

May 18, 2015

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on May 18, 2015.

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

C. Douglas Reina served as municipal attorney in the absence of John Bruder.

On the motion of Mr. Bachorik and seconded by Mr. Cilento it was moved to accept the minutes of May 4, 2015.

Yes: Baudendistel, Bachorik, Bayer, Cilento, Petracca

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

ORDINANCE 2015-03

BOROUGH OF DUNELLEN

The following DUNELLEN SALARY ORDINANCE was Introduced for first reading on May 4, 2015. It is now being presented for Public Hearing and Adoption on May 18, 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.

The following are base salaries, without longevity or benefits:

Step	Minimum	Maximum
11	\$100,000.00	\$135,000.00
10	\$70,000.00	\$99,999.00
9	\$60,000.00	\$69,999.00
8	\$45,000.00	\$59,999.00
7	\$35,000.00	\$53,000.00
6	\$30,000.00	\$44,999.00
5	\$20,000.00	\$35,000.00
4	\$15,000.00	\$25,000.00
3	\$8,000.00	\$19,999.00
2	\$2,000.00	\$12,000.00
1	\$1,000.00	\$4,999.00

<u>Full-Time Positions</u>	<u>Step</u>
Chief of Police	11
Administrator/Clerk	10
Court Administrator	8
Finance/Payroll Clerk	7
Recreation Director	6
Deputy Clerk/Registrar	5
Registrar	5
Clerk's Office Admin. Assistant	5
Deputy Court Administrator	5
Violations Clerk, Municipal Court	5

Part-Time Salary Positions

Municipal Attorney	7
Construction Code Official	6
Municipal Judge	5
Chief Financial Officer	5
Public Works Superintendent	3
Tax Collector	3
Tax Assessor	3
Municipal Prosecutor	3
Property Maintenance/Code Enf.	3
Sewer Inspector	3
Public Defender	2
Office of Emergency Management	2
Sub Code Official (Electrical, Fire, Plumbing)	2
Sign Ordinance Enforcement Officer	1

Part Time – Hourly

	<u>Minimum</u>	<u>Maximum</u>
Sewer Inspector - Additional Hourly	\$30.00	\$48.00
Substitute Deputy Clerk (Court)	\$25.00	\$35.00
Interpreter	\$20.00	\$25.00
Acting Recreation Director	\$20.00	\$25.00
Planning Board Secretary	\$12.00	\$20.00
Tax Clerk	\$12.00	\$18.00
Head School Crossing Guard	\$12.00	\$16.00
Police Administrative Assistant	\$12.00	\$18.00
Violations Clerk (Court)	\$10.00	\$15.00
Laborer	\$10.00	\$14.00
Senior Citizen Van Driver	\$10.00	\$14.00
School Crossing Guard	\$10.00	\$14.00
Janitor	\$9.00	\$13.00
Clerk's Administrative Assistant	\$9.00	\$14.00

Part-Time - Monthly/Meeting

Planning Board Recording Secretary	\$275/meeting	\$300/meeting
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Elected Officials

Mayor	\$5,000 annually
Council President	\$2,800 annually
Council Member	\$2,500 annually

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 and Petracca

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

05-18-2015: #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, Cilento and Petracca

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

05-18-2015: #2

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

Joseph Ahrens is hired as the Sign Ordinance Enforcement Officer for the Borough of Dunellen, at an annual salary of \$2,400.00, effective May 18, 2015. This is a position without benefits.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

Mr. Robins administered the Oath of Office to Joseph Ahrens.

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

05-18-2015: #3

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

WHEREAS, by Resolution 01-01-2015: 15, the law firm of Murphy McKeon was appointed Special Counsel on behalf of the Borough of Dunellen for matters concerning the Dunellen Sewer Utility for an amount not to exceed \$20,000, and

WHEREAS, there is a need to certify additional funds for this award.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOORUGH OF DUNELLEN, that the law firm of Murphy McKeon, P.C., is appointed Special Counsel on behalf of the Borough of Dunellen for matters concerning the Dunellen Sewer Utility, including potential and actual litigation. This appointment is in conjunction with a separate agreement with the Middlesex County Municipal Joint Insurance Fund which will reimburse the borough 50% of the cost of litigation. This appointment is for a further amount not to exceed \$5,000.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

05-18-2015: #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 Fifty-Fifty Raffle License and a Merchandise Raffle License to St. Hubert's Animal Welfare Center.

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, Cilento and Petracca

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

05-18-2015: #5

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

The First Presbyterian Church of Dunellen is granted permission to hold an outdoor worship service and picnic in Washington Memorial Park on Sunday, May 31, 2015, from the hours of 9:00

am to 5:00 pm. Furthermore, permission is granted to close Park Avenue to vehicle traffic during these times.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

05-18-2015: #6

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

The Mayor and Municipal Clerk are hereby authorized to execute a consumer electronics recycling Interlocal Agreement between the Borough of Dunellen and the County of Middlesex. Said term of the agreement is for three years, extending from January 1, 2014 to December 31, 2016.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

05-18-2015: #7

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

RESOLUTION OF THE BOROUGH OF DUNELLEN OF THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING EXECUTION OF A CONTRACT WITH GENERAL CODE LLC. FOR THE CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF DUNELLEN.

WHEREAS, the Mayor and Council of the Borough of Dunellen has determined there exists a need for the codification of the borough's ordinances, including the specialized procedures of research, organization, analysis, revision, editing and publication of the ordinances; and

WHEREAS, such services can only be provided by a recognized firm specializing therein; and

WHEREAS, the codification of the ordinances involves the performance of professional services within the meaning of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, the Local Public Contracts Law requires the resolution authorizing the award of contracts for "extraordinary, unspecifiable services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, funds to cover the cost of said codification are available by virtue of an Appropriation adopted in the Borough's CY 2015 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Dunellen as follows:

1. General Code LLC. is hereby retained to provide the specialized services necessary in connection with the codification of the Borough of Dunellen ordinances in accordance with the contract submitted, and approved by the Mayor and Council; and
2. This contract is awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1 et seq., because the services are specialized, technical and qualitative in nature, and that they require the exercise of expertise and training not generally available and that such services can only be performed by persons familiar with the field of codification and that specifications for the exercise of such discretionary matters cannot reasonably be written and such services do not permit special advertising; and
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute said contract with General Code LLC; and
4. The cost of the contract is not to exceed \$15,300, base codification project price, and an annual maintenance fee of \$1,195.00.
5. A copy of this resolution as well as the contract be placed on file in the office of the Clerk of the Borough of Dunellen and that a notice of the awarding of said contract be published in an official newspaper of the borough within 10 days.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

05-18-2015: #8

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

Revize Software Systems, Troy, Michigan, is awarded a contract to create and host a web site for the Borough of Dunellen, at a base cost of \$4,200, and an annual cost of \$1,200.00.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

05-18-2015: #9

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

The resignation of Cindy Beam from the Dunellen Shade Tree Commission is accepted, effective May 13, 2015. The Dunellen Borough Mayor and Council acknowledge Cindy Beam's resignation from the Dunellen Public Library Board, effective May 21, 2015.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

		05-18-2015: #10		
	CY 2015 Annual Salaries, including Longevity			
	Longevity percent in ()			
Department	Name			
Full-time and Part-time Salary		2015		
Administration	Robins, William (2)	\$	96,953.00	
	Samantha Galvez	\$	30,600.00	
Council	Seader, Robert	\$	5,000.00	
	Baudendistel, Kenneth	\$	2,800.00	
	Bachorik, Kevin	\$	2,500.00	
	Bayer, Kenneth	\$	2,500.00	
	Cilento, Jason	\$	2,500.00	
	Petracca, Joseph	\$	2,500.00	
Chief of Police	Jeffrey Nelson (6)	\$	132,083.00	
Tax Collection	Murray, Raymond	\$	17,687.00	
Finance	Olsen, Scott	\$	28,398.00	
	Weaver, Debra (2)	\$	48,478.00	
Tax Assessor	Gianchiglia, Richard	\$	14,999.00	
Building Department	Luthman, Scott	\$	42,138.00	
	Van DeMark, Dennis	\$	8,749.00	
	Rossi, Michael	\$	8,749.00	
	Deene, George	\$	14,700.00	
Dept. of Public Works	Schaefer, Jerry	\$	14,999.00	
Recreation	Miller, Alex	\$	40,800.00	

Attorney	Bruder, John		\$ 49,995.00		
Court	Crisafulli, Terry		\$ 56,015.00		
	Dennis Fackelman		\$ 25,650.00		
	Colletti, Lauren		\$ 30,600.00		
Prosecutor	Lanza, Thomas		\$ 8,348.00		
	Garelick, Paul		\$ 8,348.00		
Public Defender					
Office of Emerg. Man.	Jeanne Wessel		\$ 4,000.00		
Part-time Hourly	Rates are per hour, unless listed				
Planning Board	Mackey, Donna	Per meeting	\$ 275.00		
Planning Board Secretary	Mackey, Donna	hourly	\$ 19.24		
Head Crossing Guard	Kriney, Barbara		\$ 15.30		
Tax Office Clerk	Snyder, Donna		\$ 12.48		
Crossing Guards	Fuenzalida, Elisea		\$ 13.79		
	O'Donnell, Laura		\$ 13.79		
	Pangborn, Gloria		\$ 13.79		
	Poltorak, Robert		\$ 12.38		
	DeVico, Frank		\$ 11.96		
	Lousten, Dorothy		\$ 11.96		
	Smith, Victoria		\$ 12.38		
	Soriano, Joseph		\$ 12.38		
	Teodorczyk, Ann		\$ 12.38		
	Testori, Lawrence		\$ 13.79		
	New Hires		\$ 11.50		
Substitute Crossing	Cantanzaro, Mary Ann		\$ 14.07		
Guards	Charin, Elizabeth		\$ 10.00		
	Chinchilla, Horacio		\$ 10.00		
	Cook, Roberta		\$ 10.00		
	Eggbert, Martha		\$ 10.00		
	Fleming, Linda		\$ 10.00		
	New Hires		\$ 10.00		
Interpreters	Pagan, Lylian		\$ 24.04		
Police Admin. Assist.	Ritchey, Deborah		\$ 15.38		
Building Maintenance	Sandra Vallejo		\$ 10.40		
Bus Driver	Picone, Ronald		\$ 13.19		
Alternate Public	Spengler, Robert	per session	\$238.00		
Defender					

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

05-18-2015: #11

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 an Instant Raffle License to the Knights of Columbus, #2544 John Barry Council.

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, Cilento and Petracca

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

05-18-2015: #12

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

Jeanne C. Wessel is hereby appointed Emergency Management Coordinator for a three-year term effective May 18, 2015, at an annual salary of \$4,000.00. This is a position without benefits.

Mayor Seader noted that Jeanne Wessel is a retired Lt. Colonel in the US Army and has vast experience in the field of Emergency Management. Other candidates would have brought much to the position but Jeanne's qualifications are outstanding and she will be of great assistance preparing for emergencies and overseeing our response.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

Mr. Robins administered the Oath of Office to Jeanne Wessel.

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

05-18-2015: #13

**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR BOND COUNSEL**

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

WHEREAS, the Borough of Dunellen has a need to acquire Bond Counsel as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A- 20.5*; and,

WHEREAS, the Dunellen Municipal Clerk has determined and certified in writing that the value of the service will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is *one* year; and

WHEREAS, the Law Offices of McManimon, Scotland & Baumann, LLC., has submitted a proposal indicating they will provide the services; and

WHEREAS, the Law Offices of McManimon, Scotland & Baumann, LLC., has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Offices of McManimon, Scotland & Baumann, LLC., has not made any reportable contributions to a political or candidate committee in the Borough of Dunellen in the previous one year, and that the contract will prohibit the Law Offices of McManimon, Scotland & Baumann, LLC., from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer of the Borough of Dunellen has certified as to the availability of funds.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Dunellen authorizes the Mayor and Borough Administrator to enter into a contract with the Law Offices of McManimon, Scotland & Baumann, LLC., as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

A copy of this resolution shall be published in the Courier News or other paper of record as required by law within ten days of its passage.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

REPORTS:

Mr. Petracca: no report.

Mr. Baudendistel: 1) Dunellen Shade Tree Commission – plantings near Faber School from a few years ago were all vandalized and need to be replaced; 2) DSTC – received a letter

from NJ Transit that they had recommended the DSTC for award from the NJ Clean Communities Council; 3) he has been speaking with Ron Safar about getting a water tank (\$1900) to water plants in the parks; 4) from last Council Meeting, the discussion on replacing an engine in a vehicle, Dodge will replace for \$500, thus saving the borough considerable monies. Chief Nelson made the inquiry; 5) meeting with NJ Transit on 6/3 about cleaning up the embankment and to talk about banners on the bridges; 6) street sweeper will cover the downtown in preparation of the Memorial Day Parade, 6:00 am Wednesday morning; 7) Mr. Robins reported on Redevelopment: the next step is for the Developers to present to the borough their financial pro forma numbers; 7) batting cages in Columbia Park – continued discussion on placement. Concerns about interference with the walking paths. Possibly near the dug-outs or in the field, but that might impact the sprinkler system. Options: left side of Varsity Field, the shot put area where the cats hang out, the Practice Field. The Practice Field is the best place, though it is unlikely the team will practice there.

Mr. Bayer: no report.

Mr. Bachorik: no report.

Mr. Cilento: 1) Summer Baseball Traveling Team will be added to this year's programming; 2) on June 9th, 7th Annual Recreation Night Out at Patriot's Stadium.

Mayor Seader: 1) Memorial Day Parade, 5/25, flags downtown? Ron Safar reports he is coordinating with Bill Uhler of the American Legion on obtaining and placing them; 2) Ron also reports that pothole patching is complete on the route and other locations on the borough; 3) received a grant for \$400,000 to continue the Route 28 Street Lighting Program; 4) reported that a three story building just off North Avenue on Madison Avenue is proposed to be taken down and rebuilt.

PUBLIC PORTION:

Robert Young, 228 Whittier Avenue, asked about the progress of the demolition of 226 Whittier. Mr. Robins reported that a contract was awarded to demolish the property and that the demolition company is in the process of cutting off utilities and getting permissions from the Utility companies to go ahead. Mr. Young expressed concerns about animals and safety. Mr. Robins will see to it that the building is secure and he will ask our pest control vendor to set traps.

COUNCIL DISCUSSION

Draft Ordinance 2015-04, Amended Animal Ordinance

The intention of this proposed amended ordinance is to set reasonable limits on the numbers of dogs and cats in residential units, and to prohibit certain categories of animals, both for the health and safety of the residents of Dunellen. In the recent past, one resident had as many as 27 dogs in a shelter-type situation in a single family residence. Also, some residents have many unlicensed cats that wander outside and leave their droppings on other properties.

All currently owned animals will be permitted to be kept. When they pass, they will not be replaced, if above the numbers set in the ordinance. All dogs and cats would continue to be licensed under the ordinance.

Council discussed a reasonable number of dogs and cats and concluded that a total of five dogs and cats, in any combination, was fair and reasonable.

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

05-18-2015: #14

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

The Dunellen Borough Council Meeting of May 18, 2015 is adjourned.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca