

April 2, 2018

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on April 2, 2018.

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, Kenneth Bayer, Jason Cilento, Jeremy Lowder and Joseph Petracca

Absent: Jessica Dunne

On the motion of Mr. Baudendistel and seconded by Mr. Cilento it was moved to accept the Minutes of March 19, 2018:

Yes: Baudendistel, Bayer, Cilento and Petracca
Abstain: Lowder, due to his absence at that meeting

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

ORDINANCE 2018-01

The following ordinance was Introduced for first reading on March 19, 2018, and a second reading and public hearing is now being held at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 2nd day of April, 2018. Copies of this Ordinance have been posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance have been available at the Office of the Borough Clerk for any interested members of the public.

**BOROUGH OF DUNELLEN
COUNTY OF MIDDLESEX, NEW JERSEY**

**CALENDAR YEAR 2018
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the two succeeding years; and,

WHEREAS, the Mayor and Borough Council of the Borough of Dunellen, in the County of Middlesex, New Jersey, finds it advisable and necessary to increase its CY 2018 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Borough Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$53,353.19 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary.

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Dunellen, in the County of Middlesex, New Jersey, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Dunellen shall, in accordance with this ordinance and N.J.S.A. 40 A: 4-45.14, be increased by 3.5 %, amounting to \$186,736.17 and that the CY 2018 municipal budget for the Borough of Dunellen be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years: and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Public Hearing: no one from the public spoke.

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

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

ORDINANCE 2018-02

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 March 19, 2018. 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 April 2, 2018 at 7 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 shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR PROSPECT AVENUE ROADWAY IMPROVEMENTS IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$750,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

Purpose: Prospect Avenue roadway improvements, including, but not limited to, asphalt pavement milling, concrete base repair, removal and replacement of concrete curb and gutter, construction of ADA accessible curb ramps at the intersections, adjusting castings to grade, guiderail installation, traffic stripes and markings and the construction of hot mix asphalt surface overlay and further including all work and materials necessary therefor and incidental thereto

Appropriation: \$750,000

Bonds/Notes Authorized: \$750,000

Grant Appropriated: A grant in the amount of \$262,000 expected to be received from the State of New Jersey Department of Transportation Municipal Aid Program

Section 20 Costs: \$150,000

Useful Life: 10 years

Public Hearing: no one from the public spoke.

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

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

04-02-2018: #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, Lowder and Petracca

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

04-02-2018: #2

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

Upon the recommendation of the Supervisor of the Dunellen Department of Public Works, Frank Patullo, Jr., is terminated as an employee of the Dunellen Department of Public Works, effective March 17, 2018.

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

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

04-02-2018: #3

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

Joseph M. Poyer, is hired as an Operator Class F, Probationary Employee, in the Dunellen Department of Public Works, at a salary per the current contract, effective April 16, 2018.

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

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

04-02-2018: #4

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 CME Associates, from the Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the Account:

<u>CME Associates</u>	<u>Purpose</u>	<u>Amount</u>
220597	Pumping station	\$ 322.00
		<hr/>
	Total	<hr/> \$322.00

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

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

04-02-2018: #5

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, subject to the refunding of the Account:

<u>Windels Marx File Number</u>	<u>Bill Number</u>	<u>Amount</u>
0305764-0000001	75747	\$936.98
0305764-0000001	77836	\$1,393.00
	Total	<hr/> \$2,329.98

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

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

04-02-2018: #6

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 Ebury Fund 1 NJ LLC
PO Box 37695
Baltimore, MD 21297

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
15-03	8	8	Watson, Belinda Y 227 Second St.	1,374.69	138.10	1,200.00	2,712.79

TOTAL REFUNDED \$2,712.79

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

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

04-02-2018: #7

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
17-7	34	20	Anderson, Leebert 649 Front St.	1,044.87	15.47	1,800.00	2,860.34

TOTAL REFUNDED \$2,860.34

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

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

04-02-2018: #8

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

Whereas, the Mandatory Source Separation and Recycling Act, P.L. 1987, C.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs, and

Whereas, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to expand existing programs, and

Whereas, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act, and

Whereas, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality, and

Whereas, a resolution authorizing this municipality to apply for the 2017 Recycling tonnage Grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of Dunellen to the efforts undertaken by the municipality and requirements contained in the Recycling Act and recycling regulations.

Whereas, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

Now therefore be it resolved by the Governing Body of the Borough of Dunellen that the Borough of Dunellen hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Bashar Assadi to ensure that the application is properly filed, at a cost not to exceed \$2,000.00; and

Be it further resolved, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca

Reports:

Mr. Petracca: no report.

Mr. Baudendistel: 1) asked Ron Safar about dead trees in the brook. Mr. Safar gave an update on his clearing progress; 2) noted he had left a couple of messages for the Parking Authority regarding the damaged wall on New Market Road. Mayor Seader responded that Mr. Duhamel was aware of the problem; 3) had not had a meeting with Scott Luthman on a revised Sign Ordinance; 4) asked Mr. Bruder about options for the Strip Joint property. Mr. Bruder said he was meeting with environmental specialists; 5) commented on conversations with CME on the redevelopers appearing before the Planning Board; 6) noted that the bids came in for the Washington Avenue Streetscape and a few were lower than the projected cost; 7) there is a grant opportunity for trees and he will be applying

Mr. Bayer: asked about the brush pile in the Yard. Mr. Robins reported on his contacts with Middlesex and Piscataway administrators. Ron Safar also is in contact with their respective DPW's.

Mr. Cilento: 1) Easter Egg Hunt was last Saturday and it was well attended; 2) Baseball Parade on Saturday, April 14th; 3) Clean-up Day by the Playground Committee on April 25th; 4) *Dunellen Report* deadline June 1st for the July edition

Mr. Lowder: 1) working with Ken Bayer on cameras for the DPW. Mayor Seader thanked Mr. Lowder for his volunteer work on electrical work for various borough projects. This has saved us thousands of dollars.

Mayor Seader: 1) notified the Council of another sewer break on South Washington Avenue. When they opened up to get up the pipe, they found old wood frames around the pipe (to shore up the dirt) and this looks like it collapsed. The first break cost us about \$30,000 and this second break is likely to be more expansive and cost upwards of \$90,000 or more. The company is P&A and they said that if the job takes longer than a day, they would fill in the hole so that the road could be opened at night with no need for additional police off-duty; 2) reported that Superintendent Gene Mosley told him that they would be able to reduce their budget by \$200,000, as they had received some monies last year for a science lab project; 3) asked Ron Safar about pothole repair? Asked him to focus around the school area and some holes on the side of the Fire House; 4) asked Mr. Bruder about people who are renting rooms in houses. That produces many extra cars in the streets. Is there anything we can do? Mr. Bruder: 1. have zoning officer check to see if use permitted in zone; 2. Board of Health could check and also there are state codes that the Code Enforcer can look to; 3. pass a rental control ordinance which would necessitate a rental control officer (part-time) and an annual application. During the process the rental control officer checks the property for safety issues, etc.; 5) Scott Luthman told him that we cannot charge road opening fees. And we would need to have an inspector on the job if we wanted to charge inspection fees. This needs further investigation.

Scot Olsen: the Tax Office is sending out revised second quarter bills for those seniors getting the homestead rebate. Mayor Seader noted that Assessor Gianchiglia cannot get a response from Trenton on the senior freeze after revaluation, do they start after when they originally applied, or do they start in 2018

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:

04-02-2018: #9

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

The Dunellen Borough Council Meeting of April 2, 2018 is adjourned.

Yes: Baudendistel, Bayer, Cilento, Lowder and Petracca
