

August 3, 2015

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on August 3, 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, Kenneth Baudendistel, Kevin Bachorik, Kenneth Bayer, Jason Cilento and Joseph Petracca

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

Yes: Baudendistel, Cilento, Bachorik
Abstain: Petracca and Bayer

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

Ordinance 2015-07

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, is being 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 August 3, 2015. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Borough Council Chambers, in the Borough on September 8, 2015 at 7:30 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A FIRE PUMPER IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$547,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose: The acquisition of a fire pumper, including all related costs and expenditures necessary therefor and incidental thereto.

Appropriation: \$575,000

Bonds/Notes Authorized: \$547,000

Grant Appropriated: N/A

Section 20 Costs: \$40,000

Useful Life: 10 years

Mayor Seader noted that one of the Fire Department's trucks is now 30 years old. For another truck, the last payment is due this year after which the money would be available. Chief Scott and his team did a thorough job of researching new trucks, with the possible development of the Art Color complex as a factor. The company, E-One, is used by other local municipalities and has a great reputation. It is manufactured in New York State and sold through a local distributor in South Plainfield.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

ORDINANCE 2015-05

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, 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 June 15, 2015. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held at the Borough Council Chambers, in the Borough on August 3, 2015 at 7:30 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond 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 summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO MADISON AVENUE IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$700,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purposes: Road improvements to Madison Avenue, including all work and materials necessary therefor and incidental thereto

Appropriation: \$700,000

Bonds/Notes Authorized: \$700,000

Grants Appropriated: Two grants expected to be received from the State of New Jersey Department of Transportation for a total of \$537,500

Section 20 Costs: \$105,000

Useful Life: 10 years

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, Cilento and Petracca

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

Ordinance 2015-06

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, 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 June 15, 2015. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held at the Borough Council Chambers, in the Borough on August 3, 2015 at 7:30 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond 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 summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR STREETScape IMPROVEMENTS IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purposes: Streetscape improvements on Washington Avenue and North Avenue, including all work and materials necessary therefor and incidental thereto

Appropriation: \$900,000

Bonds/Notes Authorized: \$900,000

Grants Appropriated: A grant in the amount of \$300,000 expected to be received from the State of New Jersey Department of Transportation for Washington Avenue and a grant in the amount

of \$400,000 expected to be received from the State of New Jersey Department of Transportation for North Avenue

Section 20 Costs: \$135,000

Useful Life: 10 years

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, Cilento and Petracca

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

08-03-2015: #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, Cilento and Petracca

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

08-03-2015: #2

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

WHEREAS, an emergency has arisen with respect to the preparation and filing of legal documents involving the New Jersey Supreme Court's March 2015 ruling regarding the Council on Affordable Housing and no adequate provision was made in the CY 2015 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 be created by this resolution is \$40,000.00 and three (3) percent of the total operating appropriations in the budget for CY 2015 is \$177,071.04; 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 2015.

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:4-48:

1. A) Emergency Appropriations be made for Legal Services in the amount of \$20,000.00.
B) Emergency Appropriations be made for Engineering Services in the amount of \$20,000.00
2. That said emergency appropriation shall be provided for in full in the CY 2016 Municipal Operating Budget and is requested to be excluded from CAPS, pursuant to NJSA 40A:4-53.3c(1).
3. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #3

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

Whereas, the Mandatory Source Separation and Recycling Act, P.L. 1987, C.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs, and

Whereas, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs, and

Whereas, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act, and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality, and

Whereas, a resolution authorizing this municipality to apply for the 2014 Recycling tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Dunellen to the efforts undertaken by the municipality and requirements contained in the Recycling Act and recycling regulations.

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now therefore be it resolved by the Governing Body of the Borough of Dunellen that the Borough of Dunellen hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Bashar Assadi to ensure that the application is properly filed, at a cost not to exceed \$2,000.00; and

Be it further resolved, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #4

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

Joseph Vargo 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 July 21, 2015. This is a position without benefits according to Dunellen Code Chapter 50-3.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #5

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

Mayor Robert J. Seader is authorized to execute an Interlocal Services Agreement with the Middlesex County Improvement Authority for the provision of “curbside” solid waste recycling. This Agreement is for three-years, from March 30, 2015 to March 30, 2018. Tonnage cost terms of this Agreement are per Schedule A attached to the Agreement.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #6

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

Jennifer Beahm of CME, Associates, is hired as an expert on behalf of the Borough of Dunellen for matters concerning the preparation of a Housing Element and Fair Share Report, for an amount not to exceed \$10,750.00.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #7

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

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

NOW, THEREFORE, BE IT RESOLVED, that Nicholas Goldman is appointed as a full-time member of the Dunellen Police Department as of July 7, 2015, salary as determined by the current PBA contract.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #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	92343	\$386.15
0305764-0000002	92344	\$1,724.50
0305764-0000001	93795	\$4,195.81
0305764-0000001	96880	\$315.00
0305764-0000001	98830	\$90.00

Total \$6,711.46

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #9

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
14-16	31	19	Citimortgage 440 Front Street	1,025.46	31.69	1,300.00	2,357.15
14-73	80	11	Maizonet, Marilyn 235 S Washington Ave	1,025.46	33.32	1,400.00	2,458.78
Total							4,815.93

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #10

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

The Mayor and Borough Administrator are authorized to enter in to a three-year Agreement with Ford Motor Credit Company Council for the Lease/Purchase of a 2015 Ford Interceptor Utility Police Package vehicles for the Dunellen Police Department, at a total yearly rate of \$9,557.71 and a total lease/purchase of \$28,673.13.

Monies for this expenditure will be taken from Account # 024-1115-299, and are subject to the availability of funds in each fiscal year.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #11

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

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 28 in the Borough of Dunellen; and

WHEREAS, NJDOT recommends a revision to the centerline pavement markings on Route 28 to create a “No Passing Zone” in the vicinity of Jackson Avenue for safety reasons; and

WHEREAS, this project will create safer driving conditions in this area of Route 28.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, County of Middlesex, in the State of New Jersey, that it supports the use of a “No Passing Zone” on Route 28 in the Borough of Dunellen as recommended by NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #12

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

WHEREAS, the Borough of Dunellen is established and operating pursuant to N.J.S.A. 40A: 14-70 to 105.1; and

WHEREAS, the Borough of Dunellen is authorized pursuant to N.J.S.A. 52: 34-6.2 (b) (3) to use alternative procurement methods by entering into nationally recognized cooperative agreements; and

WHEREAS, Houston-Galveston Area Council is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, Houston-Galveston Area Council is authorized to contract with eligible entities for the purchase of goods and services; and

WHEREAS, Houston-Galveston Area Council has instituted a cooperative purchasing program under which it contracts with eligible entities; and

WHEREAS, the Borough of Dunellen desires to contract with Houston-Galveston Area Council.

NOW, THEREFORE, be it resolved that:

1. The Mayor of the Borough of Dunellen is hereby authorized to execute and complete any necessary paperwork required to enter into an inter-local agreement with the Houston-Galveston Area Council;
2. All activities under this agreement will be in accordance with all applicable rules, regulations, ordinances and laws in effect or promulgated during the term of the agreement;
3. The initial period of the agreement shall be for the balance of the calendar year;
4. The agreement shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which any payments are due under any contract entered into for the purchase of fire apparatus pursuant to this agreement;
5. The purchase of any product will be in accordance with procedures established by the Houston-Galveston Area Council and in accordance with the Laws of the State of New Jersey;
6. Any payments made pursuant to the agreement will be in accordance with procedures established by the Houston-Galveston Area Council;
7. The agreement may be amended only by a written amendment executed in accordance with procedures established by the Houston-Galveston Area Council;
8. The agreement may be terminated by either party at any time upon thirty (30) days written notice by certified mail to the other party to this agreement.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

08-03-2015: #13

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

WHEREAS, by resolution 06-15:2015: #12, the Law Firm of John E. Bruder was appointed Special Counsel on behalf of the Borough of Dunellen for matters concerning the preparation and filing of a Declaratory Judgment relating the New Jersey Supreme Court opinion of March 10, 2015 regarding municipalities' obligations under the Council on Affordable Housing rules and regulations, at a rate of \$160.00 per hour, in an amount not to exceed \$5,000.00.

WHEREAS, it is necessary to certify additional funds for further work to be done on behalf of the Borough of Dunellen.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the Law Firm of John E. Bruder be further appointed Special Counsel on behalf of the Borough of Dunellen for matters concerning the preparation and filing of a Declaratory Judgment relating the New Jersey Supreme Court opinion of March 10, 2015 regarding municipalities' obligations under the Council on Affordable Housing rules and regulations, at a rate of \$160.00 per hour, in an amount not to exceed \$6,328.00.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

REPORTS:

Mr. Petracca: 1) Construction Department as of July has a total of \$55,599 which is good; 2) he has had a number of conversations with Councilmen from Bound Brook and they are interested in undertaking shared services with Dunellen.

Mr. Baudendistel: 1) asked about graffiti in Columbia Park; 2) Meeting with NJ Transit this Thursday. They will be painting the overpasses on Washington Avenue and Madison Avenue. The banner "Welcome to Dunellen" is now approved; 3) asked about painting the cross walks. Ron Safar will check on their condition around town; 4) asked about the second P/T worker for DPW for downtown clean-up. Council and Ron discussed the logistics of the work load and materials.

Mr. Bayer: no report.

Mr. Bachorik: need to find another electrician for Washington Park, so it will be probably October before a full report can be submitted to Council.

Mr. Cilento: reported on resurrecting the cameras in Columbia Park and invited the Council to attend "Once Upon a Mattress" in Washington Park in August.

Mayor Seader: 1) Noted that the Martial Arts facility near Towne Pharmacy will be having a Grand Opening this Saturday.

PUBLIC PORTION:

Tom Davis. Long time resident of Dunellen. As a member of the Dunellen Seniors' Club, he is asking the Council to remember the Seniors. He also asked if the acoustic tiles/sound reception in the Center be attended. Some of the AV equipment needs repair. He also recommends an additional senior bus driver.

Robert Rios, 317 Third Street. Noted the LED signage in town. He remarked that many stores in the Bronx and in Plainfield have them, and it is not a good look.

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

08-03-2015: #14

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, Bayer, Cilento and Petracca

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

08-03-2015: #15

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

The Dunellen Borough Council Meeting of August 3, 2015 is adjourned.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca
