

December 19, 2016

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on December 19, 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 Seader, Kenneth Baudendistel, Kevin Bachorik, Jason Cilento, Jeremy Lowder and Joseph Petracca

Absent: Kenneth Bayer

---

On the motion of Mr. Bachorik and seconded by Mr. Petracca it was moved to accept the Minutes of December 5, 2016:

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

---

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

**ORDINANCE 2016-17**

**BOROUGH OF DUNELLEN**

The following ordinance was Introduced for first reading on December 5, 2016. It is now being presented for Public Hearing and Adoption on December 19, 2016. Copies of this ordinance have been available to the public on the municipal bulletin board and from the Municipal Clerk's Office.

Ordinance 2010-15, adopted on November 1, 2010, amended Chapter 150, Sections 150-3 and 150-4, Building Code and Subcode fees. It is now being presented for further amendment.

**BE IT ORDAINED** by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that Chapter 150 is amended in part in regard to Section 150-3 and 150-4, Building Code and Subcode Fees as follows:

Section 150-3: **Construction Permit Fees.** The fee for a construction permit shall be the sum of the subcode fees listed in (1) through (6) hereof and shall be paid before the permit is issued.

A. Building Subcode fee shall be:

1. A minimum fee for the building subcode shall be seventy-five (\$75.00) dollars.
2. For new construction volume (cubic feet) multiplied by 0.050.
3. For renovations, alterations and repair thirty five (\$35.00) dollars per one

thousand dollars of estimated cost of work.

4. For combinations of renovations and additions, the sum of the fees computed separately as renovations and additions.

5. Flat Fees

|                                     |                        |
|-------------------------------------|------------------------|
| a. Roof (R3 & R5)                   | \$75.00                |
| b. Siding (R3 & R5)                 | \$75.00                |
| c. Fence                            | \$75.00                |
| d. Tank Removal                     | \$65.00                |
| e. Shed (Less than 300 square feet) | \$75.00                |
| f. Fireplace                        | \$75.00                |
| g. Pools Above ground               | \$75.00                |
| In-ground                           | \$120.00               |
| h. Signs                            | \$5.00 per square feet |
| i. Demolition One car garage        | \$70.00                |
| Two car garage                      | \$100.00               |
| One family dwelling                 | \$500.00               |
| Two family dwelling                 | \$500.00               |
| Multi-family dwelling               | \$1,000.00             |
| Commercial Building                 | \$1,000.00             |
| j. Tents                            | \$92.00                |
| k. Monitoring Wells                 | \$60.00 per well       |

6. Certificate of Occupancy

|                          |          |
|--------------------------|----------|
| a. Residential (R3 & R5) | \$65.00  |
| b. All other Uses        | \$120.00 |

B. Plumbing Subcode Fee shall be:

1. A minimum fee for the plumbing subcode shall be seventy-five (\$75.00) dollars.
2. The fee shall be in the amount of twenty five (\$25.00) dollars per fixture, piece of equipment or appliance connected to the plumbing system, and for each appliance connected to the gas or oil piping system.

For the purpose of computing this fee, fixtures shall include but not be limited to lavatories, kitchen sinks, slop sinks, urinals, water closets, bath tubs; shower stalls laundry tubs, floor drains, drinking fountains, dishwashers, garbage disposals, hot water heaters, or similar devices.

3. The fee shall be in the amount of Sixty Five (\$65.00) dollars per special devices.

For the purpose of computing this fee, special devices shall include but not be limited to steam boilers, furnaces, A/C units, grease trap, interceptor/separator, water connection,

sewer connection, sewer ejector, sewer pumps, backflow preventer, and tank installation.

C. Electrical Subcode Fee shall be:

1. A minimum fee for the electrical subcode shall be seventy-five (\$75.00) dollars.
2. For the purpose of computing fees, outlets or fixtures shall include, but not be limited to, lighting fixtures, switches, smoke or heat detectors, convenience receptacles, burglar alarms, intercom panels, thermostats, and motors and devices of less than 1 h.p. or 1 k.w.

|  |         |
|--|---------|
| From 1 to 25 receptacles or fixtures           | \$50.00 |
| For each additional 25 receptacles or fixtures | \$50.00 |

3. For the purpose of computing these fees, the term service panel, sub-panel, feeder, switches, and switchboards:

|                          |          |
|--------------------------|----------|
| Up to 100 amps           | \$75.00  |
| 101 to 201 amps          | \$100.00 |
| Each additional 100 amps | \$50.00  |

4. For the purpose of computing these fees, all motors except those in plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current:

|                                     |          |
|-------------------------------------|----------|
| Motors and electrical devices over, |          |
| 1 h.p. up to 5 h.p.                 | \$50.00  |
| 6 h.p. up to 25 h.p.                | \$75.00  |
| 26 h.p. up to 100 h.p.              | \$100.00 |
| For each increase of 50 h.p.        | \$25.00  |

|                                   |          |
|-----------------------------------|----------|
| Transformers and generators over, |          |
| 1 kw up to 5 kw                   | \$50.00  |
| 6 kw up to 25kw                   | \$75.00  |
| 26 kw up to 100 kw                | \$100.00 |
| For each increase of 50 kw        | \$25.00  |

5. The fees for pools, fountains and similar installations  
Above ground, includes bonding & motor \$100.00  
In-ground, includes bonding & motor \$150.00
6. Light standards \$100.00

D. Fire Subcode fee shall be:

1. Hard wire interconnected smoke detectors (R3 & R5) \$25.00 per unit
2. For fire sprinkler system the fee shall be as follows:  

|                   |          |
|-------------------|----------|
| 20 or fewer heads | \$100.00 |
|-------------------|----------|

|                   |            |
|-------------------|------------|
| 21 to 100 heads   | \$200.00   |
| 101 to 200 heads  | \$350.00   |
| 201 to 400 heads  | \$800.00   |
| 401 to 1000 heads | \$1,200.00 |
| Over 1000 heads   | \$1,500.00 |

In computing fees for heads and detectors, the number shall be counted separately and two fees, one for heads and one for detectors, shall be charged.

|                                    |          |
|------------------------------------|----------|
| 3. Fire standpipe system           | \$267.00 |
| 4. Independent pre-engineer system | \$250.00 |
| 5. Gas or oil fired appliance      | \$75.00  |
| 6. Kitchen exhaust system          | \$100.00 |
| 7. Incinerator system              | \$426.00 |
| 8. Crematorium system              | \$426.00 |
| 9. Smoke control system            | \$300.00 |

E. CCO Inspection Fees

The following will be a per unit fee:

- a. \$100.00 Initial Inspection
- b. \$80.00 Re-Inspection
- c. \$125.00 Emergency Inspection (less than 72 hours notice)

F. Zoning Fees

- a. \$75.00 Residential
- b. \$125.00 Commercial

G. Penalties

Any person or persons who violate any provision of this section is subject to penalties of not more than \$2,000.00.

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, Cilento, Lowder and Petracca

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

**ORDINANCE 2016-18  
BOROUGH OF DUNELLEN**

The following ordinance was Introduced for first reading on December 5, 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 19th day of December, 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.

**ORDINANCE PROVIDING FOR THE REGISTRATION FOR THE SALE OF  
PREVIOUSLY OWNED JEWELRY, PRECIOUS METALS AND OTHER  
SECONDHAND GOODS**

**WHEREAS**, the Borough of Dunellen has been requested to join with other municipalities in Middlesex County and elsewhere in New Jersey in protecting people from theft of precious items; and

**WHEREAS**, the Borough Council of the Borough of Dunellen has considered this matter and agrees it is in the best interests of the citizens of Dunellen and of New Jersey.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Dunellen, in the County of Middlesex and State of New Jersey, that it hereby adopts the following ordinance creating Chapter 227, Second Hand Stores, of the Borough Code.

**§ 1 Purpose and Intent**

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals, materials, gems, gemstones and other secondhand goods by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of jewelry (excluding costume jewelry), scrap gold, old gold, silver, palladium, platinum, or any other precious metals, firearms or other valuable articles which are hereinafter referred to as “secondhand goods” as that term is defined herein, or being a secondhand dealer within the Borough of Dunellen without complying with the requirements of this chapter in the exact manner described herein.

**§ 2 Definitions**

“ACCEPTABLE IDENTIFICATION” means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another US state, a valid United States Passport, or other verifiable US Government issued photo identification.

“DEALER” means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

“ITINERANT BUSINESS” means a dealer who conducts business intermittently within the municipality or at varying locations.

“MUNICIPAL CLERK” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and shall refer to the duly appointed clerk of the Borough of Dunellen, or his deputy clerk.

“PAWNBROKER” means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

“PRECIOUS METALS” means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq., N.J.S.A. 51:6-1 et seq., and/or N.J.S.A. 51:6A-1 et seq., gems, gemstones, coins and all forms of jewelry herein contained.

“PUBLIC” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“REPORTABLE TRANSACTION” means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased, pawned or exchanged.

“SECONDHAND GOODS” means any article previously sold, acquired, exchanged, conveyed, traded or otherwise formally owned, including but not limited to goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, cell phones, word processors, GPS devices, computers, computer hardware and software, television sets, firearms, cameras and camera equipment, video equipment, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

“SELLER” means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

“TRANSIENT BUYER” means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

### **§ 3 License Requirement for dealers**

No person, partnership, limited liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s) or disorderly persons offense(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in § 2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, limited liability company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in § 9.

### **§ 4 Application process for dealers; approval or denial**

- A) Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
  - 1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in § 2 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
  - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;

- 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check, which may require an additional fee from the applicant.
  - 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by § 6(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under § 6(A).
- B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C) The Chief of Police shall, upon completion of the investigation, recommend “grant” or “denial” of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- D) Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal,



accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in § 5, the retention and inspection requirements of § 6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by § 8 of this chapter.

- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F) No license shall be assignable by the dealer.

#### **§ 5 Identification of seller; recordkeeping requirements for dealers**

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A) Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §2
- B) Require each seller to execute a “Declaration of Ownership,” which shall contain the following certification: *“My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct.”*
- C) Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
  - 1. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
  - 2. the name, address, date of birth, and telephone number of the seller or sellers;
  - 3. a photographed recording, made at the time of the transaction, of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;

4. a photographed recording of the seller's presented acceptable identification, as set forth in § 2, in a format acceptable by the Chief of Police;
5. a photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable.
6. the receipt number;
7. a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers, or any owner applied markings engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;
8. the price paid for the purchase or pawn of the item(s);
9. if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;
10. the time and date of the transaction.

D) The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.

E) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in § 6.

F) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in § 6. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

## **§6 Retention; revocation; other restrictions**

- A) All secondhand goods purchased, received for pawn, or received for consignment as described above, as well as all transaction data, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least fourteen (14) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 5 except for precious metals and jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.
- B) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by § 5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in § 5(C).
- D) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.

- E) Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 8 of this chapter.
- i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
  - ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
  - iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).
- F) Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under § 8.
- i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; multiple violations of any other regulations or local ordinances within this or any jurisdiction; or failure of the dealer or pawnbroker to file an annual renewal application and pay the annual renewal fee as set forth herein.
  - ii. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted,

the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality. A license will automatically be revoked effective February 1<sup>st</sup> of any calendar year if the dealer or pawnbroker has not filed the requisite renewal application and paid the annual renewal fee by January 31<sup>st</sup> of that year, as set forth in § 7 herein.

- G) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- H) A dealer shall have the right to change the location of the licensed business within the municipality, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

## **§ 7 Fees; period of license validity**

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$300. The annual renewal fee for a license is \$300. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by § 5(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance. In the event that the pawnbroker or dealer in precious metals or other secondhand goods fails to file a renewal application and pay the renewal fee by January 31<sup>st</sup> of each year, said license shall automatically be revoked.

## **§ 8 Violations and penalties**

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in § 6(F) and § 6(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in § 6(F) and § 6(G) above. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

## **§ 9 Time limit for conformance; repealer; severability**

- A) Any person, partnership, limited liability company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- B) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C) Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.
- D) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

## **§ 10 Purchases from Minors.**

No dealer within the Borough of Dunellen shall purchase any precious metals or secondhand goods from any person under the age of eighteen (18) 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, Cilento, Lowder and Petracca

---

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

**ORDINANCE 2016-19**  
BOROUGH OF DUNELLEN

The following ordinance was Introduced for first reading on December 5, 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 19th day of December, 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.

Dunellen Municipal Code, Chapter 230-2, User Classes is amended to read as follows:

Chapter 230-2. User classes.

User classes shall be as follows:

- A. Tax exempt: includes institutions which pay no ad valorem taxes or receive substantial credits in paying such taxes, except publicly owned facilities performing local government functions which discharge solely domestic wastes.
- B. Industrial and commercial: includes all non-residential users, multi-family residences with five or more units served by a single connection, and mixed residential/commercial properties that are served by a single connection.
- C. Residential—single-family: includes all single family dwellings.
- D. Residential—multi-family: includes all dwellings with two, three or four residential units tied into a single house connection.

AND

Dunellen Municipal Code, Chapter 233-37, Sewer Rates is amended to read as follows:

Section 233-37. Sewer rates.

The sanitary sewer rates shall be as follows:

- A. Owners of single family residential properties connected to the Borough sanitary sewer system shall pay a flat annual rate in the amount of \$350.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the first day of April and September, following each period for which sewer service has been provided.

B. Owners of multi-family residential properties (properties with two, three or four residential units) connected to the Borough sanitary sewer system shall pay a flat annual rate for each residential unit in the amount of \$210.00 to be paid in equal installments semi-annually to the Dunellen Borough Sanitary Sewer Utility on the first day of April and September, following each period for which sewer service has been provided.

C. Owners of non-residential properties, including residential properties with five or more units and mixed residential/commercial properties connected to the Borough sanitary sewer system, shall pay for sewer service based upon the amount of water supplied to the property as determined by meter readings of the first and fourth quarter of the previous year, using these quarters as the basis for calculating the non-residential properties' current year annual sewer charge, payable semi-annually. Where water usage cannot be determined by meter reading, the Sewer Utility fee shall be based on the property's estimated water usage, which estimate shall be calculated using best engineering practices for the property in question. The sewer rate for non-residential properties shall be \$4.25 per 1,000 gallons of water used at the property, whether determined by meter or estimate. Sewer user fees are to be paid to the Dunellen Borough Sanitary Sewer Utility on the first day of April and September, following each period for which sewer service has been provided.

D. There shall be an annual sewer Administrative/Facility charge for all non-residential improved properties, residential properties with five or more units, and mixed residential/commercial properties, of \$100.00 per unit in addition to the above rates described in Subsection C above. This charge is payable semi-annually in the amount of \$50.00 and is to be paid in concert with the sewer service charges.

E. Any single family residential property that qualifies for the senior citizen tax deduction shall also be afforded a discount of \$100.00 from the residential property fee set forth in Subsection A above.

F. The foregoing rates and charges have been calculated in accordance with Chapter 230-7 and shall be subject to annual revision based upon the Borough and its Sewer Utility's financial obligation to PARSA and/or MCUA. In addition, separate fees or charges may be imposed by the Borough's Sewer Utility upon specific users or one or more categories of users to defray fines, penalties or other extraordinary charges that may be imposed by PARSA and/or MCUA. Payment of such separate fees or charges shall in accordance with the requirements set forth in Chapter 233-36. The Borough Sewer Utility may also in its sole discretion and upon application of a user demonstrating special circumstances adjust a user's sewer use charges.

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, Cilento, Lowder and Petracca

---



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

**12-19-2016: #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. Cilento and seconded by Mr. Bachorik it was moved to accept the following:

**12-19-2016: #2**

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

The resignation of Paul R. Garelick as Dunellen Municipal Prosecutor is accepted, effective December 6, 2016.

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:

**12-19-2016: #3**

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

The following establishments be issued an Amusement Games License by the Municipal Clerk as they have met the requirements and paid the proper fee:

- American Legion Post #119
- Avellino's Restaurant
- Eight on the Break
- Maggie Murray's Pub House
- Knights of Columbus
- Veterans of Foreign Wars
- Zupko's Tavern

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

---

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

**12-19-2016: #4**

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

The following companies are hereby awarded a Tow Operator's License and placed on the Borough's towing rotation for 2017, subject to each company's provision of the requisite insurance documents required by Borough Code Section 268-1, *et. seq.*

West 7<sup>th</sup> Corporation, T/A as Piscataway Auto and Truck Repair, Piscataway  
Majestic Towing and Transport, Inc., South Plainfield  
J&L Auto Center, South Plainfield  
SHT Corp, T/A as Somerset Hills Towing, Bridgewater  
R & D Towing, Middlesex  
Mike's Towing & Recovery, Bridgewater  
JVD Towing Service, LLC, South Plainfield  
M&W Towing Service, LLC., Plainfield

The term of this award is from January 1, 2017 until December 31, 2017.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #5**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Dunellen, County of Middlesex, State of New Jersey, hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Dunellen Municipal Alliance grant for fiscal year 2018 in the amount of:

|            |           |
|------------|-----------|
| DEDR       | \$8275.00 |
| Cash Match | \$2068.75 |
| In-Kind    | \$6206.25 |

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #6**

**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                 | 43040              | \$6,395.02         |
| 0305764-0000001                 | 45427              | \$4,280.02         |
|                                 | Total              | <u>\$10,639.04</u> |

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #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 NW Financial Group, LLC., from the Interim Cost Agreement Escrow Account for work done toward redevelopment:

| <u>NW Financial Group Invoice Number</u> | <u>Invoice Date</u> | <u>Amount</u>     |
|--|---------------------|-------------------|
| 22730                                    | October 31, 2016    | \$4,670.00        |
|  | Total               | <u>\$4,670.00</u> |

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:

**12-19-2016: #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 CME Associates, from the Interim Cost Agreement Escrow Account for work done toward redevelopment:

| <u>CME Associates</u> | <u>Invoice Date</u> | <u>Amount</u>  |
|-----------------------|---------------------|----------------|
| 0194543               | August 22, 2016     | \$76.50        |
|                       | Total               | <u>\$76.50</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:

**12-19-2016: #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 McManinom, 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                    | 143612             | \$4,027.35        |
|                                   | Total              | <u>\$4,027.35</u> |

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #10**

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

Payment to CME Associates is hereby authorized for work done on the parking area improvements on behalf of the Dunellen Parking Authority, for an amount not to exceed \$396.00.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #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 Casino License and a Fifty-Fifty Raffle License to St. John the Evangelist Church.

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, Cilento, Lowder and Petracca

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

**12-19-2016: #12**

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

**AUTHORIZE 2017 MUNICIPAL DEBT SERVICE PAYMENTS**

That, in accordance with the provisions of N.J.S.A.40A:4-19, the following appropriations for Interest and Debt Redemption charges for the year 2017 be and the same are hereby appropriated as follows:

Municipal Debt Service

|   |              |
|---|--------------|
| Principal – Middlesex County Improvement Authority (2012) | \$278,400.00 |
| Interest – Middlesex County Improvement Authority (2012)  | 54,350.00    |
| Total   | \$332,750.00 |
|   |              |
| NJ Environmental Infrastructure – Trust Loan              | \$73,575.00  |
| NJ Environmental Infrastructure – Fund Loan               | 48,100.00    |
| Total   | \$121,675.00 |

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #13**

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

**CANCEL OUTSTANDING CHECKS**

WHEREAS, there exists outstanding checks on the reconciliation of the Current Fund, and

WHEREAS, these checks have been investigated and it has been determined that these checks should now be canceled.

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

That the following outstanding checks in the amount of \$199.96 be and are hereby canceled:

| <u>ACCOUNT</u> | <u>CHECK #</u> | <u>AMOUNT</u> | <u>DATE</u> |
|----------------|----------------|---------------|-------------|
| Current        | 16603          | \$902.50      | 8/13/13     |
|                | 17113          | 65.73         | 12/31/13    |

Total - Current \$968.23

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #14**

TRANSFER 2016 APPROPRIATION RESERVES TO ACCOUNTS PAYABLE

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

WHEREAS, the 2016 Appropriation Reserves contains unexpended balances of certain appropriations that will not be paid in 2016.

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

That the following appropriation reserve balances be transferred to an Accounts Payable in the amount set forth below:

|                |                                   |                   |
|----------------|-----------------------------------|-------------------|
| 20-130-000-223 | Financial Administration (Audit)  | \$29,000.00       |
| 20-155-000-221 | Legal Services                    | 1,431.32          |
| 20-165-000-221 | Engineering Services              | 37.25             |
| 25-240-000-209 | Police                            | <u>180.00</u>     |
|                |                                   | <u>30,648.57</u>  |
| 55-500-000-220 | Sewer Utility – Professional Svcs | 295.50            |
| 55-500-000-223 | Annual Audit                      | <u>8,000.00</u>   |
|                | Total                             | <u>\$8,295.50</u> |

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #15**

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

AUTHORIZING TRANSFERS FOR  
JANUARY 4, 2016 PAYROLL AND  
DECEMBER 31, 2015 CHECK RUN

WHEREAS, the last council meeting of the year 2015 is December 21, 2015, and

WHEREAS, the first payroll of 2016 is January 4, 2016, and the last check run is December 31, 2015, and

WHEREAS, there is no subsequent council meeting scheduled to approve the transfer of appropriations from surplus accounts to salary and wages and other expenses requiring additional funds.

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 transfer funds as needed such that all the accounts that are charged for the January 4, 2016 payroll and December 31, 2015 check run are properly funded.

FURTHER RESOLVED that an itemized list of appropriation transfers be provided to the Mayor and Council members by the first regular meeting in January 2016.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #16**

**SCHEDULE OF SCHOOL LEVY PAYMENTS**

WHEREAS, it has been agreed to turn over to the Board of Education its total monthly allotment as close to the beginning of the month as is reasonable,

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

That the Borough Treasurer be and she is hereby authorized and directed to draw checks and issue same to the Custodian of School Monies, in accordance with the following schedule:

Levy of \$5,483,287 from January 1, 2017 to June 30, 2017

| <u>Date</u>      | <u>Amount</u>     |
|------------------|-------------------|
| January 9, 2017  | 854,111.00        |
| February 6, 2017 | 1,033,423.00      |
| March 6, 2017    | 854,110.00        |
| April 3, 2017    | 854,110.00        |
| May 1, 2017      | 1,033,423.00      |
| June 5, 2017     | <u>854,110.00</u> |



Total \$5,483,287.00

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #17**

**CANCEL IMPROVEMENT AUTHORIZATIONS IN THE CAPITAL FUND**

WHEREAS, it is necessary to formally cancel Improvement Authorizations from the the General Capital Fund that are no longer active, and

WHEREAS, the Borough CFO is hereby directed to cancel such Improvement Authorizations to Capital Fund Balance or to Deferred Charges to Future Taxation Unfunded,

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

That the following Improvement Authorization balances be canceled:

| Ord. No. | Description                       | Total               | Fund Balance       | Deferred Charges    |
|----------|-----------------------------------|---------------------|--------------------|---------------------|
| 2004-07  | Improvement to Streetscape        | \$250.00            |                    | \$250.00            |
| 2007-02  | Various Capital Improvements      | 1,431.83            |                    | 1,431.83            |
| 2008-07  | First Street Phase II Improvement | 129,137.28          |                    | 129,137.28          |
| 2008-08  | Various Improvements              | 2,023.50            | 2,023.50           |                     |
| 2008-22  | Various Improvements              | 3,048.03            | 3,048.03           |                     |
| 2009-12  | Various Improvements              | 46,774.48           | 46,774.48          |                     |
| 2012-11  | Various Capital Improvements      | 50.00               |                    | 50.00               |
|          | <b>Total Canceled</b>             | <b>\$182,715.12</b> | <b>\$51,846.01</b> | <b>\$130,869.11</b> |

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #18**

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

Whereas, there appears to be a surplus in the following CY 2016 Operating Accounts over and above the demands to be necessary, and

Whereas, N.J.S.A. 40A:4-58 provides for the transfer of unexpended balances in those appropriations having an excess over the amount required to those deemed to be insufficient.

Now, therefore be it resolved that the following “Transfer of Appropriations” be made:

| From | Account  | Title                      | S&W       | Other Expenses   |
|------|----------|----------------------------|-----------|------------------|
|      | 024-1016 | Collection of Taxes        |           | 1,500.00         |
|      | 024-1025 | Group Insurance            |           | 40,200.00        |
|      | 024-1110 | Police – OT                | 10,000.00 |                  |
|      | 024-1020 | Public Buildings & Grounds |           | 1,000.00         |
|      | 024-1826 | Municipal Court            |           | 2,000.00         |
|      |          |                            |           |                  |
|      |          | Subtotal                   | 10,000.00 | 44,700.00        |
|      |          |                            |           |                  |
|      |          | Total                      |           | <u>54,700.00</u> |

Whereas, there appears to be insufficient funds in the following CY 2016 Operating Accounts over and above the demands to be necessary; viz:

| To:  | Account  | Title                    | S&W       | Other Expenses   |
|------|----------|--------------------------|-----------|------------------|
|      | 024-1010 | Administration           |           | 200.00           |
|      | 024-1014 | Financial Administration |           | 4,000.00         |
|      | 024-1015 | Assessment of Taxes      | 400.00    |                  |
|      | 024-1019 | Engineering Services     |           | 13,500.00        |
| Yes: |          | Tax Map Preparation      |           | 1,000.00         |
|      | 024-1110 | Police                   | 25,500.00 |                  |
|      | 024-1112 | Crossing Guards          | 2,000.00  |                  |
|      | 024-1210 | Road Repairs             | 6,100.00  |                  |
|      | 024-1850 | Municipal Court          | 2,000.00  |                  |
|      |          | Subtotal                 | 36,000.00 | 18,700.00        |
|      |          |                          |           |                  |
|      |          | Total                    |           | <u>54,700.00</u> |

Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016:#19**

**CANCEL RECEIVABLE BALANCES**

WHEREAS, it is necessary to formally cancel receivable balances from the balance sheet for grants that have expired, and

WHEREAS, the Borough CFO is hereby directed to cancel such receivables to Operations.

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

That the following receivable balances be canceled:

|  |                    |
|--|--------------------|
| Middlesex County Sustainable<br>Economic Growth Improvement Fund | <u>\$52,500.00</u> |
| Total  | \$52,500.00        |

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #20**

**CANCEL CAPITAL FUND GRANT RECEIVABLE BALANCES**

WHEREAS, it is necessary to formally cancel receivable balances from the balance sheet for grants in the General Capital Fund that have expired, and

WHEREAS, the Borough CFO is hereby directed to cancel such receivables to Capital Fund Balance.

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

That the following receivable balances be canceled:

|  |                  |
|--|------------------|
| State of NJ – Department of Transportation |                  |
| Dunellen & South Avenues                   | 5,788.79         |
| Lincoln & Prospect Avenue                  | 2,779.75         |
| High Street                                | 4,248.80         |
| Whittier Avenue                            | <u>42,181.95</u> |
| Total                                      | \$54,999.29      |

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:

**12-19-2016: #21**

**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 CUST - EBURY FUND 1NJ  
P O BOX 37695  
BALTIMORE MD 21297-3695

| TSC   | Block | Lot | Owner/Address                                    | Principal | Interest | Premium  | Total    |
|-------|-------|-----|--|-----------|----------|----------|----------|
| 15-10 | 25    | 26  | Carfaro Property Holding<br>409 N Washington Ave | 1,148.91  | 50.73    | 1,300.00 | 2,499.64 |

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:

**12-19-2016: #22**

**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

| TSC   | Block | Lot | Qual | Owner/Address                                    | Principal | Interest | Premium  | Total    |
|-------|-------|-----|------|--|-----------|----------|----------|----------|
| 16-29 | 61    | 44  |      | Jones, Jennifer & Coghlan, J<br>363 Prospect Ave | 812.60    | 11.92    | 1,500.00 | 2,324.52 |

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:

**12-19-2016: #23**

**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 BV001 Trust & Crtrs  
50 S 16<sup>th</sup> St., Ste 2050  
Philadelphia, PA 19102

| TSC   | Block | Lot   | Owner/Address                                     | Principal | Interest  | Premium    | Total      |
|-------|-------|-------|---|-----------|-----------|------------|------------|
| 15-09 | 25    | 25.01 | Carfaro Property Holdings<br>405 N Washington Ave | 77,255.40 | 10,467.93 | 106,300.00 | 194,023.33 |

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

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

**12-19-2016: #24**

**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 \$437.50. This award is to come out of Account # 601-20-150-00-101.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

**REPORTS:**

Mr. Petracca: no report.

Mr. Baudendistel: 1) Asked if there were any questions on the “Welcome to Dunellen” signs. There were none. He will be placing the order; 2) PBA negotiations on the new contract will begin in the new year.

Mr. Bachorik: no report.

Mr. Cilento: 1) Santa Around Town on December 24<sup>th</sup>; 2) Senior Party on Sunday, January 8<sup>th</sup>.

Mr. Lowder: no report.

Mayor Seader: 1) Authorized refreshments for the firemen on Santa Around Town; 2) Rotary will pay for the Tree in Washington Park; 3) noted what appeared to be a high water bill for McCoy Park. Ron Safar reports that there are two meters in the park. Mr. Robins will look into it; 4) asked Chief Nelson about the new Somerset County Dispatch. All is going well.

Mr. Bruder: 1) thanked Mr. Dudley for his contribution to the new Precious Metals ordinance; 2) last week, he met with the Tax Court Judge and Deputy Attorney General regarding our law suit against the Division of Taxation on the tax rate. The State will be agreeing to use a lower figure which will result in improving our tax rate; 3) We have received a final judgment in the affordable housing litigation (we are the first in the State). He went down last Friday to get a signed copy of the final judgment. Mr. Robins will notify the Service List; 4) met with Lou Ploskonka of CME Associates regarding the Culvert Project to wrap up some outstanding issues.

Mr. Baudendistel asked after the Strip Joint property and suggested that we put it to public auction, as is. Mr. Bruder noted that concerning its environmental remediation, any buyer would have recourse back to us, and it would be better for the borough if we cleaned it up, environmentally, before sale.

---

**PUBLIC PORTION**

No one from the public spoke.

---

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

**12-19-2016: #25**

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

The Dunellen Borough Council Meeting of December 19, 2016 is adjourned.

Yes: Baudendistel, Bachorik, Cilento, Lowder and Petracca

---