

October 15, 2018

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on October 15, 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, Jason Cilento and Joseph Petracca

Absent: Kenneth Bayer, Jessica Dunne and Jeremy Lowder

On the motion of Mr. Baudendistel and seconded by Mr. Cilento it was moved to accept the Minutes of October 1, 2018:

Yes: Baudendistel, Cilento and Petracca

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

ORDINANCE 2018-11

BOROUGH OF DUNELLEN

The following ordinance was Introduced for first reading on October 1, 2018. It is now being presented for Public Hearing and Adoption on October 15, 2018. Copies of this ordinance have been available to the public on the municipal bulletin board and from the Municipal Clerk's Office.

Dunellen Municipal Code, Chapter 150, FEES, Subsection A of Section 150-6. Escrow, originally adopted on December 1, 1997, is hereby amended in its entirety as follows, and this iteration of Section 150-6 (A) replaces all other prior versions, including Code Section 150-6 (A) adopted December 1, 1997 (Dunellen Ordinance 097-10), and Dunellen Code Chapter 115A-9 of the Dunellen Land Development law, enacted September 2001:

Planning/Zoning Board Fees

Section 150-6. Escrow.

- A. A deposit toward anticipated municipal expenses shall be required to cover the cost of any professional services rendered to the municipality or approving authority for the review of applications for development and preparation of documents. Prior to an application being deemed complete, the following sums shall be submitted to be held in escrow.

Application	Fee	Escrow
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Residential:

Minor subdivision, major preliminary subdivision, site plan

1-3 lots or units \$5,000.00	\$500.00	
4-10 lots or units \$10,000.00	\$500.00	
11-25 lots or units \$15,000.00	\$500.00	
26-50 lots or units \$20,000.00	\$500.00	
51 or more units \$25,000.00	\$500.00	

Nonresidential:

Minor subdivision or major preliminary Subdivision

1-3 lots \$5,000.00	\$500.00	
4-10 lots \$10,000.00	\$500.00	
11 or more lots \$15,000.00	\$500.00	

Application	Fee	Escrow
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Site Plan

1-2,500 square feet \$5,000.00	\$500.00	
2,501-10,000 square feet \$10,000.00	\$500.00	
10,001-20,000 square \$15,000.00	\$500.00	
20,001 or more square feet \$20,000.00	\$500.00	

Final major site plan or subdivision

25% of original escrow fee required for Preliminary subdivision, site plan

Amended Site plan

25% of original escrow fee

Variances:

Appeals under N.J.S.A. 40.55D-70 (a) \$5,000.00	\$500.00
Appeals under N.J.S.A. 40.55D-70 (b) \$5,000.00	\$500.00
Appeals under N.J.S.A. 40.55D-70 (c) \$5,000.00	\$500.00
Appeals under N.J.S.A. 40.55D-70 (d) \$5,000.00	\$500.00
Residential Accessory Building \$2,000.00	\$500.00
Tax Map Revision	\$1,000.00
Special Meeting	\$1,000.00

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, Cilento and Petracca

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

ORDINANCE 2018-12

BOROUGH OF DUNELLEN

The following ordinance, which amends certain Dunellen Parking Ordinances, 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 October 1, 2018. It is now being further considered for final passage, after public hearing thereon, at a meeting of said governing body to be held in Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on October 15, 2018 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance have been available at no cost and during regular business

hours, at the Clerk's office for the members of the general public who have requested the same.

The following Dunellen Parking Ordinance is amended as follows:

Ord. 269-35. Handicapped parking.

- A. Handicapped parking on streets. In accordance with the provisions of N.J.S.A. 39:4-197, the following on-street locations are designated as handicapped parking areas. Such spaces are for use by persons who have been issued special identification cards or plates or placards issued by the Division of Motor Vehicles or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces. Each such parking space shall be not less than 12 feet wide.

Amendment to existing schedule:

Schedule

Property:	240 Prospect Avenue
Number of Spaces:	1
Location:	In front of 240 Prospect Avenue

Thomas Ronca, 314 Prospect Avenue, asked what this ordinance was for. Mayor Seader explained that a disabled resident of Prospect Avenue had requested that a handicapped parking spot be placed in front of his house.

No one else from the public spoke. This portion was closed.

Yes: Baudendistel, Cilento and Petracca

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

10-15-2018: #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, Cilento and Petracca

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

10-15-2018: #2

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

The Dunellen American Legion Post 119 is hereby granted permission to run a penny drive (canning) fund raiser on Saturday, November 17, 2018 and Sunday, November 18, 2018, on the corners of North Avenue and Washington Avenue, North Avenue and Madison Avenue, and Grove Street and Prospect Avenue, and outside business establishments (with retailers' permission) in downtown Dunellen, for the purpose of raising funds for the organization's supported charities.

The American Legion Post 119 has been notified that they must also apply to the New Jersey Department of Transportation for a permit to fund raise on state roads, and to the County of Middlesex for a permit to fund raise on county roads, and that this Dunellen Borough Council approval is granted subject to the final approval of the NJDOT and the Middlesex County Department of Transportation.

Yes: Baudendistel, Cilento and Petracca

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

10-15-2018: #3

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 McManimon Scotland Baumann, from the Interim Cost Agreement Escrow Account for work done toward redevelopment:

<u>McManimon Scotland Baumann</u>	<u>Bill Number</u>	<u>Amount</u>
00019526-00004	150707	\$21.50
	Total	<u>\$21.50</u>

Yes: Baudendistel, Cilento and Petracca

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

10-15-2018: #4

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the South Madison Avenue Roadway Improvements project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA—2019— South Madison Avenue Roadway Improvements — 00422 to the New Jersey Department of Transportation on behalf of the Borough of Dunellen.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant on behalf of the Borough of Dunellen and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Yes: Baudendistel, Cilento and Petracca

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

10-15-2018: #5

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

Whereas, application was made in accordance with the State Regulations for a license to be issued, and

Whereas, after proper investigation it was deemed that all requirements of the State Regulations have been met.

Now therefore be it resolved that the Governing Body authorize the issuance of an Instant Raffle License to the American Legion Post 119 for calendar year 2019.

Further be it resolved that this license will be issued pending final approval by New Jersey State Legalized Games of Chance Commission.

Yes: Baudendistel, Cilento and Petracca

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

10-15-2018: #6

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 US Bank Cust for Actlien Holdings
50 South 16th St. Suite# 2050
Philadelphia PA 19102

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
18-7	33	23	C0207	Rao, Balbir Durgaji 400 North Ave unit#6	617.79	23.48	1,200.00	1,841.27

TOTAL REFUNDED \$1,841.27

Yes: Baudendistel, Cilento and Petracca

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

10-15-2018: #7

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 Trade Money LLC
29 Palisades Rd.
Old Bridge NJ 08857

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
18-1	7	13	Planet Home Lending LLC 418 Jackson Ave.	438.95	73.78	1,300.00	1,812.73

TOTAL REFUNDED \$1,812.73

Yes: Baudendistel, Cilento and Petracca

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

10-15-2018: #8

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

The Mayor of the Borough of Dunellen is hereby authorized to accept the 2018 NJUCF Stewardship Grant—Reforestation & Tree Planting, Grant Identifier FS19-014 and to enter into an Agreement with the New Jersey Department of Environmental Protection, Division of Parks and Forestry for its administration.

Yes: Baudendistel, Cilento and Petracca

Reports:

Mr. Petracca: no report.

Mr. Baudendistel: 1) the trees started to be planted last Friday and there are now 81 in the ground. He explained the system of notification to the residents: 122 letters were sent last August asking residents to respond as to whether they wished a tree. About 28 were returned saying yes and the about the same number saying no. He then sent a second round of letters informing them that were going to get a tree, with the species of tree noted. All trees would be planted in the right of way so informing the residents was a courtesy. Some addresses on Pearl and Jadach received three notices as there is no right of way and he wanted to be sure the residents were notified. Some residents ultimately objected and the Shade Tree Commission responded; 2) the Dunellen Downtown Management Organization benches should arrive soon and will then be placed for review before final installation; 3) asked Mr. Bruder about the Strip Joint property. Mr. Bruder responded that he has been discussing the environmental issues with an attorney at Wilentz; 4) we need to move forward with the Sign Ordinance; 5) installation of the decorative lights have begun on North and North Washington Avenues.

Mr. Cilento: 1) volunteers from the Transit Hub Study will be in town on Sunday, October 21st to walk around; 2) copy for the *Dunellen* Report is due on December 1st; 3) Dunellen Arts and Culture Commission submitted a grant to Middlesex County for the Summer 2019 Arts Camp (\$4,000.00); 4) Cheryl O’Neill’s Third Grade class will be doing a pen-pal project with our Italian Sister-City.

Mayor Seader: 1) the Prospect Avenue/Madison Avenue Road Improvement Project has started and we all hope to have it concluded by Thanksgiving; 2) Tennis Courts are being designed. He instructed CME to take another look at the proposed gazebo plans to keep the cost down. If we are not satisfied, we might separate that part of the project from the tennis courts; 3) asked about the newspaper kiosk ordinance. Mr. Robins informed the Mayor and Council that the two kiosks that were in the Towne Pharmacy retail section have been removed and the owners notified with copies of the ordinance; 4) asked Mr. Robins to give Mr. Bruder a copy of the New Market/S. Washington traffic light plan; 5) thanked everyone for the great jobs done on the car show and HarvestFest 2018.

PUBLIC PORTION

Thomas Ronca, 314 Prospect Avenue. He shared some observations: 1) three traffic light intersections (North/Washington; North/Madison; Prospect/Grove) would benefit from lines drawn to prevent vehicles from venturing too far into the intersection so as to give turning trucks some extra room; 2) recommended that the empty lot at 226 Whittier Avenue be purchased by the borough and used as a retention basin to help alleviate localized flooding; 3) he related a potential road-rage event he was a part of last Sunday in which an angry motorist took objection to the way he was idling during a traffic stop at Washington and North, going south, and followed him, pulled up alongside him, and threw objects at his car. He headed for the police station and she turned in a different direction. Mayor Seader responded that these were State or County roads, but it was a good suggestion.

Homer Mosley, 113 Pearl Place: 1) asked about a tree that was planted in his yard. Mr. Baudendistel responded that he had received a cherry tree and it would not grow too large; 2) was voted by the Seniors group as their representative. He asked whether the Club could become part of the borough. They think there may be more grant opportunities. Mr. Baudendistel stated that the Seniors Club might be part of the Recreation Department. Mr. Bruder asked if Mr. Mosely was aware of any other municipalities that had placed the Seniors Club within the borough. He had not.

Ellen Kelly, Lincoln Avenue: 1) asked if we had a running total of costs to the borough? Mayor Seader responded that the redevelopers paid for all the fees and costs; 2) asked about the number of potential children in the new development. She thought 41 might be low and opined it was closer to 80 children. Mayor Seader responded that all the developers' reports indicate the low forties, though the amount might be a little higher because of the 58 affordable housing units; 3) noted that NJ Transit buses often drove and parked erratically.

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

10-15-2018: #9

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

The Dunellen Borough Council Meeting of October 15, 2018 is adjourned.

Yes: Baudendistel, Cilento and Petracca
