

October 5, 2015

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on October 5, 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, Kenneth Bayer, Jason Cilento and Joseph Petracca

Absent: Kevin Bachorik

On the motion of Mr. Petracca and seconded by Mr. Cilento it was moved to accept the minutes of the Council Meeting on September 21, 2015.

Yes: Petracca and Cilento
Abstain: Baudendistel and Bayer

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

ORDINANCE #2015-08

BOROUGH OF DUNELLEN

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced for first reading at a meeting of the governing body of the Borough of Dunellen, in the County of Middlesex, State of New Jersey, on September 8, 2015. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held at the Council Chambers, in the Borough on October 5, 2015 at 7:30 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance have been available at no cost and during regular business hours at the Clerk's office for the members of the general public who have requested the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purposes:

				Estimated	
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<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) <u>Municipal Department</u> Wiring of municipal building, including all work and materials necessary therefor and incidental thereto.	\$7,620	\$7,200	10 years
b) <u>Library</u> Sidewalk improvements, including all work and materials necessary therefor and incidental thereto.	\$6,858	\$6,500	10 years
c) <u>Department of Public Works</u> 1) The acquisition of a truck, including all related costs and expenditures incidental thereto. 2) The acquisition of a sand spreader, including all related costs and expenditures incidental thereto. d) <u>Police Department</u> 1) The acquisition of a sport utility vehicle, including all related costs and expenditures incidental thereto. 2) The acquisition of a radio and a dictaphone, including all related costs and expenditures incidental thereto.	\$51,695	\$49,200	5 years
\$9,973	\$9,400	15 years	
\$38,565	\$36,700	5 years	
\$31,138	\$29,600	10 years	
e) <u>Recreation Department/Department of Public Works</u> The installation of fences			

around recreation and DPW sheds at Columbia Park, including all work and materials necessary therefor and incidental thereto.	\$3,266	\$3,100	15 years
f) Finance Department The acquisition of account payable computer software, including all related costs and expenditures incidental thereto.	<u>\$10,885</u>	<u>\$10,300</u>	5 years
TOTAL:	<u>\$160,000</u>	<u>\$152,000</u>	

Appropriation: \$160,000

Bonds/Notes Authorized: \$152,000

Grant Appropriated: N/A

Section 20 Costs: \$25,000

Useful Life: 7.24 years

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, Bayer, Cilento and Petracca

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

10-05-2015: #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, Bayer, Cilento and Petracca

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

10-05-2015: #2

Dunellen Borough Council Resolution 09-21-2015: #2, is amended as follows:

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

Whereas, there exists a need for improvements to North Avenue Streetscape Improvements; and

Whereas, the Local Public Contracts Law (NJSA 40A:11-1 et. seq.) requires that the resolution authorizing the award of the contract for Professional Services without competitive bidding 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 CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for:
 - a) Survey and base mapping services, design phase services, final design, coordination with NJDOT, preparation of bid documents, and bid phase services, at a cost not to exceed \$34,727.00.
 - b) Construction Phase Services at a cost not to exceed \$39,084.00.
2. The total cost of this Agreement shall not exceed \$73,811.00.
3. Funds for this Agreement have been certified and will be taken from Account # 026-6365-600.
4. 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.
5. 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

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

10-05-2015: #3

Dunellen Borough Council Resolution 09-21-2015: #3, is amended as follows:

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

Whereas, there exists a need for improvements to Washington Avenue Streetscape Improvements; and

Whereas, the Local Public Contracts Law (NJSA 40A:11-1 et. seq.) requires that the resolution authorizing the award of the contract for Professional Services without competitive bidding 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 CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for:
 - c) Survey, Design, Plans and Specification Preparation at a cost not to exceed \$26,248.00.
 - d) Bid Phases Services, at a cost not to exceed \$3,620.00
 - e) Construction Phase Services at a cost not to exceed \$29,849.00.
2. The total cost of this Agreement shall not exceed \$59,717.00.
3. Funds for this Agreement have been certified and will be taken from Account # 026-6365-600.
4. 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.
5. 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

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

10-05-2015: #4

Dunellen Borough Council Resolution 09-21-2015: #4, is amended as follows:

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

Whereas, there exists a need for improvements to Madison Avenue Roadway Improvements; and

Whereas, the Local Public Contracts Law (NJSA 40A:11-1 et. seq.) requires that the resolution authorizing the award of the contract for Professional Services without competitive bidding 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 CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for:
 - f) Survey, Design, Plans, Specification Preparation, and Bid Phase at a cost not to exceed \$65,162.50.
 - g) Coring services at a cost not to exceed \$2,000.00
 - h) Construction Phase Services at a cost not to exceed \$55,237.00.
2. The total cost of this Agreement shall not exceed \$122,399.50.
3. Funds for this Agreement have been certified and will be taken from Account # 026-6360-600.
4. 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.
5. 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

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

10-05-2015: #5

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

Alex Ruskuski is hired as a part-time soccer site supervisor for the Dunellen Recreation Department, for approximately three hours each Saturday from September 12, 2015 through and including November 14, 2015, at a salary of \$12.50 per hour. This is a position without benefits.

Yes: Baudendistel, Cilento and Petracca
Abstain: Bayer

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

10-05-2015: #6

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 2016.

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

Yes: Baudendistel, Bayer, Cilento and Petracca

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

10-05-2015: #7

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 Bingo License to the Green Brook PTO.

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

Yes: Baudendistel, Bayer, Cilento and Petracca

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

10-05-2015: #8

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

Whereas, there exists a need to replace the Sewer Grinder and Controller in the Gallagher's Corner Pumping Station; and

Whereas, bids have been received from:

Bob Ryan Associates, Inc. t/a Clearwater Services 78 Beaver Brook Road, Lincoln Park, NJ 07035	\$59,925.00
CFM Construction, Inc. 5 Bay Street, Stirling, NJ 07980	\$63,700.00
G.M.H. Associates of America 5 Chelton Way, Bld. #15, Trenton, NJ 08638	\$71,500.00

Whereas, the bid submission of Bob Ryan Associates, Inc. t/a Clearwater Services, failed to include the name and license of an electrical sub-contractor, or to include its own electrical contractor with license number; and

Whereas, inclusion of the name and license number of either an electrical subcontractor or the company's own licensed electrician was a requirement of the project's Specifications and a requirement under New Jersey State law and regulations.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that the bid to replace the Sewer Grinder and Controller in the Gallagher's Corner Pumping Station submitted by Bob Ryan Associates, Inc. t/a Clearwater Services be rejected.

Furthermore, whereas, the next lowest and responsible bidder, CFM Construction, Inc., submitted a full, complete, and responsive bid.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that a contract to replace the Sewer Grinder and Controller in the Gallagher's Corner Pumping Station be awarded to CFM Construction, for an amount not to exceed \$63,700.00.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

10-05-2015: #9

Dunellen Borough Council Resolution # 07-06-2015: #6, hiring Jennifer Beahm of CME Associates as an expert on behalf of the Borough of Dunellen for matters concerning the preparation and filing of a Declaratory Judgment relating to the New Jersey Supreme Court opinion of March 10, 2015 regarding municipalities' obligations under the Council on Affordable Housing rules and regulations, in an amount not to exceed \$2,500.00, is hereby cancelled.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

10-05-2015: #10

The Borough of Dunellen is a member of the Houston-Galveston Area Council Cooperative and intends to participate in the contract for Fire Service Apparatus, Contract Number FS12-13, expiration date of November 30, 2015. The Borough of Dunellen intends to purchase the following: Quantity One (1) – Item # JC-07 E-One Typhoon Urban Interface Pumper. Information regarding the contract may be found at the Dunellen Borough Hall, 355 North Avenue, Dunellen, NJ 08812 in the Office of the Municipal Clerk. It is the intent of Dunellen Borough to make a contract award to Absolute Fire Protection (E-One, Inc.), pursuant to their proposal submitted in response to the Houston-Galveston Area Council Request for Proposals. The cost of this contract is not to exceed \$555,505.00.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

10-05-2015: #11

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

CME, Associates, of Parlin, NJ, is awarded a contract to prepare a Vacant Land Adjustment based on the Council on Affordable Housing’s second round rules to determine a feasible affordable housing obligation for the Borough of Dunellen, at a cost not to exceed \$6,200.00.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

10-05-2015: #12

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	Owner/Address	Principal	Interest	Premium	Total
14-49	63	18	Hamilton, Jason 508 Walnut Street	1,196.11	45.90	1,400.00	2,642.01

Yes: Baudendistel, Bayer, Cilento and Petracca

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

10-05-2015: #13

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

CME Associates is awarded a contract to prepare an application to the New Jersey Department of Transportation for the continuation of the road improvements to Madison Avenue and a Transit Village grant application for the continuation of the streetscape lighting on and in the vicinity of North Washington Avenue, at a cost not to exceed \$1,200.00.

Yes: Baudendistel, Bayer, Cilento and Petracca

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

10-05-2015: #14

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

Whereas, there exists a need to paint and have façade improvements on portions of the exterior of the Construction Office Building; and

Whereas, quotes were solicited from local firms; and

Whereas, a quote was received from the following firm:

Thomas Tammaro Painting Co., Dunellen,NJ -- \$2,800.00

The funds for this contract have been certified by the Chief Financial Officer. The funds will be taken from Account # 024-1020-254.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that painting and façade improvements of the Construction Office Building be done by Thomas Tammaro Painting Co., for an amount not to exceed \$2,800.00.

Yes: Bayer, Cilento and Petracca

Abstain: Baudendistel

REPORTS:

Mr. Petracca: no report.

Mr. Baudendistel: 1) street lights not going on near McCoy Park. Mr. Safar will investigate; 2) Madison Avenue railroad bridge will begin shortly. A one-way traffic system will be utilized; 3) inquired whether the site of the recent fire, 524-528 North Avenue will be

knocked down? At this point, it is unknown; 4) asked Mr. Olsen about available monies for trees received when existing trees are removed. Mr. Olsen explained that Mr. Luthman would receive checks and indicate to Mr. Olsen such and Mr. Olsen would earmark these monies appropriately; 5) asked about repairing the blue Construction Building. Based upon an existing quote, received after a number of vendors were solicited, Resolution #14, above, was introduced and passed (and inserted in the Minutes for continuity).

Mr. Bayer: 1) reported to the Council the situation on Pulaski Street where the property owner wishes to apply to the Planning Board for permission to build a two family house on the site of the fire. The problem is that there is not enough room so they need a variance; 2) informed the Council of an outstanding question on the extent of the redevelopment zone on Madison Avenue that is being investigated.

Mr. Cilento: Halloween Parade on October 25th.

Mayor Seader: 1) asked Mr. Baudendistel to oversee the streetscape projects; 2) asked Mr. Bruder as to the status of the South Avenue Culvert project? Owners had questions on the easement. He asked Lou Ploskonka to address their concerns directly; 3) shared with the Council a photograph of the Girl Scout Troop's birdhouse project in Columbia Park; 4) Wednesday is Walk Your Child to School Day; 5) he met with Mayor Wahler of Piscataway about Police Dispatch; 6) Jefferson Avenue bridge conference scheduled for later this month. The County and Army Corps of engineers say it must come down because the bridge is unsafe and the County does not want to pay to repair it.

Mr. Bruder: 1) went to court to defend George Deene against allegations brought by Mrs. Spangler. We prevailed. She was in court recently and now she has filed a municipal appeal that the County will not handle; he received a call from our prosecutor asking if Mr. Bruder will be handling it? Mr. Bruder wants the Council to know that this issue is "still out there"; 2) we have a shared services agreement with Somerset County on Dispatch. He asked Chief Scott are there any outstanding issues? Mr. Scott indicated all had been resolved. Mayor Seader noted that Somerset County had from the beginning been very helpful and "terrific."

Mayor Seader: reminded the Council of the residents on South Madison Avenue who came to the Council last meeting about the neighbor's sump pump dumping in the street and the hazardous conditions resulting. He asked that CME to investigate and get a quote from Black Rock to remedy.

Chief Scott: the Fire House Open House is this Friday, October 9th. Asked if the fire truck being retired had a resale value, he responded that almost no trucks from the 1980's are wanted for resale.

COUNCIL DISCUSSION

Best Practices Inventory 2015

The Best Practices Inventory for 2015 was described to all Council members and the Municipal Clerk and Chief Financial Officer explained the purpose of the Inventory, the kinds of questions asked, reviewed the answers, and responded to Council questions. The Dunellen Borough Council was fully apprised of their municipality's Best Practices Inventory response. Again this year, the borough achieved a sufficiently high score that we will not lose any State Aide.

PUBLIC PORTION:

No one from the public spoke.

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

10-05-2015: #15

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

The Dunellen Borough Council Meeting of October 5, 2015 is adjourned.

Yes: Baudendistel, Bayer, Cilento and Petracca