

April 20, 2015

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on April 20, 2015.

Mayor Seader called the meeting to order at 7:30 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, Kevin Bachorik, Kenneth Bayer, Jason Cilento, Thomas Cote and Joseph Petracca

Absent: Kenneth Baudendistel

On the motion of Mr. Bachorik and seconded by Mr. Cote it was moved to accept the minutes of April 6, 2015.

Yes: Bachorik, Bayer, Cilento

Abstain: Petracca and Cote

At this point, Ordinance 2015-02, CAP Bank Ordinance, which on April 6, 2015, after motion and second there was some Council discussion and then a motion and second to continue this Ordinance to a future time was again presented to the Council for a vote:

ORDINANCE 2015-02

BOROUGH OF DUNELLEN

The following ordinance was Introduced for first reading on March 16, 2015, and a second reading and public hearing is now being held at 7:30 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey, this 20th day of April, 2015. 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.

BE IT ORDAINED, by the Borough Council of the Borough of Dunellen, in the County of Middlesex, and State of New Jersey as follows:

CALENDAR YEAR 2015

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5%

unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Dunellen in the County of Middlesex finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$102,547.90 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council of the Borough of Dunellen hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Dunellen, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Borough of Dunellen shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$179,458.83, and that the CY 2015 municipal budget for the Borough of Dunellen be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

At this point, Mayor Seader opened the meeting for public comment on the ordinance. No one from the public spoke. This portion was closed.

Mr. Olsen explained that this ordinance allows the borough to raise more taxes if we needed to. We have a limit on how much we can spend, tied to the cost of living. But if we have an emergency: a disaster, or a need to hire more police officers, this ordinance gives us a mechanism to exceed the cost of living if we had to. We would still need to find a way of paying for it, possibly through taxes or another revenue source.

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

Public Hearing on CY 2015 Municipal and Sewer Utility Budgets

At this point, there was a public hearing on the CY 2015 Budgets.

Gregg Katzer from the auditing firm of Hodulik and Morrison was in attendance to answer any questions.

Mayor Seader opened the meeting for public comment on the CY 2015 Budgets. No one from the public spoke. This portion was closed.

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

Resolution 04-20-2015: #1

**BOROUGH OF DUNELLEN
MIDDLESEX COUNTY, NEW JERSEY**

RESOLUTION TO AMEND BUDGET

WHEREAS, the public hearing on said budget has been held as advertised,

and WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Dunellen, County of Middlesex, that the following amendments to the approved budget of calendar year 2015 be made:

	Ayes	Nays	Abstained
Recorded Vote			
(Insert last names)	(((
	(((
	(
	(Absent
	((
	((

Current Fund - Anticipated Revenues	<u>From</u>	<u>To</u>
General Revenues		
6. Amount to be Raised by Taxes:		
(a) Local Tax for Municipal Purposes Including		
Reserve for Uncollected Taxes	4,639,358.00	4,621,542.00
Total Amount to be Raised by Taxes for Support of Municipal Budget	<u>4,826,174.00</u>	<u>4,808,358.00</u>
7. TOTAL GENERAL REVENUES	\$ 6,789,442.07	\$ 6,771,626.07

Current Fund Appropriations		
8. General Appropriations		
(A) Operations within "CAPS"		
Public Safety		
Fire Department		
Misc. Other Expenses	40,000.00	36,000.00
Police Department		
Other Expenses	92,000.00	83,000.00
Overtime	45,000.00	41,000.00

Tree Maintenance		
Other Expenses	40,000.00	36,000.00
UNCLASSIFIED		
Gasoline	45,000.00	41,000.00
Total Operations {Item 8(A)} within "CAPS"	<u>\$ 4,664,371.00</u>	<u>\$ 4,639,371.00</u>
Total Operations Including Contingent within "CAPS"	<u>\$ 4,665,871.00</u>	<u>\$ 4,640,871.00</u>
Detail:		
Salaries and Wages	\$ 2,715,607.00	\$ 2,690,607.00
Other Expenses	\$ 1,950,264.00	\$ 1,950,264.00
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	<u>5,282,991.00</u>	<u>5,257,991.00</u>
8. General Appropriations		
(A) Operations Excluded from "CAPS"		
Other Expenses	201,816.00	209,000.00
Total Other Operations - Excluded from "CAPS"	<u>208,352.00</u>	<u>215,536.00</u>
Total Operations - Excluded from "CAPS"	<u>447,636.07</u>	<u>454,820.07</u>
Detail:		
Salaries and Wages	10,375.00	10,375.00
Other Expenses	437,261.07	444,445.07
(H-2) & (O) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	<u>1,026,451.07</u>	<u>1,033,635.07</u>
(L) Subtotal General Appropriations {Items (H-1) and (O)}	<u>6,309,442.07</u>	<u>6,291,626.07</u>
9. Total General Appropriations	<u>\$ 6,789,442.07</u>	<u>\$ 6,771,626.07</u>

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the fiscal year 2015 local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 20th day of April, 2015.

April 20, 2015

Borough Clerk

Mayor Seader noted that this amendment was to lower some expenditures to make them align with our revenues, though the Council did increase the appropriation for the Public Library.

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

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

**BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX**

RESOLUTION TO ADOPT 2015 MUNICIPAL BUDGET

Resolution 04-20-2015: #2

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Dunellen, County of Middlesex, that the budget hereinbefore 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)	\$ 4,621,542.00		(Item 2 below) for municipal purposes
	(e)	\$ 186,816.00		(Item 5 below) Minimum Library Tax

Recorded Vote
(Insert last name)

	(Bayer		(Abstained	(
	(Petracca		((
Ayes	(Bachorik		Nays	(
	(Cilento		((Baudendistel
	(Cote		Absent	(

Current Fund:

SUMMARY OF REVENUES

#	General Revenues	
	Surplus Anticipated	\$ 410,000.00
	Miscellaneous Revenues Anticipated	1,203,268.07
	Receipts from Delinquent Taxes	350,000.00
#	Amount to be Raised by Taxation for Municipal Purposes (Item 6[a], Sheet 11)	4,621,542.00
#	Amount to be raised by taxation minimum library levy	186,816.00
	Total Revenues	\$ 6,771,626.07

SUMMARY OF APPROPRIATIONS

#	General Appropriations:	
	Within "CAPS"	
	(a&b) Operations Including Contingent	4,640,871.00
	(e) Deferred Charges and Statutory Expenditures - Municipal Excluded from "CAPS"	617,120.00
	(a) Operations - Total Operations Excluded from "CAPS"	454,820.07
	(c) Capital Improvements	15,000.00

(d) Municipal Debt Service	521,815.00
(e) Deferred Charges - Municipal	42,000.00
(m) Reserve for Uncollected Taxes	480,000.00
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Total Appropriations	\$ 6,771,626.07
	<hr/> <hr/>
<u>Sewer Utility Fund:</u>	
Total Revenues	\$ 784,600.00
	<hr/> <hr/>
Total Appropriations	\$ 784,600.00
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Yes: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #3

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: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #4

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

Permission is granted to the American Legion Post 119 to place a banner on the corners of South Washington Avenue and New Market Road and a second one adjacent to Columbia Park to direct patrons to the flea market and craft show to be held on May 30 and 31, 2015. The banners are to be placed on Friday, May 29th and removed on Sunday, May 30, 2015.

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #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 a Raffle License to the Dunellen-Green Brook Rotary Club.

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

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #6

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

WHEREAS, there is a need to demolish 226 Whittier Avenue due to its decrepit and dangerous physical condition; and

WHEREAS, the Construction Officer of the Borough of Dunellen has declared 226 Whittier Avenue uninhabitable and in needed of tear-down and removal; and

WHEREAS, the cost of this demolition and any ancillary costs related to its tear-down and removal and filling in the foundation will be a municipal lien against the property; and

WHEREAS, quotes were received from:

Kelly Construction Company, LLC, Green Brook, NJ	\$12,000.00
All Action Demolition, Franklin Park, NJ	\$13,500.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Dunellen, that Kelly Construction Company, LLC, NJ, be awarded a contract to demolish 226 Whittier Avenue, including the removal of the foundation and filling in of the basement, at a cost not to exceed \$12,000.00.

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #7

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: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #8

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

Whereas, a request was made by Wendy Fetzer to hold a block party on Sunday, June 7, 2015 (rain date Sunday, June 14, 2015) on Second Street between North Washington Avenue and Lincoln Avenue, from 1:00 pm to dusk.

Now therefore be it resolved that permission is hereby granted to the above resident to hold her 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.

Wendy Fetzer
346 Second Street

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #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 proceeds for tax sale redemption(s):

Payable to TWR as Cust for Ebury Fund 1NJ LLC

P O Box 37695
Baltimore, MD 21297-3695

Lien 14-10
Block 12
Lot 21

Address 200 Third St
Assessed to Fed Nat'l Mortgage Assoc

Principal 854.86
Interest 18.43
Premium 1,300.00
Total 2,173.29

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #10

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 proceeds for tax sale redemption(s):

Payable to US Bank Cust for PC5 Sterling National
50 S 16th St., Ste 2050
Philadelphia, PA 19102

Lien	14-01	14-69	14-75
Block	2	77	82.01
Lot	3	4.01	16

Address	219 Front St	239 Walnut St	42 Kline Pl
Assessed to	Franco, Eric & Carmen	Torre-Franco, Richard	McKoy, Drusilla & Boyd, J

Principal	1,185.25	1,025.46	1,025.46
Interest	21.01	18.15	18.05
Premium	<u>900.00</u>	<u>1,300.00</u>	<u>1,300.00</u>
Total	2,106.26	2,343.61	2,343.51

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #11

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 proceeds for tax sale redemption(s):

Payable to Potter, Violet
 367 Dogwood Way
 Mountainside, NJ 07092

Lien 14-35
Block 47
Lot 9.03

Address 741 Dunellen Ave
Assessed to Jimenez, Maritza

Principal 854.86
Interest 17.33
Premium 1,500.00
Total 2,372.19

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

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

04-20-2015: #12

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

Resolution 03-16-2015: #5, a settlement in the Matter of Paul Marinaccio v. Borough of Dunellen and William Robins, is amended to read as follows:

A settlement in the amount of \$3,000.00 in the Matter of Paul Marinaccio v. Dunellen Borough and William Robins, Records Custodian is hereby authorized and payment to be made to The Law Office of Donald M. Doherty, Jr.

Yes: Bachorik, Bayer, Cilento, Cote and Petracca

REPORTS:

Mr. Petracca: no report

Mr. Bayer: no report.

Ron Safar: reported that the garbage truck is on order and he sweeper to arrive soon. All the parks have been spring cleaned and leaf branches picked up on north side. Catch basins being cleaned. Looking into options for repairing pot holes. South Bound Brook will be borrowing one of our dump trucks. Mayor Seader noted that it is good to establish relationships of shared services with other municipalities.

Mr. Bachorik: no report

Mr. Cilento: 1) Little League Opening day very successful; 2) Recreation Commission is working on a field use policy; 3) Memorial Day Parade committee working on preparations. Mayor Seader commented that last year's parade was successful and the committee believes this year's will be just as good. The only disappointing note is that we have not received any participation from Green Brook, even though multiple attempts have been made to invite them and include them in the parade and the ceremony.

Mr. Cote: no report

Mayor Seader: presented some points that Mr. Baudendistel asked be raised at this meeting: 1) removal of the debris from the Pulaski Street fire. Mayor Seader reported that the company that took the houses down never got paid by the insurance companies, so he is not going to remove the debris until they get some kind of agreement. There are maybe six different insurance companies involved. 2) Parking Authority lots are filthy and need to be cleaned. Mr. Olsen from the Parking Authority was in attendance and took note of the situation; 3) Whittier Avenue house has tonight been awarded the contract for demolishing the structure; 4) asked for approval for flower planting in Washington Park by the Girl Scouts: approved by Council; 5) Arbor Day Celebration will be at Washington Park this Friday at 3:30 pm, five Cherry Trees will be planted; 6) asked to send another letter to the downtown merchants to sweep their sidewalks; 7) we are still in need of a Sign Ordinance Enforcement Officer so anyone interested please contact Mr. Baudendistel.

PUBLIC PORTION:

No one from the public spoke.

Mr. Bruder reported that in the legal action brought by the owners of Diane O'matic Laundromat against the Planning Board and other parties, the court dismissed the case as against the Dunellen Planning Board.

Mayor Seader reported that the US Army Corps of Engineers will be taking down the Jefferson Avenue bridge and asked Mr. Cote to attend the next meeting of the Green Brook Flood Control Commission to ascertain more specifics.

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

04-20-2015: #13

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

The Dunellen Borough Council Meeting of April 20, 2015 is adjourned.

Yes: Bachorik, Bayer, Cilento, Cote and Petracca