

October 17, 2016

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on October 17, 2016.

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, Kevin Bachorik, Jeremy Lowder and Joseph Petracca

Absent: Kenneth Bayer and Jason Cilento

On the motion of Mr. Petracca and seconded by Mr. Lowder it was moved to accept the Minutes of October 4, 2016:

Yes: Lowder and Petracca

Abstain: Baudendistel and Bachorik, both stating that they had been absent at that meeting

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

10-17-2016: #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, Lowder and Petracca

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

10-17-2016: #2

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

Payment to CME Associates is authorized for work done on parking area improvements on behalf of the Dunellen Parking Authority, in an amount not to exceed \$4,065.75. This payment is from Account # C-04-16-12A-000-601.

Yes: Baudendistel, Bachorik, Lowder and Petracca

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

10-17-2016: #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 an Instant Raffle License to the American Legion Post 119 for calendar year 2017.

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, Lowder and Petracca

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

10-17-2016: #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 2016 in the sum of \$1,783.18, which is now available from the Division of Criminal Justice—Body Armor Replacement Fund in the amount of \$1,783.18.

BE IT FURTHER RESOLVED, that the like sum of \$1,783.18 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 \$1,783.18.

Yes: Baudendistel, Bachorik, Lowder and Petracca

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

10-17-2016: #5

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year CY 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Dunellen pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations,” as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may

be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Borough Council of the Borough of Dunellen, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Mr. Olsen noted that he had handed to Councilmen a Corrective Action Plan which addresses the Comments in the Audit.

Yes: Baudendistel, Bachorik, Lowder and Petracca

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

10-17-2016: #6

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

Whereas, the Chief Financial Officer has prepared a Corrective Action Plan as part of the annual audit process as required by New Jersey Department of Community Affairs, Division of Local Government Services.

Now therefore be it resolved that the attached Corrective Action Plan submitted by the Chief Financial Officer is hereby accepted.

Yes: Baudendistel, Bachorik, Lowder and Petracca

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

10-17-2016: #7

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

Whereas, the original estimate and invoice from B&W Construction for repair to the North Washington Avenue sewer break was \$196, 744.00; and

Whereas, Supplemental changes have occurred that affect the cost of the award; and

Whereas, there has been an additional cost of \$147,351.37 for completion of the repairs.

Now, Therefore, be it Resolved, by the Mayor and Council of the Borough of Dunellen, that the cost of the original contract with B&W Construction be increased to reflect the change in cost, with the total cost now being \$344,095.37.

An adjustment to the Certification of Funds by the Chief Financial Officer has been made.

Yes: Baudendistel, Bachorik, Lowder and Petracca

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

10-17-2016: #8

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

A contract is awarded to Monmouth Recycling of Tinton Falls, NJ, for the receiving of recycling electronics. This contract has the following fee schedule:

\$550.00 charge per container pull flat rate “Charges for the collection and recycling of Non-CEDs Only” [Covered Electronic Devices]

\$450.00 charge for delivery of 30 yard container and under

\$500.00 charge for delivery of a 40 yard container and over

The term of this contract is November 1, 2016 to October 31, 2017. The amount of this contract is not to exceed \$1,650.00 per year.

Yes: Baudendistel, Bachorik, Lowder and Petracca

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

10-17-2016: #9

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 check to the Law Offices of John E. Bruder, from the Interim Cost Agreement Escrow Account for work done toward redevelopment:

<u>John E. Bruder</u>	<u>Bill Number</u>	<u>Amount</u>
January 2015	RD-01-15	\$1,160.00
February 2015	RD-02-15	\$200.00
March 2015	RD-03-15	\$1,160.00
April 2015	RD-04-15	\$1,040.00
May 2015	RD-05-15	\$180.00
June 2015	RD-06-15	\$120.00

July 2015

RD-07-15

\$640.00

Total

\$4,500.00

Yes: Baudendistel, Bachorik, Lowder and Petracca

REPORTS:

Mr. Petracca: no report.

Mr. Baudendistel: asked about the Municipal Alliance budget. Is there a line item in our Budget? NO. It was added in with the Chapter 159 Resolution last meeting; 2) he passed on to Mr. Olsen the PBA contract proposal which Mr. Olsen will review; 3) asked about meeting with potential developers for Skinner Plaza. He will move forward with this; 4) asked about the burned out buildings on North Avenue. He would like a letter to the owners to encourage them to repair or rehabilitate for the good of the downtown; 5) asked about the application for environmental grant for the Strip Joint; 6) continued the discussion on the Welcome to Dunellen sign. Wondered if we could charge more than base cost. General discussion on the merits of charging more as it is advertising for the sponsor. Mr. Bruder will look into whether we actually can charge more than cost; 7) ready to go on 519 Front Street? Yes.

Mr. Bachorik: no report.

Mr. Lowder: is getting some samples of acoustic tiles for the Senior Center and will present findings at the next meeting

Mayor Seader: 1) The Haunted Trail went well and they may have grossed upwards of \$11,000. Thanked Ron and the DPW for their help, and the Police, Fire and Rescue. Well attended and Big Joe Henry from 101.5 plugged the event; 2) Open Space grant for Columbia Park is being voted on Thursday night. It is a 50% match; 3) the hole at Gertrude and Grove was repaired by B&W; 4) thanked the road department for saving us maybe \$40,000 by fixing the Sewer Jet by themselves (Mike Aiello and Bobby Madden).

Mr. Gianchiglia, Tax Assessor: reported to the Council that the new tax map is being created by CME and he and his staff are reviewing the pages. He has some examples of RFPs for the revaluation and he will go over them with Mr. Robins. He and Mr. Robins have met monthly with representatives of the Division of Taxation and the meetings have been smooth and productive. He expects that we will submit the maps to Trenton which will review and most likely send us back with comments. A lengthy process.

COUNCIL DISCUSSION

Best Practices

Mr. Robins explained the purpose of the annual Best Practices Inventory and how it has changed this year. The Council specifically discussed the Dunellen Parking Authority regarding its role and continued value to the municipality. Mr. Olsen, Treasurer of the Dunellen Parking Authority, gave a detailed explanation of the workings of the DPA and its finances. He presented various draft resolutions or statements of policy that could be incorporated into other ordinances and Council discussed them. This report is attached to the minutes. The preface of his report is:

Best Practices Inventory, 2016

This year, the Best Practices Inventory consists of 30 questions. The questions deal with a wide range of local government matters such as union contracts, benefits, bidding procedures, and finances. In order to avoid losing a percentage of state aid payments, a municipality must answer "Yes" or "Not Applicable" on at least 22 questions.

A new feature of the Best Practices Inventory for this year is the ability to "cure" a NO answer by discussing and formulating a policy or plan in response to the question before the due date of submitting the Inventory, October 21, 2016.

The attached sheets are questions that either need Council discussion, thus demonstrating an awareness of the topic, or a brief discussion of a draft of a policy or plan.

Due to the limited size of our municipality, or because of long-standing practices that cannot reasonably be altered, I am presenting to the Council only those questions for which there is a chance to "cure" by formulating a plan or having a discussion.

PUBLIC PORTION

No one from the public spoke.

Mr. Olsen thanked the Mayor and Council for sympathy and support upon the loss of his father-in-law, former Dunellen Mayor Laurence Anzovino.

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

10-17-2016: #10

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

The Dunellen Borough Council Meeting of October 17, 2016 is adjourned.

Yes: Baudendistel, Bachorik, Lowder and Petracca