

August 1, 2016

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on August 1, 2016.

Mayor Robert J. Seader called the meeting to order at 7:30 p.m., after a meeting of the Dunellen Planning Board, and he led the Pledge of Allegiance.

Municipal Clerk William Robins read the Sunshine Statement and called the Roll.

Present: Robert Seader, Kenneth Baudendistel, Kenneth Bachorik, Jason Cilento, Jeremy Lowder and Joseph Petracca

Absent: Kenneth Bayer

On the motion of Mr. Bachorik and seconded by Mr. Baudendistel it was moved to accept the Minutes of June 20, 2016:

Yes: Baudendistel, Bachorik, Lowder and Petracca

Abstain: Cilento. He stated that he had been absent from that Council Meeting.

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

08-01-2016: #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, Lowder and Petracca

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

08-01-2016: #2

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

Ron Safar is appointed Supervisor in the Dunellen Department of Public Works, at an hourly rate of \$42.64, including longevity, retroactive to February 26, 2016.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #3

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 the year CY 2016 in the sum of \$1,933.81 which is now available from the Alcohol Education Rehabilitation and Enforcement Fund 2016 Grant.

BE IT FURTHER RESOLVED, that the like sum of \$1,933.81 is hereby appropriated under the caption Alcohol Education Rehabilitation and Enforcement Fund 2016 Grant.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #4

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

The following persons are hired for summer employment in the Recreation Department’s Good Times Summer Camp. Employment will be between June 20, 2016, and August 5, 2016. Please be advised that the following employees have been hired to work for the Borough of Dunellen. These wages will be taken from the Summer Camp Line 025-5040-508.

All wages are per hour, except where noted, and there are no benefits.

Kelly Seader	Site Director	\$12.50 per hour
Kim Cannizzaro	Counselor	\$9.50 per hour
Rachel Baudendistel	Counselor	\$8.50 per hour

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #5

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

Dylan Zebro is hired as a Temporary Employee, of the Dunellen Department of Public Works, for up to 29 hours per week, at a salary of \$12.00 per hour, beginning June 21, 2016. This is a position without benefits according to Dunellen Code Chapter 50-3.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #6

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

Karen Miller is hereby hired as a School Crossing Guard at an hourly salary of \$11.97. This resolution amends a clerical error in the annual Salary Resolution, 06-06-2016: #2. This is a position without benefits.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #7

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	24594	\$4,180.62
0305764-0000001	28773	\$9,623.37

0305764-0000001	30037	\$5,201.94
	Total	<u>\$19,005.93</u>

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #8

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	34930	\$19,873.50
	Total	<u>\$19,873.50</u>

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #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 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	138601	\$1,288.28

Total

\$1,288.28

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #10

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

Emergency Services Marketing Corp., Inc., is awarded a contract to provide the “IamResponding” mobile app to the Dunellen Fire Department, for a five-year subscription, at an annual cost not to exceed \$650.00, plus a one-time set-up fee of \$50.00, and a yearly telephone fee of \$10.00. After the one-time set-up fee, the annual cost is not to exceed \$660.00. This expense will be taken from Account #6-01-25-265-000-299 and expenditures for future years will be dependent upon the availability of funds.

Yes: Baudendistel, Bachorik, Cilento and Petracca

Abstain: Lowder. He stated that he is a member of the Fire Department.

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

08-01-2016: #11

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 Calendar Raffle License to St. John the Evangelist Church.

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, Lowder and Petracca

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

08-01-2016: #12

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

Lucy Singura is hired as an Assistant in the Dunellen Tax Assessor Office, at a rate of \$25.00 per hour, not to exceed in total \$350.00. This award is to come out of Account # 601-20-150-00-101.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #13

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

Michael Pohida is hired as an Operator Class F, Probationary Employee, in the Dunellen Department of Public Works, at a salary per the current contract, effective July 25, 2016.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #14

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

AUTHORIZING TRANSFERS IN THE EVENT OF CANCELED COUNCIL MEETINGS

WHEREAS, when regularly scheduled Council Meetings are canceled due to unexpected circumstances, or lengthy periods of time might elapse during the Summer months when Council Meetings are less frequent, salary and wages and other expenses requiring payment cannot be authorized in a timely manner; and

WHEREAS, the inability to make timely payments creates an undue hardship on borough employees, vendors, and contractors.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the Borough CFO be and is hereby authorized and directed to pay as needed routine and regular invoices and obligations such as salaries, utilities, and customary vendors from the accounts that would be ordinarily authorized and charged at a regularly scheduled Council Meeting.

FURTHER RESOLVED that an itemized list of appropriation transfers be provided to the Mayor and Council members by the next regularly scheduled Council Meeting.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #15

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

WHEREAS, by Resolution 06-06-2016: #8, the Performance Guarantee provided to the Borough of Dunellen by Joseph Casey, for site improvements to Block 52, Lot 1, was reduced by \$9,054.32, with \$12,473.80 retained as a cash guarantee until such time that the remaining improvements at the site have been completed, subject to the approval of the borough attorney; and

WHEREAS, it was subsequently learned that an additional \$5,639.18 is owed and due from Joseph Casey for engineering work done by the borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that Resolution 06-06-2016: #8 be amended to reflect this outstanding balance, resulting in a reduction of the Performance Guarantee by \$3,415.14, with \$5,639.18 to be paid to CME Associates for work performed, and with \$12,473.80 retained as a cash guarantee until such time that the remaining improvements at the site have been completed, subject to the approval of the borough attorney.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #16

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

WHEREAS, Robert Madden is a laborer in the Dunellen Department of Public Works; and

WHEREAS, Robert Madden was originally hired on March 16, 2001, as a part-time recycling worker for the Borough of Dunellen, averaging over 35 hours per week; and

WHEREAS, Robert Madden was employed on March 14, 2005, as a full-time laborer in the Dunellen Department of Public Works; and

WHEREAS, under the Agreement Between the Borough of Dunellen and Local 255, United Service Workers, laborers may receive 25 days annual vacation after 15 years of service; and

WHEREAS, subject to no other considerations, a new hire is ordinarily subject to the terms of the labor contract and any benefits or time of employment outside of the terms of the contract do not carry over into the new employment; and

WHEREAS, in consideration that Robert Madden was employed as a part-time recycling worker under an older system that permitted part-time workers to work an equivalent number of hours weekly on average as did full-time laborers in the Department of Public Works, principles of fairness and equity argue for a revaluation of the number of vacation days to which Robert Madden is entitled.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the number of vacation days to which Robert Madden is entitled be calculated from the date of his original employment, March 16, 2001.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #17

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

WHEREAS, an emergency has arisen with respect to the a sewer break on North Washington Avenue and no adequate provision was made in the CY 2016 budget for the aforesaid purpose and NJSA 40A:4-46 provides for the creation of an emergency appropriation for the purposes mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to the created by this resolution is \$450,000.00 and three (3) percent of the total operating appropriations in the budget for CY 2016 is \$194,147.00; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for CY 2016.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with NJSA 40A:4-49, petition be made to the Director of the Division of Local Government Services for permission to exceed the statutory

limitation of 3 percent for the creation of an appropriation for the purpose set forth in the preamble in accordance with the following:

1. An emergency appropriation is her by made for repair of the sewer break on North Washington Avenue in the amount of \$450,000.00.
2. That said emergency appropriation shall be provided for in full in the CY 2017 Municipal Operating Budget, within CAPS, pursuant to NJSA 40A:4- 53.3c(1).
3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy transmitted to the Director of the Division of Local Government Services.
4. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Mayor Seader inquired how this was to be paid for. Mr. Olsen responded that part would come from surplus and part from increased debt. It would not be coming from next year's Budget.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

REPORTS:

Mr. Petracca: no report.

Mr. Baudendistel: 1) asked for an update on what needed to be completed on the Maurer property. Sellers still need to comply with some restoring of the property for which we have an estimate; 2) Strip Joint property? Still awaiting word on the latest application for a grant submitted by CME; 3) Towne Pharmacy parking lot project? They have agreed on a contractor and are awaiting a pre-construction meeting; 4) noted a situation at 519 Front Street. He will ask Mr. Luthman to submit a report on its physical status; 5) asked Chief Nelson about reports of a homeless man sleeping in the gazebo at the Library; 6) asked about the Madison Avenue property. Approved by the Planning Board; 7) asked about the vacant lot next to Advance Auto. Still tied up in court; 8) asked for clarification regarding posters/signs in Tropical; 9) discussed a program from NJ Transit regarding hanging banners. Consists of a four hour training session. He will further this with Ron Safar.

Mr. Bachorik: no report.

Mr. Cilento: 1) National Night Out on August 2nd, Columbia Park; 2) Travel Basketball has 12 players on its team; 3) August 15th, a meeting of a baseball/softball committee, nine members, coaches, Little League, Recreation, so they can all work together; 4) July 15th, the 55 and older group went to the theatre in South Orange; 5) August 27: planning for a Welcome Back Ceremony for Sydney McLaughlin.

Mr. Lowder: no report.

Mayor Seader: there is movement on the Bound Brook Road fire property. Possible that the property will be bought and razed.

PUBLIC PORTION

Jerry Cella, 599 Jackson Avenue. First, congratulated Recreation and Little League on again working together. Second, reported on a neighbor who is concerned with broken windows from boys playing ball. Third, talked about a situation with a new dog which had Lyme disease and bit his wife. He tried to take it to the Plainfield Humane Society but they do not have a contract with Dunellen. He called Edison but the manager was not in until later in the day and the manager is the person to make the decision. He could not take the dog home so he brought the dog to an animal hospital in Raritan and had it euthanized. Mayor Seader noted that we left the Plainfield Humane Society years ago when they raised their fees significantly, and, Edison, which has the contract, is not a shelter. Fourth, noted that the white pipe in the Green Brook is even more exposed. Mayor Seader responded that we are not permitted to make alterations in the Green Brook.

Gary Whyte, 289 Old Tote Road, Mountainside, asked if a proclamation regarding *Fibrodysplasia Ossificans Progressiva* could be done next Council meeting. Mr. Robins will prepare such a proclamation for the September 6th meeting.

The Council and public then went downstairs to look at the new fire truck.

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

08-01-2016: #18

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

Whereas, the Open Public Meetings Act (NJSA 10:4-6) permits the closing of meetings to the public under certain circumstances; and

Whereas, there exists such a circumstance; and

Whereas, the Governing Body wishes to enter into Executive Session for the purpose of discussing matters concerning pending litigation or contract negotiation; and

Whereas, minutes of the Executive Session will be kept and will be released when the matters under discussion during the Executive Session are no longer confidential.

Therefore, be it resolved, that the Borough Council will enter in to Executive Session.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

08-01-2016: #19

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

The Dunellen Borough Council Meeting of August 1, 2016 is adjourned.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca