

February 21, 2017

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on February 21, 2017.

Mayor Robert J. Seader called the meeting to order at 7:00 p.m. and he led the Pledge of Allegiance.

Municipal Clerk William Robins read the Sunshine Statement and called the Roll.

Present: Robert Seader, Kenneth Baudendistel, Jason Cilento and Jeremy Lowder

Absent: Kevin Bachorik, Kenneth Bayer and Joseph Petracca

On the motion of Mr. Cilento and seconded by Mr. Lowder it was moved to accept the Minutes of February 6, 2017:

Yes: Baudendistel, Cilento and Lowder

At this point, Mayor Seader appointed Anthony Camera to the Dunellen Public Library Board of Trustees

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

02-21-2017: #1

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

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

Yes: Baudendistel, Cilento and Lowder

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

02-21-2017: #2

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

The Municipal Clerk is hereby authorized to issue a food handler license to the following establishment:

Seafood Boil -- 201 North Avenue

Yes: Baudendistel, Cilento and Lowder

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

02-21-2017: #3

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

Whereas, by Resolution 03-05-2007: #9, Pitney Bowes Company was awarded a four-year lease contract for a postage meter machine to be used in the Municipal Clerk's Office; and

Whereas, by Resolution 01-10-2011: #10 this resolution was extended to the 2011 calendar year; and

Whereas, by Resolution 01-09-2012: #9 this resolution was extended to the 2012 calendar year; and

Whereas, by Resolution 01-07-2013: #9 this resolution was extended to the 2013 calendar year; and

Whereas, by Resolution 02-03-2014: #11 this resolution was extended to the 2014 calendar year; and

Whereas, by Resolution 01-05-2015: #5 this resolution was extended to the 2015 calendar year; and

Whereas, by Resolution 01-11-2016: #5 this resolution was extended to the 2016 calendar year; and

WHEREAS, the cost of the contract is \$53.00 per month; and

WHEREAS, funds are certified for each year of the contract; and

WHEREAS, the next term of the contract is from 1 January 2017 until 31 December 2017.

The Chief Financial Officer will certify \$636.00 for this contract.

Renewal of this contract is subject to the availability of funds in subsequent fiscal years.

The Account against which this appropriation is to be charged is # 7-01-20-100-001.

Yes: Baudendistel, Cilento and Lowder

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

02-21-2017: #4

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, subject to the refunding of the Account:

<u>Windels Marx File Number</u>	<u>Bill Number</u>	<u>Amount</u>
0305764-0000001	47843	\$8,119.18
	Total	<u>\$8,119.18</u>

Yes: Baudendistel, Cilento and Lowder

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

02-21-2017: #5

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 Murphy McKeon, P.C., from the Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the Account:

<u>Murphy McKeon, P.C.</u>	<u>Bill Number</u>	<u>Amount</u>
30900-01	76193	\$181.50
	Total	<u>\$181.50</u>

Yes: Baudendistel, Cilento and Lowder

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

02-21-2017: #6

Whereas, there appears to be a surplus in the following CY 2016 Reserve 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
20-120-000-299	Borough Clerk		500.00
20-120-001-299	Elections		500.00
20-140-000-299	Information Technology		2,000.00
20-155-000-299	Legal Services	500.00	6,900.00
25-240-000-101	Police	12,000.00	800.00
25-240-002-111	Crossing Guards	300.00	
26-310-000-299	Public Buildings & Grounds		2,000.00
28-370-000-299	Recreation		2,600.00
31-445-000-299	Water		500.00
31-460-000-299	Gasoline		3,500.00
	Subtotal	12,800.00	16,300.00
	Total	<u>29,100.00</u>	

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

To Account	Title	S&W	Other Expenses
21-180-000-220	Planning Board		1,300.00
31-461-000-299	Electric & Gas		14,200.00
32-465-000-299	Garbage & Trash		400.00
36-472-000-267	Social Security		7,200.00
42-305-000-299	Intergovernment - Recycling		6,000.00
	Subtotal	3,000.00	29,100.00
	Total	<u>29,100.00</u>	

Yes: Baudendistel, Cilento and Lowder

Reports:

Mr. Baudendistel: 1) sent photographs of North Avenue fire damaged properties to Scott Luthman and George Deene. Needs instructions from John Bruder on how to proceed; 2) asked Scott Luthman about the new Madison Avenue properties. Mr. Luthman responded that CME was awaiting what was probably performance bonds for the project; 3) shared the graphic for the Welcome to Dunellen signs produced by John Gibney.

Mr. Cilento: Dunellen Report articles due soon.

Mr. Lowder: no report.

Mayor Seader: none.

COUNCIL DISCUSSION

1. Police Off-Duty Ordinance

Brought to the Council's attention the issues regarding the Off-Duty ordinance. Primarily, the ordinance requires an escrow account, and not all companies and utilities have established one, despite being informed they must. Police are losing jobs, and the borough is losing revenue. Additionally, as noted in a report submitted by Lauren Darr, the Administrative Assistant in charge of processing much of the paperwork involved in obtaining the monies from the companies, much time is spent on repeated telephone calls to the companies, requesting prompt payment. She estimates she spends 15-20 minutes for each job, and there were over 100 jobs in 2016. Mr. Robins informed the Council that Lauren was not complaining or objecting to processing the work load; instead, she wanted to point out certain inequities in the current system. Mr. Baudendistel characterizes the process as normal accounts payable routine, but Mr. Robins noted that Lauren was concerned that non-compliance rendered the process beyond routine, due in part to repetitiveness in contacting some of the companies. Mr. Robins commented further that removing the escrow requirement might have a "downside" as it is based upon a 2000 Local Finance Notice and has been a question on the Best Practices survey. Furthermore, the Dunellen ordinance specifically has the responsibility of the off-duty system placed onto the police department, not on a mixture of police and Clerk's Office as is our current system. John Bruder will inquire what nearby municipalities do about this subject, and Mr. Robins will make the same inquiry of Middlesex County Clerks.

2. Under-Age Drinking Ordinance

Our existing ordinance is not being enforced by the police. They maintain that it is unenforceable as written. Mr. Bruder has reviewed our ordinance and reports that most of it is valid and enforceable; however, the penalty part is not in conformance with a state enabling statute, which takes primacy. Mr. Bruder pointed out that there are also some issues involving search and seizure Fourth Amendment. Mr. Baudendistel noted that though he had asked the police to specify their objections to the ordinance, they have not yet done so. Mr. Bruder will reach out to Chief Nelson to try to determine his concerns, and he will draft amended language and present it to the Council for further discussion.

PUBLIC PORTION

Mara Garland, 45 Asbury Drive, Old Bridge, NJ, representing Wellspring Center for Prevention. They work with the Dunellen Municipal Alliance regarding the Underage Drinking Ordinance. She suggested that as a penalty, a divergence program might be used such as community service. Mr. Bruder replied that the problem is that it does not match up with the state statute. Even though other towns might have such provisions, if it is challenged during trial the case will have to be dismissed, or it might be reversed upon appeal.

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

02-21-2017: #7

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

The Dunellen Borough Council Meeting of February 21, 2017 is adjourned.
Yes: Baudendistel, Cilento and Lowder