

November 2, 2015

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on November 2, 2015.

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, Jason Cilento and Joseph Petracca

Absent: Robert Seader and Kenneth Bayer

On the motion of Mr. Cilento and seconded by Mr. Petracca it was moved to accept the minutes of the Council Meeting on October 19, 2015.

Yes: Baudendistel, Cilento and Petracca

Abstain: Bachorik

Mayor's Appointments to Boards and Commissions:

Candy Harshaney was appointed to the Dunellen Library Board of Trustees.

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

ORDINANCE 2015-09

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 November 2, 2015. It will be presented for Public Hearing and Adoption on November 16, 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.

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 exceeding four stories that may include residential, commercial, recreational or retail uses. Retail and commercial uses shall be permitted only on the first floor of buildings (“First Floor Commercial/Retail”) unless the building(s) immediately fronts or faces South Washington Avenue, then, in addition to the above, offices and residential uses, shall be permitted on the upper floors of said buildings. Residential development shall be permitted on any or all floors in one or more buildings (with a maximum number of market rate units in such residential buildings not to exceed 374 in number). The Residential development may include an activity center and other typical types of amenities in connection with such Residential use. To facilitate this development the property may be subdivided into two or more parcels but shall be subject to a unified development plan and density shall be calculated based upon the total land area in the unified plan. 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. First Floor Commercial/Retail uses may include drive thru facilities. Any residential portion(s) of the development may be for sale or rental at the option of the developer.

Mr. Baudendistel noted that the major change is an increase in the number of units so as to make the project economically feasible for the developer to include an adequate number of affordable housing units to satisfy State requirements as the legal decision making works its way through the courts. Also, the amendment includes the ability, if needed, to put in a convenience store.

Mr. Bruder concurred that the inclusion of affordable housing in the new development is necessary. A Housing Element and Fair Share Plan needs to be submitted to the court and this proposed Plan will make reference to the Amended Redevelopment Plan and the draft Redevelopment Agreement that will include a sufficient number of affordable housing units.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

. 11-02-2015: #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, Cilento and Petracca

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

11-02-2015: #2

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

The resignation of Ellen Mackie from the Dunellen Public Library Board of Trustees is accepted, effective October 15, 2015.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-02-2015: #3

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 Casino License and a cash Raffle License to St. John the Evangelist Church.

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

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-02-2015: #4

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 \$1,847.11, which is now available from the Division of Criminal Justice—Body Armor Replacement Fund in the amount of \$1,847.11.

BE IT FURTHER RESOLVED, that the like sum of \$1,847.11 is hereby appropriated under the caption Body Armor Replacement Fund.

BE IT FURTHER RESOLVED that the above is the result of funds from the Body Armor Replacement Fund in the amount of \$1,847.11.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-02-2015: #5

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
024-1025	Group Insurance		10,000.00
	Subtotal		10,000.00
	Total		<u>10,000.00</u>

Whereas, there appears to be insufficient funds in the following CY 2015 Operating Accounts over and above the demands to be necessary; viz:

Account	Title	S&W	Other Expenses

To:	024-1016	Collection of Taxes		3,500.00
	024-1020	Public Buildings and Grounds		6,500.00
		Subtotal		10,000.00
Yes:		Total		<u>10,000.00</u>

Baudendistel, Bachorik, Cilento and Petracca

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

11-02-2015: #6

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	13647	\$2,358.00
	Total	<u>\$2,358.00</u>

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-02-2015: #7

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Madison Avenue Roadway Improvements project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA—2016— Madison Avenue Roadway

Improvements — 00551 to the New Jersey Department of Transportation on behalf of the Borough of Dunellen.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant on behalf of the Borough of Dunellen and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

. 11-02-2015: #8

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

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Washington Avenue Streetscape Enhancements project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as TV—2016—Dunellen Borough—00020 to the New Jersey Department of Transportation on behalf of the Borough of Dunellen.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant on behalf of the Borough of Dunellen and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-02-2015: #9

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

The voluntary resignation of Donna Snyder, part-time employee of the Tax Office, is accepted, effective October 23, 2015.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-02-2015: #10

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

Whereas, there exists a need to repair the sidewalks at the Dunellen Public Library; and

Whereas, quotes were solicited from local firms; and

Whereas, a quote was received from the following firm:

Mark Olsommer, Mason Contractor, Dunellen, NJ: \$6,300.00

The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # 026-6375-611.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that sidewalk repair at the Dunellen Public Library be done by Mark Olsommer, Mason Contractor, for an amount not to exceed \$6,300.00.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-02-2015: #11

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

Whereas, there exists a need to purchase a Ford F-450 Pick-Up Truck with options for the Dunellen Department of Public Works; and

Whereas, a quote has been received from:

Beyer Ford, Morristown, NJ -- \$47,486.00

And whereas Beyer Ford has a State Contract (#A88214) for this system, and

The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # 026-6375-612.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that a Ford F-450 Truck with option package be purchased from Beyer Ford, for an amount not to exceed \$47,486.00.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-02-2015: #12

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

Whereas, there exists a need to purchase a salt spreader for the Dunellen Department of Public Works; and

Whereas, quotes were solicited from local firms; and

Whereas, a quote was received from the following firm:

A&K Equipment Company, Rahway, NJ:	\$9,160.00
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The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # 026-6375-612.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that a salt spreader for the Dunellen Department of Public Works be purchased from A&K Equipment Company, for an amount not to exceed \$9,160.00.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

. 11-02-2015: #13

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 \$3,162.18 which is now available from the New Jersey Department of Law and Public Safety, Pedestrian Safety Grant in the amount of \$3,162.18.

BE IT FURTHER RESOLVED, that the like sum of \$3,162.18 is hereby appropriated under the caption New Jersey Department of Law and Public Safety, Pedestrian Safety Grant.

BE IT FURTHER RESOLVED that the above is the result of funds from the New Jersey Department of Law and Public Safety, Pedestrian Safety Grant in the amount of \$3,162.18.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

. 11-02-2015: #14

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 EDMUNDS & ASSOCIATES FOR THE PURCHASE OF FINANCE DEPARTMENT SOFTWARE.

WHEREAS, the Mayor and Council of the Borough of Dunellen has determined there exists a need for the purchase of computer software for the Borough's Finance Department; and

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

WHEREAS, the provision of such software 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 software are available by virtue of an Appropriation financed through Bond Ordinance 2015-08.

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

1. Edmunds & Associates is hereby retained to provide the specialized services necessary in connection with the provision of finance software to the Borough of Dunellen 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 Edmunds & Associates; and
4. The cost of the contract is not to exceed \$9,350.00, base software price. Funds for this purchase are to be taken from Account # 026-6375-615.
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, Cilento and Petracca

REPORTS:

Mr. Petracca: no formal report. He did note that the work has been completed on the Madison Avenue Bridge and it looks nice. Also, the traffic bottle necks are gone.

Mr. Bachorik: no report

Mr. Cilento: 1) Recreation Department has four travel basketball teams; 2) Halloween Parade was very successful; 3) Recreation Commission met with the Little League and they hope to work out differences; 4) brought up the idea of an Arts & Culture Commission and has presented a draft ordinance to John Bruder for review

Mr. Baudendistel: Dunellen Shade Tree Commission planted 23 trees

Ron Safar: we have borrowed Green Brook's hot box and lent them our bucket truck. He will be asking for our own hot box in next year's Capital Budget. Mr. Petracca suggested that our garbage truck might be used for residential pickups, utilizing a coupon system. This might generate some revenue and also be convenient for residents.

PUBLIC PORTION:

Tom Davis, 420 Jackson Avenue, asked about the Senior Center: sound system, ceiling tiles, and the Senior Bus Driver. Mr. Robins responded as to each point, but he will also get an update from Alex Miller (Recreation Department) on each item.

Scott Olsen informed the Council that some employees have not complied with the request to have direct deposit. In 2014, the State made direct deposit mandatory for State employees, and

offered it to municipalities if they wished. Council members have opined that direct deposit has been prevalent in private industry. They asked about circumstances in which employees do not wish to participate. Mr. Olsen replied that there is a hardship exception. He would like the Council to consider adopting an ordinance on this. Mr. Petracca is in favor of such an ordinance and suggested that a notification letter be sent to all employees at the appropriate time.

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

11-02-2015: #15

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

The Dunellen Borough Council Meeting of November 2, 2015 is adjourned.

Yes: Baudendistel, Bachorik, Cilento and Petracca