

February 22, 2016

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on February 22, 2016.

Council President Kenneth Baudendistel 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: Kenneth Baudendistel, Kevin Bachorik, Kenneth Bayer and Joseph Petracca

Absent: Mayor Robert J. Seader, Jason Cilento, Jeremy Lowder

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On the motion of Mr. Petracca and seconded by Mr. Bayer it was moved to accept the Minutes of February 1, 2016:

Yes: Baudendistel, Bayer and Petracca

Abstain: Bachorik

[Mr. Bachorik stated that he was abstaining as he had not been in attendance for that meeting.]

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At this point in the Agenda, Jennifer Beahm from CME Associates presented an amended Housing Plan Element and Fair Share Plan for endorsement by the Council. She responded to questions from Council regarding the borough's affordable housing obligation.

Mr. Baudendistel opened this portion of the meeting to the public. There were no questions from the public. This portion of the meeting was closed.

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

ORDINANCE 2016-01  
BOROUGH OF DUNELLEN

The following Amendment to Section 4.1, Description of the Redevelopment Area of Dunellen's Redevelopment Plan was Introduced for first reading on January 11, 2016. It is now being presented for Public Hearing and Adoption on February 22, 2016 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.

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 4.1, Description of the Redevelopment Area:

As a result of the Planning Board reexamining the original redevelopment plan, it was decided that a phased timing approach would better suit the needs of the Borough by focusing first on redevelopment of the Dunellen Downtown Center. One or more subsequent phases may be considered to address the remaining areas identified in the determination of need study. This Redevelopment Plan is applicable to the following properties located in the Borough of Dunellen, County of Middlesex, State of New Jersey identified as the Dunellen Downtown Redevelopment Area, Phase I, consisting of Blocks and Lots as depicted on the Official Tax Map of the Borough of Dunellen, and as shown on the attached “Redevelopment Area Map” that has been determined by the Dunellen Planning Board and the Dunellen Borough Council as “an area in need of redevelopment.”

Area	Block Number	Lot Number
Site #1  South side of North avenue between Prospect Avenue, South Washington Avenue, and NJ Transit property	69	1, 1.01, 2, 2.01, and 3
Site #2  South Washington Avenue, New Market Road, Prospect Avenue, and NJ Transit property	70	13 and 13.01
Site #3  South Washington Avenue between NJ Transit property and Columbia Street (Art Color Property)	85	1

This Redevelopment Plan also considers the following properties located in the Borough of Dunellen, County of Middlesex, State of New Jersey as future areas to be redeveloped consistent with the initial Dunellen Redevelopment Area.

Remainder Parcels – Redevelopment Area – See Map #2

Area	Block Number	Lot Number
North Avenue between Jackson Avenue and Jefferson Avenue	1	14, 15.01, 15.02, 16, 17, 18, 19, 20, 21, 22, 23
Between North Avenue and Front Street between North Washington Avenue and Jackson Avenue	2	10, 11, 11.01, 12, 13, 14, 15, 16, 17, 18, 19, 20

Between North Avenue and Front Street between Lincoln Avenue, North Washington Avenue	32	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 14.01, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 24.01, 25, 26, 27, 28
North Avenue between Madison Avenue and Lincoln Avenue	33	14, 14.01, 15, 16, 17, 18, 19, 20, 21, 22, 23
Bound Brook Road from Sanford Avenue to Madison Avenue	34	10.01, 22, 23, 24, 24.01, 25, 26, 27.01, 27.02, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 38.01, 38.02
Bound Brook Road from Sanford Avenue to Middlesex border	48	16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28
Bound Brook Road from Middlesex border to Pulaski Street	49	25, 26, 27.01, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39.01, 39.02, 40, 41, 43, 44
Bound Brook Road between Pulaski Street and Madison Avenue and bordered on NJ Transit	50	1, 2, 3, 4, 5, 6
Rail Right of Way	51	1, 2, & 3 – NJ Transit property
Bordered by Bound Brook Road, Madison Avenue and North Avenue	65	1
North Avenue between Madison Avenue and Prospect Street	66	1, 2, 3, 4, 5, 6.01, 7, 8, 9, 10.01, 10.02, 11, 12, 13, 14, 15.01, 15.02, 16, 17, 17.01, 18, 19, 20
Southeast corner of North Avenue and North Washington Avenue to NJ Transit property, and northeast to the Plainfield City border	86	1, 2, 3, 4, 4.02, 4.03, and 5

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

Yes: Baudendistel, Bachorik, Bayer and Petracca

### **Community Development Block Grant**

At this point, Municipal Clerk Robins gave some background to the Council and public on the CDBG. They presented the following information summary:

#### COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION 2016

The Community Development Block Grant program is an important funding tool for implementing community plans. Municipalities can regularly apply for funding for qualifying activities and projects.

The Community Development Block Grant (CDBG) program is federally funded through the United States Department of Housing and Urban Development (HUD). The program awards grants in order to carry out a wide range of community development activities directed toward

revitalizing neighborhoods, economic development, and providing improved community facilities and services. The CDBG program is an important tool in helping local governments tackle the most serious challenges facing their communities.

CDBG funds are to be used for activities that benefit low- and moderate-income persons, carry out activities which aid in the prevention or elimination of slums and blight, or address existing conditions that pose a serious and immediate threat to the welfare of the community where other financial resources are not available to meet these needs.

CDBG funds may be used for activities that include, but are not limited to:

- **Acquisition of Real Property**
- **Relocation and Demolition**
- **Rehabilitation of Residential and Non-Residential Structures**
- **Construction of Public Facilities and Improvements, such as Water and Sewer Facilities, Streets, Neighborhood Centers, and the Conversion of Schools for Eligible Purposes**
- **Public Services (within certain limits)**
- **Restore Historic sites**
- **Improve housing for low-income and disabled persons**

It has been determined that the Northwest quadrant of Dunellen is the locus to receive the bulk of CDBG funds. That area is west of Madison Avenue, from North Avenue to Green Brook.

In 2015, we applied for and received funds for these activities (as noted):

Code Enforcement	\$8,000.00
Senior Citizen Coordinator	\$6,000.00
Senior Citizen Van Driver	\$11,000.00
Tree Planting	\$3,000.00
Park and Open Space Repair and Landscaping	<u>\$8,518.00</u>
	\$36,518.00

Dunellen's grant amount for 2016 will be \$36,518.00.

We are considering applying for funds for these activities:

Code Enforcement	\$8,000.00
Senior Citizen Coordinator	\$6,000.00
Senior Citizen Van Driver	\$11,000.00
Tree Planting	\$3,000.00
Park and Open Space Repair and Landscaping	<u>\$8,518.00</u>
	\$36,518.00.

The purpose of the public hearing is to elicit suggestions for CDBG 2016 allocations from community and civic groups.

At this point, Council President Baudendistel opened the meeting for public comment on the 2016 CDBG Application. No one from the public spoke. This portion was closed.

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

**02-22-2016: #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, Bayer and Petracca

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

**02-22-2016: #2**

**DUNELLEN BOROUGH COUNCIL  
RESOLUTION ADOPTING THE HOUSING PLAN ELEMENT AND FAIR SHARE  
PLAN DATED FEBRUARY 1, 2016**

**WHEREAS**, the Planning Board of the Borough of Dunellen, Middlesex County, State of New Jersey, adopted the Housing Element of the Master Plan on February 22, 2016; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Housing Element is attached pursuant to N.J.A.C. 5:91-2.2(a)2; and

**WHEREAS**, the Planning Board adopted the Fair Share Plan on February 22, 2016; and

**WHEREAS**, a true copy of the resolution of the Planning Board adopting the Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of the Borough of Dunellen, Middlesex County, State of New Jersey, hereby endorses the Housing Element and Fair Share Plan as adopted by the Borough of Dunellen Planning Board; and

**BE IT FURTHER RESOLVED** that the Governing Body of the Borough of Dunellen, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, submits this Housing Plan Element and Fair Share Plan to the Court for a determination of constitutional compliance; and

**BE IT FURTHER RESOLVED** that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included within the Plan; and

**BE IT FURTHER RESOLVED** that notice of this submission for consideration at a fairness and compliance hearing shall be published in a newspaper of countywide circulation and shall be provided to interested parties to provide an opportunity to be heard. A copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Borough of Dunellen's municipal clerk's office located at 355 North Avenue, Dunellen, New Jersey 08812, during the hours of 8:30 a.m and 4:30 p.m. on Monday through Friday for a period of 45 days following the date of publication of the legal notice.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #3**

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

Approval is granted for the Municipal Clerk to make application for the 2016 Community Development Block Grant, for the projects and amounts as listed below:

Code Enforcement	\$8,000.00
Senior Citizen Coordinator	\$6,000.00
Senior Citizen Van Driver	\$11,000.00
Tree Planting	\$3,000.00
Park and Open Space	
Repair and Landscaping	<u>\$8,518.00</u>
	\$36,518.00.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #4**

**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 Calendar Raffle License to St. John the Evangelist Church.

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

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #5**

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

The Dunellen-Green Brook Rotary Club is hereby approved to hold a 50/50 Cash Raffle on April 25, 2016, drawing to be held at the Dunellen Theater and Cinema Café.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #6**

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

Whereas, the Local Public Contracts Law of the State of New Jersey (NJSA 40A:11-1 et seq.) establishes standards and procedures for the awards of contracts and the purchase of goods and services which are to be paid with public funds; and

Whereas, it has been determined a need exists to properly maintain the playing fields, lawns, and landscaping of Columbia Park; and

Whereas, NJSA 40A:11-6.1 requires, where practicable, the solicitation of quotations for purchases estimated to be in excess of \$2,625 or more but less than \$17,500, and

Whereas, quotes were received from:

<b>Natural Green Lawn Care of Bridgewater</b>	<b>\$7,325.00</b>
<b>Live Oak Landscape Contractors, Piscataway</b>	<b>\$8,095.00</b>
<b>Landscape Maintenance Serv., Hillsborough</b>	<b>\$10,450.00</b>

Whereas, the Dunellen Board of Education, per agreement with the Borough, said agreement entered into on 21 February 2005, will be responsible for payment of one-half of the lawn maintenance contract.

Whereas, \$ 7,325.00 for said lawn maintenance program have been certified as available from the Chief Financial Officer, to be charged to Account # 024-1020-205.

Whereas, this contract will run for twelve months, beginning this date. This contract will be reviewed yearly and renewal is subject to the availability of funds in a succeeding budget.

Now therefore be it resolved that Natural Green is hereby authorized to undertake the fertilization and field maintenance in Columbia Park at a cost not to exceed \$7,325.00 per year, one-half to be paid by the Borough of Dunellen and one-half by the Dunellen Board of Education.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #7**

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

Natural Green of Bridgewater, NJ, is awarded a contract for field, lawn, and landscaping of McCoy Park for 2016, at a cost not to exceed \$2,225.00.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #8**

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

WHEREAS, by Resolution 12-21-2015: #19 the rates and due dates for the 2016 Dunellen Sewer Utility fees were established; and

WHEREAS, there is a need to modify the grace period for payment of the March 1, 2016 fee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the 2016 rates will remain the same, and the due date for the first payment of the 2016 Dunellen Sewer Utility fee will remain March 1, 2016, but the grace period is extended to March 18, 2016. Interest will be added to payments received after March 18, 2016. Payment of the 2016 2<sup>nd</sup> half Sewer Utility bill is due September 1, 2016. Interest will be added to payments received after September 10, 2016.

For clarification, Mr. Olsen noted that interest is from the first of the month, not from the 18<sup>th</sup>.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #9**

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

A contract is awarded to QED, Inc. (Queues Enforth Development) of Malden, MA, to supply an Acuity CADMapper system to develop detailed and corrected 911 maps and integrate same into the Dunellen Police Department Computer Aided Dispatch system, at a cost not to exceed \$4,900.00; and

Funds for these contracts will be taken from Account # 026-6380-610.

Mr. Olsen inquired about the nature of the awards to QED. Chief Nelson responded that QED was the system used by Somerset County Dispatch, which we are migrating to in early Summer. In order to preserve system, device, and software compatibility, QED was in effect the sole vendor for these products and a requirement of a successful migration.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #10**

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

A contract is awarded to QED, Inc. (Queues Enforth Development) of Malden, MA, to supply a Computer Aided Dispatch/Records Management System for the Dunellen Police Department, at a cost not to exceed \$26,572.00; and

Funds for these contracts will be taken from Account # 026-6380-610.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #11**

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

A contract is awarded to QED, Inc. (Queues Enforth Development) of Malden, MA, to convert data from the current MSSQL database to be inserted into the Acuity database, and aligning data fields with the Acuity applications so that Acuity applications can access the converted data, for the Dunellen Police Department, at a cost not to exceed \$22,272.00; and

Funds for these contracts will be taken from Account # 026-6380-610.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #12**

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

Whereas, there exists a need to lease photocopier machines, one for the Dunellen Police Department and a second one for the Dunellen Municipal Clerk's Office; and

Whereas, a quote has been received from:

GE Capital:

- 1) Police -- \$77.00 per month, for a 60 month lease term (Account # 024-1110-205)
  - 2) Clerk's Office -- \$133.00 per month, for a 60 month lease term (Account # 024-1018-205)
- Total: \$210.00 per month

Whereas GE Capital has a New Jersey State Contract (#A53090 T2075) for the leasing of photocopier machines; and

The funds for this contract have been certified by the Chief Financial Officer, from April 2016 – March 2017, and continuation of the contract is subject to the availability of funds in future fiscal years.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that two photocopier machines be leased from GE Capital for an amount not to exceed \$210.00 for two machines per month for 60 months.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #13**

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

CME Associates is awarded a contract to prepare the New Jersey Department of Environmental Protection Regulation Program Tier A Municipal Stormwater General Permit Renewal and report for 2016, at a cost not to exceed \$3,579.00.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #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 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	20578	\$8,462.50
	Total	<u>\$8,462.50</u>

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**12-22-2016: #15**

**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>
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22053

January 31, 2016

\$840.00

Total

\$840.00

Yes: Baudendistel, Bachorik, Bayer and Petracca

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

**02-22-2016: #16**

**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 Appropriation Reserves" be made:

From

Account	Title	S&W	Other Expenses
014-1113	Dispatchers		1,600.00
019-1310	Sewer -- Supplies		200.00
	Subtotal		1,800.00
	Total		<u>1,800.00</u>

Whereas, there appears to be insufficient funds in the following CY 2014 Operating Accounts over and above the demands to be necessary; viz:

Account	Title	S&W	Other Expenses
014-1112	Crossing Guards		1,600.00
019-1310	Sewer -- Overtime	200.00	



NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Dunellen that it hereby authorizes the Dunellen Mayor Robert Seader to execute the relevant portion of the Remedial Action Permit Application on behalf of the Borough.

Yes: Baudendistel, Bachorik, Bayer and Petracca

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**REPORTS:**

Mr. Petracca: no report

Mr. Bayer: no report

Mr. Bachorik: new fire truck is ahead of schedule and may come by May.

Mr. Baudendistel: no report

Mr. Safar: has begun pot hole repair with Green Brook's hot box

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**PUBLIC PORTION**

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

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

**02-22-2016: #18**

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

The Dunellen Borough Council Meeting of February 22, 2016 is adjourned.

Yes: Baudendistel, Bachorik, Bayer and Petracca