

August 7, 2017

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on August 7, 2017.

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 Seader, Kenneth Baudendistel, Kevin Bachorik, Kenneth Bayer, Jason Cilento, Jeremy Lowder and Joseph Petracca

On the motion of Mr. Petracca and seconded by Mr. Cilento it was moved to accept the Minutes of July 11, 2017:

Yes: Bachorik, Bayer, Cilento, Lowder and Petracca
Abstain: Baudendistel, due to his absence at that meeting.

In the absence of John E. Bruder, Robert Spengler, Esq. served as municipal attorney for this meeting.

MAYOR'S APPOINTMENTS TO BOARDS AND AUTHORITIES

Accept resignation of Cleo Mack from the Dunellen Arts and Culture Commission

Presentation by Julie Grof on behalf of the Dunellen Arts and Culture Commission:

On Prospect Avenue, over the Bonnegut Brook near Grove Street, there is a railing that the Commission proposes painting and decorating in an artistic manner. The project would encompass the railings on both sides of the street. The mayor wondered if the painting might not encourage graffiti. She is seeking Council approval, which was granted by voice vote, unanimous.

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

08-07-2017: #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, Lowder and Petracca

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

08-07-2017: #2

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 \$150.00. This award is to come out of Account # 601-20-150-00-101.

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

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

08-07-2017: #3

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

The salary of Scott Luthman, Dunellen Construction Officer, is set at \$36,341, effective August 21, 2017.

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

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

08-07-2017: #4

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

Richard Gianchiglia is hired as an Assistant in the Dunellen Construction Office, at a rate of \$12.50 per hour, not to exceed \$7,500.00 per year, effective August 21, 2017. His office hours will be approximately 3 hours per day, four days per week. This is a position without benefits. This award is to come out of Account # 7-01-22-195-000-101.

Mr. Gianchiglia will be doing a range of administrative tasks such as permit scheduling, giving out permits, accepting payments, and researching OPRA requests. Construction Office hours will be greatly expanded.

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

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

08-07-2017: #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 Knights of Columbus Home Association #2544.

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, Bayer, Cilento, Lowder and Petracca

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

08-07-2017: #6

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

Joseph Keleman, an employee in the Dunellen Department of Public Works, is granted an unpaid Leave of Absence for personal illness, for three months, from August 15, 2017 until and including November 14, 2017.

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

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

08-07-2017: #7

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

Michael Aiello is appointed Foreman in the Dunellen Department of Public Works, effective August 7, 2017, at a salary per the Agreement Between the Borough and Local 255, United Service Workers.

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

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

08-07-2017: #8

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

Thomas Herkert is to be designated an Operator Class D in the Dunellen Department of Public Works, at a salary per the current contract, effective September 1, 2017.

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

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

08-07-2017: #9

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

Frank Patullo, Jr., is hired as an Operator Class F, Probationary Employee, in the Dunellen Department of Public Works, at a salary per the current contract, effective August 7, 2017.

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

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

08-07-2017: #10

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.

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 Calendar Year 2017 in the sum of \$71,008.00, which is now available from the Hazardous Discharge Site Remediation Fund Municipal Grant Program. This grant is for the property commonly known as “The Strip Joint” property.

BE IT FURTHER RESOLVED, that the like sum of \$71,008.00 is hereby appropriated under the caption Hazardous Discharge Site Remediation Fund Municipal Grant Program.

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

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

08-07-2017: #11

A Resolution Awarding a Professional Services Contract to Phoenix Advisors, LLC to Perform Continuing Disclosure Compliance Services for the Borough

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

WHEREAS, the Borough of Dunellen requires the services of a professional financial consultant as a result of the United States Securities and Exchange Commission’s Municipalities Continuing Disclosure Cooperation (“MCDC”) Initiative; and

WHEREAS, the *Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.* permits the award of this professional services contract without the need for full public bidding procedures; and

WHEREAS, the Borough has reviewed an Agreement dated August 7, 2017, for certain professional services in connection with the Borough’s continuing disclosure requirements from Phoenix Advisors, LLC (“Phoenix”) with offices at 4 West Park Street, Bordentown, New Jersey 08505, a copy of which proposal is attached hereto, and is desirous of awarding a Contract pursuant to the terms thereof; and

WHEREAS, the initial estimated cost of the services to be provided is \$950.00 for up to three researched issues and \$100 for each additional issue, the final amount to be determined based on the specific services requested and rendered, but which shall not exceed the applicable bid or pay-to-play threshold, and the term of which Contract shall not exceed one (1) year. The initial contract term will expire December 31, 2017, and will include services in regard to prior years. All future terms will commence on January 1st of all subsequent years; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose under the current budget – Finance Department line item:

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

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

08-07-2017: #12

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

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Borough of Dunellen wishes to participate in the pilot program for an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Dunellen, Middlesex County, New Jersey, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

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

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

08-07-2017: #13

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

The resignation of Raymond Murray as part-time Dunellen Tax Collector is accepted, effective August 15, 2017.

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

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

08-07-2017: #14

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

Patricia Dougherty is hired as Acting Dunellen Tax Collector, effective August 1, 2017, at an annual salary of \$17,000.00. Upon the completion of Raymond Murray's term of employment on August 15, 2017, she will be designated Dunellen Tax Collector, effective that date. This part-time position is without benefits.

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

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

08-07-2017: #15

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

Permission is granted to Heidi Heleniak and volunteers to hang ribbons on North Avenue street lights from September 1 through September 30 to call attention to Ovarian Cancer and its silent symptoms.

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

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

08-07-2017: #16

CERTIFYING PROPERTY CLEAN-UP COSTS

WHEREAS, on June 8, 2017, a Notice of Complaint was sent to M.L. Williams, 343 New Market Road, Dunellen, said notification being returned undeliverable, which Notice required remediation of debris and overgrown lawn and leaves within 10 days of receipt, and;

WHEREAS, on July 12, 2017, the Department of Public Works conducted clean up activities utilizing municipal equipment, with borough employee time totaling 16 hours, totaling \$417.56, and gasoline/diesel costs plus weed-wacking equipment costing \$30.00, with an expense totaling \$453.94; and

WHEREAS, on August 2, 2017, the Department of Public Works conducted clean up activities utilizing municipal equipment, with borough employee time totaling 6 hours, totaling \$173.64, and gasoline/diesel costs of \$6.38, with an expense totaling \$180.02; and

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen do hereby certify the total project cost of \$633.96 as attached hereto, and further directs the Tax Collector to place a lien in said amount that shall become part of the taxes next to be assessed and levied on such lands, that being November 1, 2017, bearing the same rate of interest as taxes. Said cleanup is per Municipal Ordinance 2016-14.

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

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

08-07-2017: #17

CERTIFYING PROPERTY CLEAN-UP COSTS

WHEREAS, on October 4, 2016, a Notice of Complaint was sent to Donna Pear, 11 Dogwood Terrace, Ringwood, NJ, relative of the deceased Walter Dilley, 519 Front Street, Dunellen, NJ, Block 34 Lot 4, said notification being returned undeliverable, which Notice required remediation of debris and overgrown lawn and leaves within 10 days of receipt, and;

WHEREAS, on April 10, 2017, the Department of Public Works conducted clean up and security activities utilizing municipal equipment, with borough employee time totaling 1.5 hours, with an expense totaling \$85.11; and

WHEREAS, on May 1, 2017, the Department of Public Works cut and weed-wacked the property, with borough employee time totaling 1.5 hours, at a cost of \$42.56; and

WHEREAS, on May 17, 2017, the Department of Public Works cut and weed-wacked the property, with borough employee time totaling 1.5 hours, at a cost of \$85.11; and

WHEREAS, on June 1, 2017, the Department of Public Works cut and weed-wacked the property, with borough employee time totaling 1.5 hours, at a cost of \$55.41; and

WHEREAS, on June 14, 2017, the Department of Public Works cut and weed-wacked the property, with borough employee time totaling 2 hours, at a cost of \$57.88; and

WHEREAS, on June 27, 2017, the Department of Public Works cut and weed-wacked the property, with borough employee time totaling 1.5 hours, at a cost of \$86.82; and

WHEREAS, on July 11, 2017, the Department of Public Works cut and weed-wacked the property, with borough employee time totaling 2.5 hours, at a cost of \$72.35, and with the expenditure of \$4.00 of diesel fuel and \$2.38 of gasoline, at a total cost of \$78.73; and

WHEREAS, on July 20, 2017, the Department of Public Works cut and weed-wacked the property, with borough employee time totaling 2 hours, at a cost of \$57.88, and with the expenditure of \$4.00 of diesel fuel and \$2.38 of gasoline, at a total cost of \$64.26; and

WHEREAS, on August 2, 2017, the Department of Public Works cut and weed-wacked the property, with borough employee time totaling 2 hours, at a cost of \$40.78, and with the expenditure of \$4.00 of diesel fuel, \$10.00 for weed wacking string, and \$2.38 of gasoline, at a total cost of \$57.16.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen do hereby certify the total project cost of \$527.93 as attached hereto, and further directs the Tax Collector to place a lien in said amount that shall become part of the taxes next to be assessed and levied on such lands, that being November 1, 2017, bearing the same rate of interest as taxes. Said cleanup is per Municipal Ordinance 2016-14.

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

Reports:

Mr. Petracca: 1) no report.

Mr. Baudendistel: 1) a resident on North Washington Avenue noted that after the County's paving, he no longer has much of a curb; 2) noted some seams in the Madison Avenue paving, filled with tar, for winter expansion. He is concerned that some did not have the tar. CME has not yet done its final inspection. Mr. Robins will speak with CME; 3) asked about the fire damaged buildings on North Avenue and asked for a status report. Mayor Seader responded that there is a major law suit going on between the owner and his insurance company on whether the buildings should be repaired (Insurance Company) or torn down (owner). Last week, Scott Luthman testified in a deposition that they need to come down; 4) he will work with Mr. Bruder on the proposed clothing bin ordinance. Some locations around town are very unsightly; 5) asked Chief Nelson about alternatives to the Reverse 9-1-1 system.

Mr. Bayer: no report

Mr. Bachorik: no report.

Mr. Cilento: 1) thanked all concerned for a very successful National Night Out; 2) he is working on By-laws for the Recreation Commission; 3) asked for material for the next *Dunellen Report*; 4) pointed out the flyer in the Councilman packets for the Dunellen Arts and Culture Commission's 130th Anniversary Founder's Day Celebration; 5) concerts in the park that were rained out will be rescheduled; 6) a very successful summer arts program and the DACC is looking to fall programming.

Mr. Lowder: 1) Pasta Dinner for Joseph Keleman at the Fire House on 8/25 and a Car Show for Joey in Skinner Plaza on 8/27.

Mayor Seader: 1) to Mr. Safar, a hole on 3rd Street. DPW is aware and will attend; 2) asked Chief Nelson to have a look at an oversize truck parked on Washington Avenue; 3) received a check from the Dunellen Parking Authority for \$60,000 that will be used for the borough's debt service; 4) stated that he is aware of the poor condition of many of the roads. The past few years, the State has been irregular in its road improvement grants, even skipping Dunellen for a few of the grant cycles. This puts us behind our regular scheduled road projects. Furthermore, with the grants we did receive, we used to be able to pave an entire street. Now, we are lucky to get two blocks. We did receive \$262,000 for Prospect Avenue, but this is actually less than what we used to receive. The irony is that there is a fuel tax that should have gone toward funding these grants, but do not seem to. So he reached out to the engineers and asked them if could figure out

a way that we could mill and finish the roads, much like the County just did on North Washington Avenue. He asked them for prices on Prospect, South Madison, Grove and Lincoln. A plan might be to do a Work Order Change from the Madison Avenue project but as this is above the statutory 20% we would need to ask the NJ Department of Transportation if we could make an exception. If we can do this, it is desirable as it saves much money on the bid specs and planning part of the engineer's fee. We have to think innovatively as we will never get caught up on \$260,000 per year from the NJDOT, even supposing we get a grant each year. As a final point, Mayor Seader noted that a recent law suit in Massachusetts has resulted in the need to completely redo all handicap crosswalks (which we had done about 20 years ago). Such reconstruction, state mandated, is very expensive and takes a big percentage of each new road improvement job. By simply milling and paving, we may have a solution to this added expense. The existing handicap crosswalks/ramps are completely safe and would be incorporated into any new project.

PUBLIC PORTION

Tom Ronca, 314 Prospect Avenue. Asked about 2 hour parking on Prospect Avenue and requested that the 2 hour limit be extended all the way to Center Street. Train commuters are parking farther and farther away from the train station.

Dave Morgan, 805 Front Street. 1) Asked the process for filling potholes. Mr. Safar explained how they go about town and attend to them. 2) asked about the increase in taxes. Mayor Seader responded by breaking down where the property taxes go to: County, Library, Open Space, Board of Education (which takes the bulk of the increase).

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

08-07-2017: #18

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

The Dunellen Borough Council Meeting of August 7, 2017 is adjourned.

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