

December 7, 2015

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on December 7, 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, Kevin Bachorik, Kenneth Bayer and Jason Cilento

Mr. Cilento arrived at 7:44 pm and did not participate in the voting for Minutes of November 16, 2015, Ordinance 2015-11, Ordinance 2015-12, and Resolutions #1—4. He did vote in Ordinance 2015-10, which was taken out of order so that he could participate when he arrived.

Absent: Joseph Petracca and Jason Cilento [Mr. Cilento arrived at 7:44 pm.]

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On the motion of Mr. Bachorik and seconded by Mr. Bayer it was moved to accept the minutes of the Council Meeting on November 16, 2015.

Yes: Bachorik and Bayer

Abstain: Baudendistel

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

ORDINANCE 2015-12

BOROUGH OF DUNELLEN

The following Amendment to Section 7.4.3 Site #3. South Washington Avenue (Block 85/Lot 1) of Dunellen's Redevelopment Plan is being Introduced for first reading on December 7, 2015. It will be presented for Public Hearing and Adoption on December 21, 2015 at 7:30 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey, or at an appropriate time thereafter subject to Dunellen Planning Board review. Notice will be given in advance of the date for the Public Hearing and Adoption. Copies of this ordinance will be posted on the Municipal Bulletin Board, and will be available at the Office of the Borough Clerk for any interested members of the public.

This ordinance amends the Dunellen Downtown Redevelopment Plan, Phase One, that was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, and November 2014.

Section 7.4.3, Site #3, South Washington Avenue (Block 85/Lot 1) is to be amended as follows:

Principal Permitted Uses:

- **Commercial/Retail/Residential/Recreational.** This land use designation contemplates a mixed-use development not to exceed four stories, which may include residential (with a maximum number of residential units not to exceed 374), commercial, recreational or retail uses. Residential development may include an activity center and other amenities typically related to such residential use. The property may be subdivided into two or more parcels with the understanding that (i) such parcels shall be subject to a unified development plan, and (ii) density shall be calculated based upon the total land area in the unified plan. Any residential portion(s) of the development may be for sale or rental at the option of the developer, except as may be otherwise provided for in a redevelopment agreement. Residential uses are permitted on any or all floors of any buildings, unless such building immediately fronts on or faces South Washington Avenue, in which case residential uses shall not be permitted on the first floor of such building. Any building that fronts on or faces South Washington Avenue shall be required to have retail and commercial uses on the first floor (“First Floor Commercial/Retail”). Office and retail uses shall be permitted on upper floors of buildings with First Floor Commercial/Retail. First Floor Commercial/Retail may include (but is not limited to) personal and business service establishments, restaurants, retail stores, convenience stores, bakeries, delicatessens, drug stores, beauty parlors, food stores and supermarkets, all with or without drive thru facilities.

Mr. Robins distributed comparison ordinances, 2015 compared to 2014, and reviewed the changes point by point for Council.

Yes: Baudendistel, Bachorik, Bayer

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Ordinance 2015-10, Public Hearing and Adoption, was moved to later in the Agenda so that Mr. Cilento could vote when he arrived.

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

**ORDINANCE 2015-11**

**BOROUGH OF DUNELLEN**

**The following ordinance was Introduced for first reading on November 16, 2015. It is now being presented for Public Hearing and Adoption on December 7, 2015, at 7:30 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. Copies of this ordinance have been posted on the Municipal Bulletin Board, and have been available at the Office of the Borough Clerk for any interested members of the public.**

An Ordinance Establishing Mandatory Direct Deposit For Municipal Employees Pursuant To C. 52:14-15f Et. Seq. (Mandatory Direct Deposit for Employees)

WHEREAS, P.L. 2013 c. 28, authorizes local governments to mandate direct deposit for certain governmental employees effective after July 1, 2014; and

WHEREAS, P.L. 2013 c. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary.

NOW THEREFORE, BE IT ORDAINED, BY BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN, MIDDLESEX COUNTY, NEW JERSEY ACCORDING TO THE FOLLOWING:

Section 1. All full, part time and seasonal employees who receive compensation from the Borough of Dunellen are mandated to have direct deposit of their compensation as of July 1, 2014 in accordance with Chapter 28 P.L. 2013, as defined under C.52:14-15f (b).

Section 2. Municipal employees may request, in writing, an exemption from the direct deposit mandate to the Borough Treasurer or Administrator. Such requests will be presented to the Borough Council within 40 days. The Borough Council may grant such an exemption by resolution and only for good cause.

Section 3. If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.  
Section 4. All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

At this point, Mayor Seader opened the meeting for public comment on the ordinance. No one from the public spoke. This portion was closed.

Yes: Baudendistel, Bachorik, Bayer

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

**12-07-2015: #1**

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

The bills, as per the attached list, are hereby authorized for payment.

Yes: Baudendistel, Bachorik, Bayer

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

**12-07-2015: #2**

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

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Dunellen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2015 in the sum of \$36,518.00 which is now available from the County of Middlesex, Public Housing Agency, Housing and Community Development in the amount of \$36,518.00.

BE IT FURTHER RESOLVED, that the like sum of \$36,518.00 is hereby appropriated under the caption Community Development Block Grant.

BE IT FURTHER RESOLVED that the above is the result of funds from the County of Middlesex, Public Housing Agency, Housing and Community Development in the amount of \$36,518.00.

Yes: Baudendistel, Bachorik, Bayer

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

**12-07-2015: #3**

**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   |
|----------|-----------------|----------|------------------|
| 024-1021 | Electric & Gas  |          | 10,000.00        |
| 024-1113 | Dispatchers     |          | 2,700.00         |
| 024-1850 | Municipal Court | 2,000.00 |                  |
|          | Subtotal        | 2,000.00 | 12,700.00        |
|          | Total           |          | <u>14,700.00</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   |
|----------|------------------------------|----------|------------------|
| 024-1010 | Administration               |          | 500.00           |
| 024-1020 | Public Buildings and Grounds |          | 2,000.00         |
| 024-1028 | Gasoline                     |          | 3,000.00         |
| 024-1210 | Road Repairs                 | 6,000.00 |                  |
| 024-1212 | Tree Maintenance             |          | 1,000.00         |
| 024-1410 | Board of Health              | 100.00   | 500.00           |
| 024-1510 | Recreation                   | 1,000.00 |                  |
| 024-1610 | Construction Code Official   | 600.00   |                  |
|          | Subtotal                     | 7,700.00 | 7,000.00         |
|          | Total                        |          | <u>14,700.00</u> |

Yes: Baudendistel, Bachorik, Bayer

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

**12-07-2015: #4**

Whereas, the Dunellen Downtown Redevelopment Plan, Phase One, was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013 and November 2014; and

Whereas, on December 7, 2015, the Dunellen Borough Council introduced for first reading Ordinance 2015-12, an Amendment to Section 7.4.3, Site #3, South Washington Avenue (Block 85/Lot 1) of Dunellen's Redevelopment Plan; and

Whereas, the entirety of this amendment reads:

This ordinance amends the Dunellen Downtown Redevelopment Plan, Phase One, that was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, and November 2014.

Section 7.4.3, Site #3, South Washington Avenue (Block 85/Lot 1) is to be amended as follows:

Principal Permitted Uses:

- **Commercial/Retail/Residential/Recreational.** This land use designation contemplates a mixed-use development not to exceed four stories, which may include residential (with a maximum number of residential units not to exceed 374), commercial, recreational or retail uses. Residential development may include an activity center and other amenities typically related to such residential use. The property may be subdivided into two or more parcels with the understanding that (i) such parcels shall be subject to a unified development plan, and (ii) density shall be calculated based upon the total land area in the unified plan. Any residential portion(s) of the development may be for sale or rental at the option of the developer, except as may be otherwise provided for in a redevelopment agreement. Residential uses are permitted on any or all floors of any buildings, unless such building immediately fronts on or faces South Washington Avenue, in which case residential uses shall not be permitted on the first floor of such building. Any building that fronts on or faces South Washington Avenue shall be required to have retail and commercial uses on the first floor (“First Floor Commercial/Retail”). Office and retail uses shall be permitted on upper floors of buildings with First Floor Commercial/Retail. First Floor Commercial/Retail may include (but is not limited to) personal and business service establishments, restaurants, retail stores, convenience stores, bakeries, delicatessens, drug stores, beauty parlors, food stores and supermarkets, all with or without drive thru facilities.

Now, Therefore, Be it Resolved, by the Mayor and Council of the Borough of Dunellen, that Ordinance 2015-12 be forwarded to the Dunellen Planning Board for review and a report containing its recommendation regarding the proposed amended ordinance.

Yes: Baudendistel, Bachorik, Bayer

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

**12-07-2015: #5**

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

WHEREAS, a need has been determined for the extraction and analysis of cores regarding the Dunellen Avenue Road Improvement Project, Phase II; and

Whereas, a quote has been received from:

Key-Tech, Keyport, NJ

\$1,300.00

FURTHERMORE, the quote submission has been reviewed by the municipal engineers, CME Associates, and it is their recommendation that the contract be awarded to Key-Tech.

And whereas this award of contract is for an amount below the current quotation threshold (\$2,625.00).

The funds for this contract have been certified by the Chief Financial Officer, from the Dunellen Avenue Account # 026-6345-600.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that extraction and analysis of cores regarding the improvements to Dunellen Avenue, Phase II be awarded to Key-Tech, for an amount not to exceed \$1,300.00.

Yes: Baudendistel, Bachorik, Bayer, Cilento

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

**12-07-2015: #6**

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

WHEREAS, the Borough of Dunellen has received a FY 2014 Transit Village Program grant from the New Jersey Department of Transportation for Washington Avenue Streetscape Enhancements; and

WHEREAS, a condition of the funding is the award of a construction contract by December 23, 2015; and

WHEREAS, the preliminary design of the project has been completed; however, the Borough is in the process of establishing Utility Agreements relative to the electrical service and maintenance of the proposed streetscape lighting.

WHEREAS, it is therefore advisable to request an extension of time to award this project.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Dunellen is requesting a time extension until June 23, 2016 for the award of a Construction Contract for the Washington Avenue Streetscape Enhancements under the grant from the New Jersey Department of Transportation.

Yes: Baudendistel, Bachorik, Bayer, Cilento

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

**12-07-2015: #7**

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

WHEREAS, the Borough of Dunellen has received a FY 2014 Municipal Aid Program grant from the New Jersey Department of Transportation for Madison Avenue Roadway Improvements; and

WHEREAS, a condition of the funding is the award of a construction contract by December 23, 2015; and

WHEREAS, the preliminary design of the project has been completed and the Borough is in the process of securing the necessary Permits for the improvement; and

WHEREAS, it is therefore advisable to request an extension of time to award this project.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Dunellen is requesting a time extension until June 23, 2016 for the award of a Construction Contract for the Madison Avenue Roadway Improvements under the grant from the New Jersey Department of Transportation.

Yes: Baudendistel, Bachorik, Bayer, Cilento

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

**12-07-2015: #8**

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

Wendy Barra is hired as a part time Clerk in the Dunellen Tax Collector's Office, effective December 1, 2015, at an hourly salary of \$12.50. This is a position without benefits.

Yes: Baudendistel, Bachorik, Bayer, Cilento

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

**12-07-2015: #9**

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

Martha Moncada is hired as an Interpreter for the Dunellen Municipal Court at an hourly salary of \$25.00. This is a position without benefits. This hire is effective May 14, 2014.

Yes: Baudendistel, Bachorik, Bayer

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

**12-07-2015: #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, and

NOW, THEREFORE, BE IT RESOLVED, that the Municipal Council of the Borough of Dunellen in the County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year CY 2015 in the sum of \$6,356.77, which is now available from the Division of Motor Vehicles—Dunellen Drunk Driving Enforcement Fund in the amount of \$6,356.77.

BE IT FURTHER RESOLVED, that the like sum of \$6,356.77 is hereby appropriated under the caption Drunk Driving Enforcement Fund.

BE IT FURTHER RESOLVED that the above is the result of funds from the Drunk Driving Enforcement Fund in the amount of \$6,356.77.

Yes: Baudendistel, Bachorik, Bayer, Cilento

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

**12-07-2015: #11**

Resolution 10-05-2015: #14 is amended as follows:

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

Whereas, there exists a need to paint and have façade improvements on portions of the exterior of the Construction Office Building; and

Whereas, quotes were solicited from local firms; and

Whereas, a quote was received from the following firm:

Thomas Tammaro Painting Co., Dunellen,NJ -- \$2,800.00

The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # 027-7028-709.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that painting and façade improvements of the Construction Office Building be done by Thomas Tammaro Painting Co., for an amount not to exceed \$2,800.00.

Yes: Bachorik, Bayer, Cilento

Abstain: Baudendistel

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

**ORDINANCE #2015-10**

**BOROUGH OF DUNELLEN**

**NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced for first reading at a meeting of the governing body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on November 16, 2015. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held at the Municipal Council Chambers, in the Borough on December 7, 2015 at 7:30 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance have been available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR ACQUISITION OF DISPATCH EQUIPMENT IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$185,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$176,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purposes:

| <u>Purpose</u>   | <u>Appropriation &amp; Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds &amp; Notes</u> | <u>Period of Usefulness</u> |
|--|---|--|-----------------------------|
| a) Acquisition / installation of dispatch equipment, including but not limited to, |   |  |                             |

|  |                        |                        |                 |
|--|------------------------|------------------------|-----------------|
| <p>laptops and ancillary equipment for fire trucks, desktop personal computers and software for the Fire Department, Acuity Map Enhancement from QED, CAD/RMS system (QED) and ancillary equipment, conversion of any existing RMS "legacy" data to the QED RMS system and laptops for Police vehicles, including all related costs and expenditures incidental thereto.</p> | <p>\$111,000</p>       | <p>\$105,600</p>       | <p>5 years</p>  |
| <p>b) Acquisition / installation of dispatch equipment, including but not limited to, security system, portable radios and ancillary equipment, reprogramming radios, consolette, police camera in lobby, mobile radio for the Police Department, rescue squad pagers, Police vehicle camera and VHF radios, including all related costs and</p>                             | <p><u>\$74,000</u></p> | <p><u>\$70,400</u></p> | <p>10 years</p> |

|                                     |  |                  |                  |  |
|-------------------------------------|--|------------------|------------------|--|
| expenditures<br>incidental thereto. |  |                  |                  |  |
| TOTAL:                              |  | <u>\$185,000</u> | <u>\$176,000</u> |  |
|                                     |  |                  |                  |  |
|                                     |  |                  |                  |  |

Appropriation: \$185,000

Bonds/Notes Authorized: \$176,000

Grant Appropriated: N/A

Section 20 Costs: \$23,680

Useful Life: 7 years

At this point, Mayor Seader opened the meeting for public comment on the ordinance. No one from the public spoke. This portion was closed.

Yes: Baudendistel, Bachorik, Bayer, Cilento

**REPORTS:**

Mr. Baudendistel: 1) the Shade Tree Commission will put the four trees outside Borough Hall as they did last year; 2) nominated Mary Mauriello as Citizen Volunteer of the Year. Involved in Project Graduation and Drama and Girl Scouts. Accepted by Council.

Mr. Bayer: no report.

Mr. Safar: no report.

Chief Nelson: reported that the County would no longer be supporting Reverse 9-1-1 as of January 1<sup>st</sup>. He will be investigating replacements. He spoke with Bill Stahl of Somerset County which is not happy with their current company. However, a company called “Everbridge” is recommended that the Chief will look into and if we go with Everbridge and Somerset County later also goes with Everbridge, then we can be under their umbrella with continuity. Reverse 9-1-1 calls everybody, while Nixle is voluntary signup. Council thought as a public service a Reverse 9-1-1 is desirable to pursue.

Mr. Bachorik: discussed the issues with Skylight Theatre and their cutting of the rail on the Gazebo in Washington Park to expand their stage area. He noted some miscommunication within Skylight. The fabrication of the replacement rail was faulty as was the installation. Mayor Seader noted that there was also an issue with Skylight’s storing equipment in the Maurer House garage.

Mr. Cilento: 1) for Recreation, the Tree Lighting event went well the night before; there are 20 houses for the Tree Decorating Contest; 2) high enrollment for soccer; 4) Senior Party at St. John's on January 3<sup>rd</sup>.

Mayor Seader: 1) Discussion of heating in the Municipal Building; 2) letter from County Infrastructure Department that they are reviewing our Open Space grant application; 3) Mr. Bruder has resolved outstanding issues regarding 500 Mountainview Terrace, which may entail some expense in Spring 2016; 4) again thanked all volunteers and Agencies for help with the Haunted Trail:

At this point, Mayor Seader made a presentation to Chief Jonathan Scott of the Dunellen Fire Department, and Ashley Bracaloni, Captain of the Dunellen Rescue Squad, on behalf of the Maurer House Committee in gratitude for the agencies' assistance in the Haunted Trail 2015.

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**PUBLIC PORTION:**

Mr. and Mrs. O'Connell of 409 South Madison Avenue addressed the issue of their neighbor's discharge from a sump pump into the street. Various solutions are being investigated, including approaching the neighbor, ordinances, finding out what other municipalities do, and undertake engineering solutions. Mayor Seader noted that an ordinance might be done prohibiting discharge into the street, but existing sump pumps would be grandfathered. The water table in certain parts of town is very high, and discharging into a yard would create significant pools of water.

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

**12-07-2015: #12**

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

The Dunellen Borough Council Meeting of December 7, 2015 is adjourned.

Yes: Baudendistel, Bachorik, Bayer and Cilento