

September 21, 2015

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on September 21, 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, Kevin Bachorik, Jason Cilento and Joseph Petracca

Absent: Kenneth Baudendistel and Kenneth Bayer

On the motion of Mr. Bachorik and seconded by Mr. Cilento it was moved to accept the minutes of the Special Council Meeting on September 8, 2015.

Yes: Petracca, Cilento and Bachorik

On the motion of Mr. Cilento and seconded by Mr. Bachorik it was moved to accept the minutes of the Regular Council Meeting in September 8, 2015.

Yes: Petracca, Cilento and Bachorik

Due to the lack of a quorum for purposes of a Public Hearing and Adoption for a bond ordinance, Ordinance 2015-08 was tabled and it was announced that the next meeting of the Borough Council for consideration of this ordinance will be Monday, October 5, 2015, at 7:30 pm., in the Council Chambers.

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

09-21-2015: #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: Bachorik, Cilento and Petracca

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

09-21-2015: #2

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 cost of said services is not to exceed \$34,727.00.
2. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for survey and base mapping services, design phase services, final design, coordination with NJDOT, preparation of bid documents, and bid phase services.
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. A copy of this resolution shall be published in The Courier as required by law within ten days of its passage.

Yes: Bachorik, Cilento and Petracca

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

09-21-2015: #3

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 cost of the Surveying, Design, Plans and Specifications preparation is \$26,248.00 and the cost of the Bid Phase services is \$3,620.00, for a total of said services not to exceed \$29,868.00.
2. The Mayor and Municipal Clerk are hereby authorized to execute an

agreement with CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for survey and base mapping services, design phase services, final design, coordination with NJDOT, preparation of bid documents, and bid phase services.

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

Yes: Bachorik, Cilento and Petracca

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

09-21-2015: #4

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 cost of said services is not to exceed \$65,162.50.00.
2. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859, for survey and base mapping services, design phase services, final design, coordination with NJDOT, preparation of bid documents, and bid phase services.
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. A copy of this resolution shall be published in The Courier as required by law within ten days of its passage.

Yes: Bachorik, Cilento and Petracca

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

09-21-2015: #5

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

WHEREAS, in order to promote the efficient running of the Dunellen Fire Department, and to enhance the safety of Dunellen’s residents, an adequate number of drivers for Dunellen Fire Department vehicles is recommended; and

WHEREAS, at present there are an insufficient number of drivers consistently available within the membership of the Dunellen Fire Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that following Middlesex County Fire Marshals are authorized to drive Dunellen Fire department Vehicles: Michael Gallagher, William Johnson, James Rinker, Joseph Szbenyi and Scott Zolkmann.

Yes: Bachorik, Cilento and Petracca

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

09-21-2015: #6

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 2013 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.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON September 21, 2015.

Mr. Olsen noted that we had a recurring comment on fixed assets that was resolved in 2014.

Yes: Bachorik, Cilento and Petracca

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

09-21-2015: #7

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: Bachorik, Cilento and Petracca

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

09-21-2015: #8

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	10844	\$1,180.70
	Total	<u>\$1,180.70</u>

Yes: Bachorik, Cilento and Petracca

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

09-21-2015: #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 checks to NW Financial Group, LLC., from the Interim Cost Agreement Escrow Account for work done toward redevelopment:

<u>NW Financial Group Invoice Number</u>	<u>Invoice Date</u>	<u>Amount</u>
21617	August 14, 2015	\$2,250.00
	Total	<u>\$2,250.00</u>

Yes: Bachorik, Cilento and Petracca

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

09-21-2015: #10

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

The law firm of John E. Bruder is appointed Special Counsel on behalf of the Borough of Dunellen for matters concerning litigation in the matter of Edelman and Penn Realty, LLC. v. Borough of Dunellen, et. al., at a rate of \$160.00 per hour, in an amount not to exceed \$10,000.00.

Mr. Bruder informed the Council that we have been notified by the JIF that they will not defend us against the suit brought by Edelman and Penn and this resolution authorizes him to prepare appropriate responses.

Yes: Bachorik, Cilento and Petracca

REPORTS:

Mr. Petracca: no report.

Mr. Bachorik: no report.

Mr. Cilento: no report.

Mayor Seader: he will be setting up a Committee to look at all the Utilities, Commissions, and Authorities authorized by the Borough to make sure they are warranted and that we need to keep them in place and where we can save taxpayer money.

Chief Scott, Fire Department, reported that the Ladder Truck blew a gasket and will need repair. Mr. Bruder asked the Chief if there were any objections on his part to the migration to Somerset County for Dispatch services. Chief Scott responded that he has a meeting this Friday and will let him know afterward.

PUBLIC PORTION:

Dennis and Darlene O'Connell, 409 South Madison Avenue. Brought to the Council's attention a situation involving their neighbor at 411 South Madison Avenue who was discharging three sumps into the street. This results in much water in the street which last winter froze in front of their house. Mr. O'Connell slipped on this ice and seriously injured himself. He is asking the Council for a remedial ordinance. Mayor Seader responded that we will have the borough engineer look at the situation and give us a report.

Jackie and Chris Mueller, 240 Prospect Avenue. Brought to the Council's attention: 1) vehicles speeding down Prospect Avenue; 2) over the weight limit vehicles proceeding into downtown. Mr. Mueller noted that he has spoken to police officers who have informed him that they do not issue tickets unless the cars are going above 33 mph. Mr. Robins will speak to the police chief

tomorrow. Mr. Mueller also inquired after the Sewer Utility fee schedule and noted that he believed he was paying more per gallon, given his household usage, than businesses were paying under the commercial rate. Mr. Petracca explained the rationale of how the fees were first established and annually reviewed, and noted that there was a reduction in the property tax portion so most homeowners are now paying less.

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

09-21-2015: #11

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

The Dunellen Borough Council Meeting of September 21, 2015 is adjourned.

Yes: Bachorik, Cilento and Petracca