

April 4, 2016

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on April 4, 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, Kenneth Bayer and Jason Cilento

Absent: Jeremy Lowder and Joseph Petracca

On the motion of Mr. Bachorik and seconded by Mr. Cilento it was moved to accept the Minutes of March 21, 2016:

Yes: Baudendistel, Bachorik, Bayer and Cilento

Mayor Robert J. Seader appointed Kenneth Baudendistel to serve as the Council Liaison to the Dunellen Sewer Utility.

Municipal Clerk William Robins distributed Stormwater related materials to the Dunellen Borough Council members and held a public program where he answered questions. The following materials were distributed to Council and Public:

Stormwater Regulations
Presentation to the Dunellen Borough Council and Public
April 4, 2016

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

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 is being Introduced for first reading on April 4, 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 18th day of April, 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.

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.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

ORDINANCE 2016-02
BOROUGH OF DUNELLEN

The following ordinance was Introduced for first reading on March 21, 2016. A second reading and public hearing is now being held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 4th day of April, 2016. Copies of this Ordinance have been posted on the public bulletin board prior to the date for the 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.

AN ORDINANCE OF THE BOROUGH OF DUNELLEN, NEW JERSEY, ADDING
NEW CHAPTER THREE TO THE DUNELLEN MUNICIPAL CODE CREATING
THE DUNELLEN ARTS AND CULTURE COMMISSION, DEFINING THE DUTIES
AND FUNCTIONS OF THE COMMISSION, ESTABLISHING THE METHOD OF
APPOINTMENT OF MEMBERS TO THE COMMISSION AND PROVIDING FOR
OPERATING PROCEDURES.

WHEREAS, the Dunellen Borough Mayor and Council finds that, in order to enhance the quality of life available to the members of the Dunellen Community, the borough should provide and encourage the formation of public programs which will afford greater opportunities to experience and enjoy the fine and performing arts and cultural experiences locally; and

WHEREAS, the Borough Mayor and Council has determined that the Dunellen Arts and Culture Commission should be formed to pursue this objective.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF DUNELLEN, AS FOLLOWS:

A new Chapter 3 entitled “Dunellen Arts and Culture Commission” is hereby added to the Dunellen Municipal Code to read as follows:

Section 1. Commission Established – Membership.

- A. The Dunellen Arts and Culture Commission, consisting of nine members appointed by the mayor is hereby established. The term of office shall be five years and until a successor is appointed and confirmed, provided that four of the initial nine members of the Commission shall serve for two years until their successors are appointed and confirmed, in order to achieve staggered terms of office. All subsequent appointments shall be for five years, or for the duration of an unexpired term in the case of an appointment to a vacancy.
- B. Commission members shall be appointed upon the basis of demonstrated interest in, and knowledge and support of the arts, culture and Dunellen’s historical value.

Members shall serve without salary or other compensation, provided that members shall be reimbursed for necessary expenses actually incurred. All commissioners shall reside or own a business or property within the Borough at the time of appointment and throughout their terms of office.

Section 2. Rules of Procedures. The Commission shall adopt procedural rules governing the transaction of its business. The Rules shall include provision for the date, time and place of regular meetings of the Commission. Provisions shall be made for maintaining minutes of Commission meetings and records of all Commission reports, conclusions and recommendations. The Rules of Procedures shall provide for election of Commission Officers, which shall include a Chairperson and Vice Chairperson who shall serve for at least one year. The Rules of the Commission shall provide that all Commission meetings shall be open to the public and that notice of meetings shall comply with the New Jersey Open Public Meetings Act, to the extent proceedings of the Commission are governed by such Act. The procedures shall address receipt and processing of citizen proposals and requests.

Section 3. Authority of Commission. The Arts and Culture Commission is authorized to take the following actions:

- A. On behalf of the Borough of Dunellen, to encourage, conduct, sponsor or co-sponsor public programs to further the development and public awareness of, and interest in, the fine and performing arts and cultural experiences of Dunellen;
- B. To provide recommendations to the Mayor and Borough Council for possible borough sponsored cultural, historical and artistic endeavors and projects and to act as a representative to the community in such matters;
- C. To encourage donations, grants and other support to further expand the arts, culture and historical services and programs available to citizens of Dunellen and members of the Dunellen community;
- D. To take such other actions as the Borough Mayor and Council may direct from time to time.

Section 4. Meeting and Staff Services.

- A. The Dunellen Arts and Culture Commission shall meet no less than six (6) times per year at dates, times and places to be established by the Commission. Commission meetings shall be open to the public and written meeting minutes shall be maintained and made available to the public upon approval of the minutes by the Commission.
- B. The Director of Parks and Recreation shall be responsible for providing administrative and staff services for the Commission.
- C. The Commission shall make a report to the Borough Mayor and Council annually.

Section 5. Budget. The Dunellen Arts and Culture Commission programs and operating expenses shall be funded from the Borough of Dunellen general fund, grants, donations and admission charges. The Director of Parks and Recreation shall be responsible, with

advisement from the Commission, for submitting the annual operating budget to the Mayor and Council.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance, being an administrative action, is not subject to referendum and shall take effect five (5) days after publication.

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:

ORDINANCE 2016-03

BOROUGH OF DUNELLEN

The following ordinance was Introduced for first reading on March 21, 2016, and a second reading and public hearing is now being held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey, this 4th day of April, 2016. 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 2016

**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 0% 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 2016 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 \$184,029.69 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 2016 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 \$184,029.69, and that the CY 2016 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.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

04-04-2016: #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, Bayer and Cilento

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

04-04-2016: #2

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 4, 2016 (rain date June 11, 2015), from 8:00 am to 3 pm. All fees for this event are waived.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

04-04-2016: #3

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

RESOLUTION AUTHORIZING APPROVAL BY THE MAYOR AND COUNCIL OF THE BOROUGH OF DUNELLEN FOR THE DUNELLEN POLICE DEPARTMENT AND THE DUNELLEN FIRE DEPARTMENT TO APPLY AND PARTICIPATE IN THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) 1033 PROGRAM

WHEREAS, the Law Enforcement Support Office (LESO) facilitates a Law Enforcement Support Program, which originated from the National Defense Authorization Act of Fiscal Year 1997; and

WHEREAS, informally known as the “1033 Program,” this initiative allows local law enforcement agencies to obtain, at little or no cost, surplus Federal Property, including aircraft, vehicles, weapons and night vision equipment, among other kinds of equipment, originally intended for use by the United States Armed Forces; and

WHEREAS, although such equipment is provided through the 1033 Program at no cost to county and municipal law enforcement agencies, these entities are responsible for costs associated with the maintenance, fueling and upkeep of this equipment, and for specialized training for its operation; and

WHEREAS, in this era of fiscal restraint, participation in the 1033 Program allows local units to obtain equipment that they might otherwise be able to afford, and to prepare for, respond to, and recover from incidents of terrorism and natural disasters such as hurricanes and severe floods; by complying with Sections 2 (a) and 2 (b) of Senate Bill No. 2364; and

WHEREAS, it is in the best interest of the residents of the borough of Dunellen that the Dunellen Police Department and the Dunellen Fire Department apply and participate in the LESO 1033 Program.

NOW, THEREFORE, BE IT RESOLVED, on this 4TH Day of April 2016, the Mayor and Council of the Borough of Dunellen, County of Middlesex, and State of New Jersey hereby authorizes and approves the Dunellen Police Chief and the Dunellen Fire Chief to apply, enroll and participate in the Law Enforcement Support Office 1033 Program.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

04-04-2016: #4

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

WHEREAS, pursuant to N.J.S.A. 40A: 12A-6, the Governing Body authorized the Planning Board to undertake a preliminary investigation to determine whether a portion of 635 Bound Brook road (a.k.a. Former Strip Joint, Inc.) including Block 49, Lot 29, 635 Bound Brook road (the “Property”) is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A: 12A-5; and

WHEREAS, the Governing Body has determined that there has been, or it suspects that there has been, a discharge of hazardous substances or a hazardous waste on the Property.

WHEREAS, the Borough of Dunellen is applying from the Hazardous Discharge Site Fund for funding for the assessment and investigation of 635 Bound Brook Road in order to determine the extent or the existence of any hazardous substance or hazardous waste.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that the Borough of Dunellen is committed to the redevelopment of 635 Bound Brook Road for the purpose of commercial and/or residential mixed use development as part of the Downtown Redevelopment Plan and finds that a realistic opportunity exists for the redevelopment of 635 Bound Brook Road within a three year period after the completion of the remediation of this site either through the planned redevelopment project, Dunellen Downtown Redevelopment plan, or through alternate redevelopment.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

04-04-2016: #5

WHEREAS, emergent conditions have arisen with respect to either funds being needed for salaries and/or payments being due various vendors, and

WHEREAS, adequate provisions were not made in the 2016 Temporary Budget, and N.J.S.A. 40A:4-20 provides for creation of emergency temporary appropriations, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2016 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total \$1,687,511.00

Now, therefore be it resolved by the Governing Body of the Borough of Dunellen (not less than two-thirds of all the members thereof affirmingly concurring):

Then in accordance with N.J.S.A. 40A:4-20:

1. The emergency temporary appropriations listed below will be provided for in the 2016 budget under the titles shown and for the amounts given be and the same are hereby made as follows:

Title	Salaries and Wages	Other Expenses
Administration	12,500	1,000
Legal Advertising		1,000
Telephone		8,000
Elections		3,000
Financial Administration	20,000	
Assessment of Taxes	4,000	1,000
Collection of Taxes	9,500	4,000
Legal Services	13,500	
Borough Clerk	12,500	1,000
Engineering Services		2,000
Public Buildings & Grounds	1,500	13,000
Electric & Gas		35,000
Planning Board		2,000
Group Insurance		175,000
Other Insurance		1,000
Mayor & Council	5,500	1,400
Gasoline		10,000
Water		1,000
Postage		1,200
Information Technology		1,500
Fire		9,000
Fire Hydrant Service		18,000
Police	410,000	17,000
Police – OT	6,000	
School Crossing Guards	14,000	
Dispatcher Services		30,000
Emergency Management		300
Road Repairs	120,000	13,500
Tree Maintenance		8,000
Shade Tree		500
Garbage & Trash		4,000
Board of Health	8,000	4,000
Recreation Commission	10,500	4,000
Senior Citizen Activities		600
Construction Code Official	17,000	1,000
Public Employees Retirement System		115,687
Social Security		35,000
Police and Firemen’s Retirement System		382,024

Municipal Court	31,000	4,000
Free Public Library	52,000	
Municipal Prosecutor	9,000	
*Interest on Notes		(6,200)
*Infrastructure Trust Fund		126,211
Intergovernmental/Middlesex County Recycling		21,000
Intergovernmental/Middlesex County Health Services		8,000
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Subtotal	756,000	931,511
Grand Total, Emergency Temporary Appropriations		<u>1,687,511</u>

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

04-04-2016: #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 FWDSL & Associates, LP
17 West Cliff Street
Somerville, NJ 08876

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
15-13	33	23	C8	Craig, James 400 North Avenue Unit 8	660.33	16.32	1,000.00	1,676.65

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

04-04-2016: #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 US Bank Cust for PC5 Sterling National
50 S 16th St., Ste 2050
Philadelphia, PA 19102

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
14-68	76	21	William, M L & B S III 343 New Market Road	1,366.25	68.31	1,300.00	2,734.56
14-71	78	21	Watters, Gerald & Kristie A 245 Maple Avenue	1,366.25	71.01	1,300.00	2,737.26

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

04-04-2016: #8

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

A contract is awarded to Verizon Business Network Services, Inc., to supply an Emergency Subscriber List (ESL) for residential home telephone emergency notifications, at a cost not to exceed \$1,435.62, and a recurring monthly update fee of \$6.55. The term of this contract is three years from the date of this contract award.

Yes: Baudendistel, Bachorik, Bayer and Cilento

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

04-04-2016: #9

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

The Tax Collector is hereby authorized to waive interest in sewer utility payments billed and owing on the following parcel where billing was not sent to the property owner, provided payment is received in full by April 30, 2016:

Owner: North Avenue Apts, LLC
 Location: 399-401 North Avenue
 Block: 66
 Lot: 10.03

Yes: Baudendistel, Bachorik, Bayer and Cilento

REPORTS:

Mr. Baudendistel: 1) Noted that there is a truck parking overnight behind the old Guilio's; 2) For Arbor Day, the Shade Tree Commission will be celebrating with the Faber School students.

Mr. Bayer: no report.

Mr. Safar: Brought to the Council's attention certain staffing and work load concerns.

Mr. Bachorik: no report.

Mr. Cilento: Reported on Track and Field programs in the Recreation Department; Easter Egg Hunt; Recreation concerts; a trip to Hunterdon Playhouse; and the DVR security system in the parks.

Mayor Seader: 1) Taste of Dunellen was very successful; 2) Good chance we will get reimbursed for the Winter Storm of 2016; 3) State has ordered Dunellen to undertake a revaluation by November 2017. The cost may be 300-400,000 dollars.

John Bruder: Will review the order from the State and advise the Council on the schedule and any possible Appeal alternatives.

PUBLIC PORTION

Merle Lockhart, 624 Dunellen Avenue, brought to the Council's attention a wind-damaged tree. Mr. Baudendistel and the DPW will investigate.

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

04-04-2016: #10

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

The Dunellen Borough Council Meeting of April 4, 2016 is adjourned.

Yes: Baudendistel, Bachorik, Bayer and Cilento