

December 21, 2015

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on December 21, 2015.

Mayor Robert J. 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: Mayor Robert J. Seader, Kenneth Baudendistel, Kenneth Bayer, Joseph Petracca and Jason Cilento

Absent: Kevin Bachorik

On the motion of Mr. Baudendistel and seconded by Mr. Bayer it was moved to accept the minutes of the Council Meeting on December 7, 2015.

Yes: Baudendistel, Bayer and Cilento

Abstain: Petracca

At this point, a Proclamation was read into the record about Arbor Day, April 2016:

Mr. Baudendistel noted that it is a requirement that each year this Proclamation be read at a Council Meeting.



Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Robert Seader, Mayor of the City of Dunellen, do hereby proclaim
The last Friday of every April as

Arbor Day

In the City of Dunellen NJ, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this _____ day of _____
Mayor _____

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

12-21-2015: #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, Bayer, Cilento, Petracca

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

12-21-2015: #2

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

The resignation of Samantha Galvez as Dunellen Clerk's Office Administrative Assistant and Deputy Registrar is accepted, effective January 1, 2016.

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #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
Eight on the Break
Maggie Murray's Pub House
Knights of Columbus
The Rack Billiards
Veterans of Foreign Wars
Zupko's Tavern
N. Avenue Liquors

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #4

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

Dunellen Mayor Robert J. Seader is authorized to sign the Deed Restriction Notice for the property at 500 Mountainview Terrace

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #5

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 2016, subject to each company's provision of the necessary documents, submissions, and insurance requirements set forth in Dunellen Borough Code Section 268-1, *et. seq.* Companies with Application deficiencies will be notified and have until January 8, 2016, to resubmit their Applications to the Dunellen Municipal Clerk's Office. All Applications and resubmitted Applications are subject to final review and approval by the Dunellen Municipal Attorney.

West 7th 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
AKR 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, 2016 until December 31, 2016.

Mr. Robins reported that none of the nine applications were fully compliant with the ordinance. He recommends that the resolution award be subject to resubmission and compliance by January 8, 2016, and final review by the Municipal Attorney.

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #6

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

AUTHORIZE 2016 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 2016 be and the same are hereby appropriated as follows:

Municipal Debt Service

Principal – Middlesex County Improvement Authority (2012)	\$273,500.00
Interest – Middlesex County Improvement Authority (2012)	60,200.00
Total	\$333,700.00
NJ Environmental Infrastructure – Trust Loan	\$73,825.00
NJ Environmental Infrastructure – Fund Loan	50,000.00
Total	\$122,125.00

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #7

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 \$93.15 be and are hereby canceled:

<u>ACCOUNT</u>	<u>CHECK #</u>	<u>AMOUNT</u>	<u>DATE</u>
Payroll	61279	\$74.51	4/11/14
	61311	<u>18.64</u>	4/25/14

Subtotal - Payroll \$93.15
 Grand Total \$93.15

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #8

TRANSFER 2015 APPROPRIATION RESERVES TO ACCOUNTS PAYABLE

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

WHEREAS, the 2015 Appropriation Reserves contains unexpended balances of certain appropriations that will not be paid in 2015.

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:

014-1019	Engineering Services	\$347.00
014-1020	Buildings and Grounds	1,111.88
019-1310	Sewer System Professional Svcs	<u>389.50</u>
	Total	<u>\$1,848.38</u>

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #9

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, Bayer, Cilento, Petracca

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

12-21-2015: #10

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 \$5,321,836.00 from January 1, 2016 to June 30, 2016

<u>Date</u>	<u>Amount</u>
January 4, 2016	827,629.00
February 1, 2016	1,005,660.00
March 1, 2016	827,629.00
April 1, 2016	827,629.00
May 2, 2016	1,005,660.00
June 1, 2016	<u>827,629.00</u>
Total	<u>\$5,321,836.00</u>

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #11

CANCEL ACCOUNTS PAYABLE BALANCES

WHEREAS, it is necessary to formally cancel Accounts Receivable balances from the balance sheet for which encumbrances will not be paid, and

WHEREAS, the Borough Finance Officer 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 Accounts Payable balances in the amount of \$2,087.32 are hereby cancelled:

Accounts Payable (2013)	\$2,087.32
<u>Total</u>	<u>\$2,087.32</u>

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #12

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 2015 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
	024-1025	Group Insurance		9,000.00
		Subtotal		9,000.00
		Total		<u>9,000.00</u>

Whereas, there appears to be insufficient funds in the following CY 2015 Operating Accounts over and above the demands to be necessary; viz:

To:	Account	Title	S&W	Other Expenses
	024-1014	Financial Administration		3,000.00
	024-1028	Gasoline		6,000.00
		Subtotal		9,000.00
Yes:				
		Total		<u>9,000.00</u>

Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #13

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	15697	\$4,528.18
0305764-0000001	18221	\$4,176.16
0305764-0000001	20577	\$5,097.50
	Total	<u>\$13,801.84</u>

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #14

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>NAW Financial Group Invoice Number</u>	<u>Invoice Date</u>	<u>Amount</u>
21784	September 30, 2015	\$6,633.75
21813	October 31, 2015	\$3,086.25
21886	November 30, 2015	\$90.00
	Total	<u>\$9,810.00</u>

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #15

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 2016 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, Bayer, Cilento, Petracca

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

12-21-2015:#16

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	
Economic Growth Improvement Fund	<u>\$52,500.00</u>

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015:17

CANCEL RESERVES BALANCES

WHEREAS, there exists various reserves on the balance sheet of the Current Fund, and

WHEREAS, the funds creating these reserves have been investigated and it has been determined that these reserves should be canceled.

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

That the following reserves in the amount of \$35,582.07 are hereby canceled:

Middlesex County Sustainable Economic Growth Improvement Fund	<u>\$36,582.07</u>
Total	\$36,582.07

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #18

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 Somerset Hills Ice Hockey Association.

Further be it resolved that this license will be issued pending final approval by New Jersey State Legalized Games of Chance Commission.

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #19

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

The rates for the Dunellen Sewer Utility 2016 are as follows:

Unit flat rate charge for single family residences: \$340.00, annually

Unit flat rate for multi-family residences up to four units: \$200.00 per unit, annually

For commercial properties, residential properties with more than four residential units, and mixed commercial and residential properties: \$4.165 per 1000 gallons, annually

Payment of the 2016 1st half Sewer Utility bill is due on March 1, 2016. Interest will be added to payments received after March 10, 2016. Payment of the 2016 2nd half Sewer Utility bill is due September 1, 2016. Interest will be added to payments received after September 10, 2016.

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #20

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

The Mayor and Municipal Clerk are authorized to sign the attached Agreement between the Borough of Dunellen and PARSA (Plainfield Area Regional Sewerage Authority) for the provision of a Licensed Operator of Record.

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #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 as Cust for Ebury Fund 1NJ LLC
P O Box 37695
Baltimore, MD 21297-3695

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
14-27	34	20		Anderson, Leebert 649 Front Street	1,391.05	56.38	1,500.00	2,947.43
15-31	75	1.03		Hughes, Gary & Margaret 311 Oak Parkway	514.43	1.41	300.00	815.84

Yes: Baudendistel, Bayer, Cilento, Petracca

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

12-21-2015: #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	Owner/Address	Principal	Interest	Premium	Total
14-37	47	33	Toalombo, Nestor 706 Front Street	661.51	32.42	1,200.00	1,893.93
14-24	34	13	Ardon, Luis & Gomero, G 615 Front Street	1,386.00	57.58	1,800.00	3,242.58

Yes: Baudendistel, Bayer, Cilento, Petracca

REPORTS:

Mr. Petracca: no report.

Mr. Baudendistel: 1) had a conversation with George Deene regarding cigarette butts in front of Discount Liquors. Recommends a revision of sidewalk ordinance to prevent sweeping into the street. John Bruder will help with drafting an ordinance; 2) noted LED lights in signs proliferating; 3) asked Scott Luthman for the status of the fire damaged buildings, with an eye toward their rehabilitation onto the tax rolls.

Mr. Bayer: residents complaining about the need for a 25 MPH sign on Madison Avenue, coming in from Green Brook

Mr. Safar: we still have Green Brook's hot box and his department will be patching next week.

Mr. Cilento: 1) basketball starts on January 9th with approximately 60 kids; commission is looking to bring back Concerts in the park in the Summer and opening soccer to 10th graders; 2) Senior party on January 3rd at St. John's. .

Mayor Seader: 1) asked after the status of the Dispatch Agreement and whether the 226 Whittier Avenue liens had been satisfied. Agreement in draft form and liens satisfied.

PUBLIC PORTION:

No one from the public spoke.

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

12-21-2015: #23

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, Bayer, Cilento, Petracca

The Council went back into open session.

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

12-21-2015: #24

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

The Dunellen Borough Council Meeting of December 21, 2015 is adjourned.

Yes: Baudendistel, Bayer, Cilento, Petracca