

April 18, 2016

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on April 18, 2016.

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 J. Seader, Kenneth Baudendistel, Kevin Bachorik, Jason Cilento and Jeremy Lowder

Absent: Kenneth Bayer and Joseph Petracca

On the motion of Mr. Bachorik and seconded by Mr. Cilento it was moved to accept the Minutes of April 4, 2016:

Yes: Baudendistel, Bachorik and Cilento

Abstain: Lowder [stating that he had been absent at the April 4, 2016, meeting.]

Mayor Robert J. Seader appointed the following residents or business owners to the Dunellen Arts and Culture Commission: Autumn Skye, Rachel Appleton, Margaret Lockwood, Stephen Mennella, Mathew Lafargue, Cleo Mack, Milhan Fishman, Heidi Heleniak and Elizabeth Lopez-Velez

Mayor Robert J. Seader appointed Michelle Klastava to the Dunellen Public Library Board of Trustees

Public Hearing on CY 2016 Municipal and Sewer Utility Budgets

At this point, there was a public hearing on the CY 2016 Budgets.

Mayor Seader opened the meeting for public comment on the CY 2016 Budgets. No one from the public spoke. This portion was closed.

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

ORDINANCE 2016-05

BOROUGH OF DUNELLEN

The following Restated and Amended Dunellen Downtown Redevelopment Plan, Phase I, is being Introduced for first reading on April 18, 2016. It will be presented for Public Hearing and Adoption on May 16, 2016 at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey, or at an appropriate time thereafter subject to Dunellen Planning

Board review. Notice will be given in advance of the date for the Public Hearing and Adoption. Copies of this ordinance will be posted on the Municipal Bulletin Board, and will be available at the Office of the Borough Clerk for any interested members of the public.

This ordinance restates and amends the Dunellen Downtown Redevelopment Plan, Phase One, that was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, November 2014, and February 2016.

Whereas, the Table of Contents of this amendment is as follows and represents a Summary of the contents of the ordinance for purposes of public notice:

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http://www.dunellen-nj.gov/municipal_news/redevelopment/index.php

Sandy Galacio from Windels, Marx representing the borough in the redevelopment discussions, and Peter Flannery from Sills, Cummis representing the redeveloper, were available for questions from Council. Council was provided with clean copies of the ordinance and redlined copies that showed the changes since 2003. Mr. Robins explained that the process is, upon Introduction by the Council, the ordinance will be sent to the Dunellen Planning Board for review and comment, such review and comment within 35 days. The tentative date for public hearing and adoption is May 16, 2016, after proper notice. The Restated Redevelopment Plan is to be adopted in order to have the underlying zoning requirements necessary to then come to an Agreement with the Redevelopers of the Art Color site. Mr. Robins continued that the Restated Plan is intended to be a document pertinent to Year 2016 and the future.

Mr. Galacio informed the Council that the Restated Plan incorporates all the changes since 2003, the most important being the Affordable Housing requirements per the Declaratory Judgment settlement, and some changes to the design elements such as materials to be used, locations of satellite dishes, and parking. There will be no parking between the commercial building on South Washington Avenue and the street. The law and case law is unclear on the location of satellite dishes, but construction issues and FCC regulations are factors. A representative from Prism [Robert, last name unclear; Prism will be building the apartments and retail space] noted that in ownership townhouses, the top floor owner owns the roof, so dishes for other owners may need to be placed on balconies. He also noted that apartment renters who are likely to be short-term renters usually do not buy and install satellite dishes. Mr. Baudendistel asked about the two signs: one for the townhomes, one for the apartments. He also asked about the height of the buildings. They will be four stories, with a peak, but no higher than 55 feet. There were questions about the reach of the ladder truck. Prism noted that all roofs would have sprinklers. He also stated that in developing the plans, they will factor in truck turn-arounds.

Yes: Baudendistel, Bachorik, Cilento and Lowder

At this point, Resolution 04-18-2016: #12 was taken up so that Sandy Galacio could provide background.

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

04-18-2016: #12

**RESOLUTION AUTHORIZING AND DIRECTING THE
PLANNING BOARD OF THE BOROUGH OF DUNELLEN
TO UNDERTAKE A PRELIMINARY INVESTIGATION TO**

**DETERMINE WHETHER A CERTAIN AREA WITHIN
THE BOROUGH IS IN NEED OF REDEVELOPMENT.**

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Governing Body of the Borough of Dunellen (“Borough”) is authorized to direct the Planning Board of the Borough of Dunellen (“Planning Board”) to undertake a preliminary investigation in order to determine whether a certain area within the Borough is an area in need of redevelopment pursuant to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Mayor and Council desire the Planning Board to conduct such a preliminary investigation relative to a certain property located within the Borough, on South Washington Avenue, more specifically identified as Block 83, Lot 1, as shown on the official tax map of the Borough of Dunellen (the “Property”).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Dunellen, they being the Governing Body, as follows:

1. The Planning Board is hereby directed to conduct a preliminary investigation to determine whether the Property, or any portions thereof, constitutes an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5; and
2. The Planning Board is hereby directed to conduct a preliminary investigation of the aforementioned Property in accordance with the requirements set forth in N.J.S.A. 40A:12A-6; specifically to prepare a map showing the boundaries of the proposed redevelopment area and locations of the various parcels of property located therein, with a statement setting forth the basis for the investigation appended to the map; to specify a date for a public hearing for the purpose of hearing persons who are interested in, or would be affected by, the determination that the delineated area is a redevelopment area; to give notice of said hearing pursuant to the hearing notice requirements set forth in

N.J.S.A. 40A:12A-6(b)(3); to hear and receive into the record any objections to such a determination that the proposed property be designated an area in need of redevelopment; and

3. The redevelopment area designation shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain; and
4. After completing its hearing on the matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the Governing Body to be a redevelopment area.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Mr. Galacio explained that Block 83, Lot 1 is owned by the redeveloper but was not included in the original designation of the redevelopment area. It is right by the entrance to the complex. It is the parking lot where the hot dog vendor sets up his stand. This process will bring the parcel into the Plan. The resolution is a direction to the Planning Board to conduct an investigation to determine if it should be part of the redevelopment zone.

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

ORDINANCE 2016-06
BOROUGH OF DUNELLEN

The following ordinance is being Introduced for first reading on April 18, 2016. 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 2nd day of May, 2016, 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.

AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$85,000.00 FOR THE PREPARATION AND EXECUTION OF APPROVED TAX MAPS IN THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, FOR THE USE OF THE LOCAL ASSESSOR OF THE BOROUGH.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to the Local Budget Law of New Jersey, and in particular N.J.S.A. 40A:4-53, a special emergency appropriation in the amount of \$85,000.00 is hereby authorized and made for the purpose of the preparation of tax maps by the Borough of Dunellen, in the County of Middlesex, New Jersey.

Section 2. The Borough is hereby authorized to finance such appropriation from surplus funds available or by issuing special emergency notes from time to time in accordance with the provisions of N.J.S.A. 40A:4-55, all as shall be determined by and pursuant to a resolution or resolutions of the Borough to be hereafter adopted.

Section 3. In accordance with the requirements of N.J.S.A. 40A:4-53, a copy of this ordinance as adopted shall be filed with the Director of Local Government Services in the department of Community Affairs of the State of New Jersey.

Section 4. This ordinance shall take effect after publication after final adoption, as provided by law.

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

ORDINANCE 2016-04
BOROUGH OF DUNELLEN

The following ordinance was Introduced for first reading on April 4, 2016. A second reading and public hearing was held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 18th day of April, 2016, and copies of this Ordinance have been posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance have been available at the Office of the Borough Clerk for any interested members of the public.

Dunellen Municipal Code, Sewer Rents, Chapter 230-7 (A) is amended to read as follows:

Chapter 230-7. Extraneous and prohibited flows.

A. Any flows or strengths which are not chargeable to a particular user, whether by reason of the user being exempted from charges or by reason of the flow entering the system by infiltration or inflow, shall be charged to all users equally.

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, Cilento and Lowder

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

04-18-2016: #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, Cilento and Lowder

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

04-18-2016: #2

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

The Dunellen-Green Brook Rotary Club is hereby approved to hold a 50/50 Cash Raffle on October 11, 2016, drawing to be held at the Dunellen Theater and Cinema Café.

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

04-18-2016: #3

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 two licenses 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 a 50/50 Cash Raffle License and a Merchandise Raffle License to the Dunellen PTO.

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

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

04-18-2016: #4

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

An Outdoor Dining license is approved for:

Mis Amigos
373 North Avenue

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

04-18-2016: #5

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

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

04-18-2016: #6

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

Acclaim Inventory, LLC., of Edison, NJ, is awarded a contract to perform an asset inventory at the \$1,000 threshold for an amount not to exceed \$1,800.00.

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

04-18-2016: #7

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

WHEREAS, Marcin Nierodzik has successfully completed his one year probationary period in the Dunellen Police Department.

NOW, THEREFORE, BE IT RESOLVED, that Marcin Nierodzik is appointed as a full-time member of the Dunellen Police Department as of April 6, 2016, salary as determined by the current PBA contract.

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

04-18-2016: #8

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

WHEREAS, Nicholas Pepe has successfully completed his one year probationary period in the Dunellen Police Department.

NOW, THEREFORE, BE IT RESOLVED, that Nicholas Pepe is appointed as a full-time member of the Dunellen Police Department as of April 6, 2016, salary as determined by the current PBA contract.

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

04-18-2016: #9

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 a 50/50 raffle license to St. John the Evangelist Church, and

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

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

Resolution 04-18-2016: #10

BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX

RESOLUTION TO ADOPT 2016 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) \$4,693,150.93 (Item 2 below) for municipal purposes
- (e) \$ 195,524.00 (Item 5 below) Minimum Library Tax

SUMMARY OF REVENUES

1.General Revenues	
Surplus Anticipated	\$ 379,000.00
Misc. Revenue Anticipated	\$ 1,292,268.07
Receipts from Delinquent Taxes	\$ 292,000.00
2. Amt. to be Raised by Taxation for Mun. Purposes (Item 6 {a}, Sheet 11)	\$ 4,693,150.93
3. Amt. to be Raised by Taxation Min. Library Levy	<u>\$ 195,524.00</u>
 Total Revenues	 \$ 6,851,943.00

SUMMARY OF APPROPRIATIONS

1.General Appropriations	
Within "CAPS"	
(a&b) Operations Including Contingent	\$ 4,689,104.00
(e) Deferred Charges and Statutory Charges	\$ 633,711.00
Excluded from "CAPS"	
(a) Operations	\$ 448,650.00
(c) Capital Improvements	\$ 15,000.00
(d) Municipal Debt Service	\$ 523,478.00
(e) Deferred Charges – Municipal	\$ 82,000.00
(m) Reserve for Uncollected Taxes	<u>\$ 460,000.00</u>

Total Appropriations \$6,851,943.00

Sewer Utility Fund

Total Revenues \$ 790,100.00

Total Appropriations \$ 790,100.00

Yes: Baudendistel, Bachorik, Cilento and Lowder

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

04-18-2016: #11

Whereas, the Dunellen Downtown Redevelopment Plan, Phase One, was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, November 2014 and February 22, 2016; and

Whereas, on April 18, 2016, the Dunellen Borough Council introduced for first reading Ordinance 2016-05, an Amended and Restated Dunellen Downtown Redevelopment Plan, Phase I; and

Whereas, the Table of Contents of this amendment is as follows and represents a Summary of the contents of the ordinance:

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WHEREAS, the full text of this ordinance is available at the Office of the Dunellen Municipal Clerk and can be found online at:

http://www.dunellen-nj.gov/municipal_news/redevelopment/index.php

Now, Therefore, Be it Resolved, by the Mayor and Council of the Borough of Dunellen, that Ordinance 2016-05 be forwarded to the Dunellen Planning Board for review and a report containing its recommendation regarding the proposed amended ordinance.

Yes: Baudendistel, Bachorik, Cilento and Lowder

REPORTS:

Mr. Baudendistel: 1) Band Parents are not selling flowers this year, so the STC will have to find another source for the flowers in Washington Park. He is arranging for the Girl Scouts to help plant them.

Mr. Bachorik: no report.

Mr. Cilento: 1) Baseball Ceremony went very well; 2) 132 children in Recreation Baseball, 60 in track; 3) Memorial Day Parade in planning stage; 4) copy for *Dunellen Report* due 6/1.

Mr. Lowder: no report.

Mayor Seader: asked if Rescue Squad had begun its soft billing? [Subsequently, Mr. Robins inquired and Rescue Squad responded that soft billing has begun.]

PUBLIC PORTION

Heidi Heleniak, the Dunellen Downtown Management Organization would like the Council to know that this Saturday they will be hosting a career fair at the Dunellen Public Library, led by Randee Staats, Jr. The Library Director Audra Osorio will be informing all on library vocational and career holdings.

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

04-18-2016: #13

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

The Dunellen Borough Council Meeting of April 18, 2016 is adjourned.

Yes: Baudendistel, Bachorik, Cilento and Lowder
