency notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the special emergency notes shall be conclusive as to such determination.

Section 5. The chief financial officer is hereby authorized to sell the special emergency notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the special emergency notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the special emergency notes sold, the price obtained and the name of the purchaser.

Section 8. (a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"), and provided that an issue of special emergency notes authorized by this resolution is not exempt from the Rule, for so long as an issue of special emergency notes of the Borough remains outstanding (other than an issue of special emergency notes which has been wholly defeased), the Borough shall provide, in a timely manner not in excess of ten business days after the

occurrence of the event, to the Municipal Securities Rulemaking Board, notice of any of the following events with respect to the special emergency notes:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(b) The covenants and undertakings contained in this Section 8 are made for the benefit of the holders or beneficial owners of the special emergency notes issued under this resolution.

(c) The chief financial officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of special emergency notes prior to their offering. Such chief financial officer is hereby authorized to enter into written contracts or undertaking to implement this resolution and

is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(d) In the event that the Borough fails to comply with this resolution or the written contract or undertaking, the Borough shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 9. A copy of this resolution as adopted shall be filed with the Director.

Section 10. This resolution shall take effect immediately.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

11-20-2017: #4

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

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Dunellen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of Calendar Year 2017 in the sum of \$3,410, which is now available from the Division of Highway Traffic Safety Drive Sober or Get Pulled Over Grant.

BE IT FURTHER RESOLVED, that the like sum of \$3,410.00 is hereby appropriated under the caption Division of Highway Traffic Safety Drive Sober or Get Pulled Over Grant.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

11-20-2017: #5

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

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Dunellen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of Calendar Year 2017 in the sum of \$3,960, which is now available from the Division of Highway Traffic Safety Pedestrian Safety Grant.

BE IT FURTHER RESOLVED, that the like sum of \$3,960.00 is hereby appropriated under the caption Division of Highway Traffic Safety Pedestrian Safety Grant.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

11-20-2017: #6

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> |
|-----------------------|--------------------|---------------|
| June 2016 | RD-06-16 | \$1,180.00 |

| | | |
|----------------|----------|-------------------|
| July 2016 | RD-07-16 | \$940.00 |
| August 2016 | RD-08-16 | \$1,000.00 |
| September 2016 | RD-09-16 | \$820.00 |
| October 2016 | RD-10-16 | \$1,000.00 |
| November 2016 | RD-11-16 | \$640.00 |
| December 2016 | RD-12-16 | \$780.00 |
| | Total | <u>\$6,360.00</u> |

Yes: Baudendistel, Bachorik, Bayer and Cilento

Reports:

Mr. Baudendistel: 1) has reached out to CME for an update on the cleanup of the Strip Joint property; 2) on the Street Light grant for decorative lighting, CME had to go to Trenton and explained the project and cleared up some state confusion; however, there is an issue on the brightness of the lights and CME is re-designing the pole placements; 3) the Dunellen Downtown Management Organization is planning to place holiday trees in barrels on corners; 4) asked about the clothing bin ordinance and notification to property owners

Mr. Bayer: no report

Mr. Bachorik: no report

Mr. Cilento: 1) *Dunellen Report* copy is needed by December 15th ; 2) DACC survey deadline is being extended to try to get a better response; 3) Julie Groth is working on an ADA response to a Middlesex County grant for the DACC and bi-lingual material for a Summer Camp arts grant; 4) Soccer program which has just ended increased from 85 last year to 140 participants this year; 5) the next Senior Day is Friday, December 1st. this program was started last February and Seniors play games and have a pizza party with about 25 Seniors attending each meeting; 6) the Annual Senior Party will take place on Sunday, December 7th, at 2:00 pm at St. John's Church and Mayor and Council are invited; 7) he distributed to Council a diagram of a sign pointing toward the Senior Center [Mr. Baudendistel noted that Tom Davis had suggested that the building be a community center. It was pointed out that it was intended as a senior center and that various grants are used for the upkeep of the Senior Center]; 8) Holiday Tree Lighting Ceremony will be Sunday, December 3rd, at 6:00 pm in Washington Memorial Park; 9) a new slide has arrive to replace the broken one in Columbia Park; 10) approximately 10 people interested in forming a committee to repair and replace Columbia Park gym equipment met. The thinking is to place this committee under the auspices of the Recreation Commission, appointed by the mayor.

Mayor Seader: 1) Veteran's Day Ceremony was well attended this year; 2) suggested that Council discuss the Citizen of the Year at the next Council meeting; 3) looking to award a contract to a revaluation company at the next meeting.

COUNCIL DISCUSSION

Two-hour parking

The Parking Authority would like to extend it to the entire town. Council inquired about the kind and number of complaints received. Also, would the 2-hour limit cover County roads: Washington, New Market and portions of Walnut Avenue.

Mr. Robins will contact the Dunellen Parking Authority for data and answers to specific questions.

Mayor Seader greeted Councilman Lowder who as Fire Chief had been at a call. The mayor reminded the Chief to send the bill for the Christmas Tree to the Dunellen-Green Brook Rotary Club who insists upon sponsoring it each year.

The Fire Company will again be selling Christmas Trees at the station.

PUBLIC PORTION

No one from the public spoke.

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

11-20-2017: #7

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

The Dunellen Borough Council Meeting of November 20, 2017 is adjourned.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Lowder
