March 6, 2017

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on March 6, 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, Kenneth Bayer, Jason Cilento and Joseph Petracca

Absent: Kevin Bachorik and Jeremy Lowder

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On the motion of Mr. Baudendistel and seconded by Mr. Cilento it was moved to accept the Minutes of February 21, 2017:

Yes: Baudendistel and Cilento
Abstain: Bayer and Petracca, both due to being absent at that meeting.

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At this point, Mayor Seader appointed Julie Grof to the Dunellen Arts and Culture Commission

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

03-06-2017: #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, Bayer, Cilento and Petracca

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

03-06-2017: #2

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

Whereas, the Mandatory Source Separation and Recycling Act, P.L. 1987, C.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs, and

Whereas, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs, and

Whereas, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act, and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality, and

Whereas, a resolution authorizing this municipality to apply for the 2016 Recycling tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Dunellen to the efforts undertaken by the municipality and requirements contained in the Recycling Act and recycling regulations.

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now therefore be it resolved by the Governing Body of the Borough of Dunellen that the Borough of Dunellen herby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Bashar Assadi to ensure that the application is properly filed, at a cost not to exceed $2,000.00; and

Be it further resolved, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #3

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

CANCEL ACCOUNTS PAYABLE BALANCES

WHEREAS, it is necessary, from time to time, to formally cancel Accounts Payable balances from the balance sheet from 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 $40,445.41 are hereby cancelled:

Accounts Payable (2015)	$6,158.57
Accounts Payable (2014)	1,458.88
Accounts Payable (2012)	1,750.00
Accounts Payable (2011)	1,660.00
Accounts Payable (2010)	2,818.10
Accounts Payable (2009)	6,403.56
Accounts Payable (2008)	3,396.20
Accounts Payable (2007)	16,800.00
Total	$40,445.41

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #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:

Windels Marx File Number	Bill Number	Amount
0305764-0000001	50448	$3,987.50
	Total	$3,987.50

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #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 McManinom, Scotland & Baumann from the Interim Cost Agreement Escrow Account for work done toward redevelopment:

McManimon Scotland Baumann	Bill Number	Amount
00019526-00002	144395	$1,558.01
	Total	$1,558.01

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #6

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

Autism New Jersey is hereby approved to hold a 50/50 Cash Raffle and a Merchandise Raffle on April 30, 2017, event to be held at the Dunellen Theater and Cinema Café.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #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 Columbia Park for 2017, at a cost not to exceed $7,325.00. The contract is awarded per New Jersey State Contract, through the Educational Services Commission of New Jersey, Co-op # 65MCESCCPS, contract # ESCNJ 16/17-23.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #8

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 2017, at a cost not to exceed $2,225.00. The contract is awarded per New Jersey State Contract, through the Educational Services Commission of New Jersey, Co-op # 65MCESCCPS, contract # ESCNJ 16/17-23.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #9

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

Whereas, there exists a need to purchase two (2) Police Interceptor SUVs with options for the Dunellen Police Department; and

Whereas, a quote has been received from:

Beyer Ford, Morristown, NJ -- $64,785.27

This is a three year lease, with an annual payment of $21,595.09, payment to be made to:

Ford Motor Credit Company
Attn: Municipal Finance
1 American Road, MD 7500
Dearborn, MIU 48126

And whereas Beyer Ford has a State Contract (#47-CPCPS) for this system, and

The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # 7-01-25-240-004-299.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that two Police Interceptor SUVs with option packages be purchased from Beyer Ford, for an amount not to exceed $64,785.27.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #11

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

Whereas, there exists a need for certain air card telecommunications requirements for the laptop computers installed in Borough of Dunellen Fire Department vehicles; and

Whereas, the Local Public Contracts Law (NJSA 40A:11-1 et. seq.) requires that the resolution authorizing the award of the contracts for "Professional Services" without competitive bids must be publicly advertised.

Now therefore be it resolved by the Governing Body of the Borough of Dunellen as follows:

1. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with Verizon for telecommunications regarding the laptop computers in Fire Department motor vehicles.

2. The cost of this service for 5 laptop computers is $37.99 each per month, for a total yearly amount of $2,279.40.

3. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contract Law because the services rendered are professional services of a recognized profession whose practice is regulated by law.

4. Further be it resolved that the cost of this Professional Services Contract will not exceed $2,279.40. Payment is from Account # 7-01-25-265-000-202

5. Be it further noted that the contract is a one year contract and funds are hereby authorized only for the term April 1, 2017 through March 31, 2018.

6. A copy of this resolution shall be published in The Courier as required by law within ten days of its passage.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #12

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

Whereas, emergent conditions have arisen with respect to either funds being needed for salaries and wages and/or payments being due to various vendors, and

Whereas, adequate provisions were not made in the 2017 Temporary Budget, and N.J.S.A. 40A:4-20 provides for creation of emergency temporary appropriations, and

Whereas, the total emergency temporary appropriations adopted in the year 2017 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total $1,007,049.38 for the Current Fund, $143,000 for the Sewer Utility,

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Dunellen (not less than two-thirds of all the members thereof affirmingly concurring):

Then, in accordance with N.J.S.A. 40A:4-20:

1. The emergency temporary appropriations listed below will be provided for in the 2017 budget under the titles shown and for the amounts given be and the same are hereby made as follows:

Department	Account	S&W	O/E
Administration and Executive	100-000	$8,000.00	
Telephone	100-004		$1,000.00
Financial Administration	130-000	12,000.00	2,000.00
Assessment of Taxes	150-000	4,500.00	1,000.00
Collection of Taxes	145-000	3,500.00	
Legal Services	155-000	6,500.00	
Construction Code	195-000	8,000.00	
Borough Clerk	120-000	8,000.00	
Other Insurance	210-000		7,000.00
Group Insurance	220-000		85,000.00
Mayor & Council	110-000	1,300.00	1,500.00
Postage	100-001		2,000.00
Police	240-000	180,000.00	8,000.00
Police – Overtime	240-001	17,000.00	
School Crossing Guards	240-002	4,500.00	
Emergency Vehicle	240-004		6,000.00
Municipal Prosecutor	275-000	1,000.00	
Fire Department	265-000		2,000.00
Fire Hydrants	265-001		6,000.00
Road Repairs	290-000	53,000.00	
Board of Health	330-000	5,000.00	3,000.00
Recreation	370-000	5,500.00	
Public Employees Retirement System (PERS)	471-000		131,693.00
Police and Firemen's Retirement System (PFRS)	475-000		366,536.00
Social Security	472-000		4,000.00
Municipal Court	490-000	15,000.00	
Pedestrian Safety Grant	727-000	1,250.00	
Drunk Driving Enforcement Fund	702-000		7,270.38
Intergovernment/Dispatching	305-001		30,000.00
Intergovernment/Middlesex Health Services	305-002		9,000.00
Subtotal		334,050.00	672,999.38
Grand Total Current Fund		1,007,049.38	

Sewers - PARSA	500-000	143,000.00
	Subtotal	143,000.00
	Grand Total Sewer Utility	143,000.00

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #13

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 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
26-310-000-299	Public Buildings & Grounds		2,600.00
	Subtotal		2,600.00
	Total		

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
31-461-000-299	Electric & Gas		2,600.00
	Subtotal		2,600.00
	Total		

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-17: #14

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION
BY RIDER FOR DONATIONS – ACCEPTANCE OF BEQUESTS AND GIFTS
REQUIRED BY N.J.S.A. 40A:5-29

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance, and

WHEREAS, N.J.S.A 40A:5-29 provides for receipt of Donations – Acceptance of Bequests and Gifts for Welcome to Dunellen Signs by the municipality to provide for the operating costs to administer this act, and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Donations – Acceptance of Bequests and Gifts for Welcome to Dunellen Signs are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Borough of Dunellen, County of Union, New Jersey, as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Donations – Acceptance of Bequests and Gifts for Welcome to Dunellen Signs, as authorized under N.J.S.A. 40A:5-9.

2. The Borough Clerk of the Borough of Dunellen, County of Middlesex is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Recorded vote:

	Ayes	Nays
Bachorik		
Baudendistel	X	
Bayer	X	
Cilento	X	
Lowder		
Petracca	X	

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #15

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 FWDSL & Associates, LP
17 West Cliff Street
Somerville, NJ 08876

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
16-14	34	16		Dittzel, Pamela 635 Front Street	757.08	13.76	1,100.00	1,870.84
16-21	43	26		Uken, John W 409 Sanford Avenue	741.06	8.91	1,000.00	1,749.97
16-24	53	12		Michael, Thomas & Edna 131 Pulaski Street	8,222.90	242.92	15,500.00	23,965.82
16-32	68	9.01	C0008	Calytor, Robert & Rosalie J 620 Grove St, Unit #8	661.50	11.89	900.00	1,573.39
16-38	75	19		Mwaniki, Mary 302 Walnut Street	661.50	13.00	800.00	1,474.50
				Total				**30,634.52**

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #16

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
14-20	33	23	C0005	Fry, Richard C 400 North Ave., # 5	818.65	109.57	1,000.00	1,928.22

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #17

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 Trystone Capital Assets
P O Box 1030
Brick, NJ 08723

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
16-02	3	9		Cabrera, Diego & Ivan D & Jhovnny D 135 Dunellen Avenue	267.51	5.49	1,300.00	1,573.00

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #18

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 PC6 Sterling National
50 S 16th St., Ste 2050
Philadelphia, PA 19102

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
16-34	72	5		Baker, Richard H & Colleen M 325 Orange Street	661.50	10.71	700	1,372.21

Yes: Baudendistel, Bayer, Cilento and Petracca

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

03-06-2017: #19

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
15-02	7	14	Manna, Melissa 412 Jackson Avenue	826.19	53.45	400.00	1,279.64

Yes: Baudendistel, Bayer, Cilento and Petracca

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Reports:

Mr. Petracca: no report
Mr. Baudendistel: asked for updates on the Outside Duty and Underage Drinking ordinances. Mr. Bruder responded that he has revised the Underage Drinking ordinance to make it in conformity with the State statutes. He has also been speaking with other towns on their Off Duty procedures.
Mr. Bayer: no report
Mr. Cilento: 1)
Recreation Department—The Little League Parade will be April 8th and the Easter Egg Hunt will be at Columbia Park, Sunday, April 9th.
Mayor Seader: 1) reported that PARSA is offering a service for pipe cleaning. We have over 16 miles of pipes. Their program calls for 20% per year for five years, approximately $13,000 per year; 2) explained to Council the procedure for performance bonds for work to be done by the engineers. What happens is that after the Planning Board approves an application, and if there are any changes to the application, the applicant needs to make the changes on his copy and send that to the engineer for approval, along with what he thinks the performance bond will be. If the engineer agrees with that, they sign off on it [this was in response to an inquiry from Mr. Baudendistel regarding a new construction on Madison Avenue].

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PUBLIC PORTION

Demetri Koloseus-Guzman (sp.?), 224 Columbia Street, stated he was an engineer and inquired of the sewer cleaning proposal whether there was a list of those inlets that backed up the most. It was pointed out to him that he was probably referring to the Stormwater system and this PARSA project was for the sanitary system. He also reported to the Council that there were no signs on most streets regarding not parking on the street during snow events. He and many others were issued tickets. Mayor Seader noted that there were signs on the entrances and exits to town and he did not know how we could put such signs on every street. Mr. Bruder suggested that he explain the situation to the Prosecutor.

Tom Davis inquired regarding the acoustic tiles for the Senior Center. They are on order.

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

03-06-2017: #20

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 and Petracca

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

03-06-2017: #21

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

The Dunellen Borough Council Meeting of March 6, 2017 is adjourned.

Yes: Baudendistel, Bayer, Cilento and Petracca