

February 5, 2018

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on February 5, 2018.

Mayor Robert J. Seader called the meeting to order at 7:00 p.m. and 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, Jessica Dunne, Jeremy Lowder and Joseph Petracca

On the motion of Mr. Petracca and seconded by Mr. Cilento it was moved to accept the Minutes of January 22, 2018.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

ORDINANCE 2018-01

**AN ORDINANCE REPEALING CHAPTER 262
OF THE CODE OF THE BOROUGH OF DUNELLEN, NEW JERSEY**

WHEREAS, the General Ordinances of the Borough of Dunellen contain Chapter 262 of the “Code of the Borough of Dunellen, New Jersey” entitled “Tattooing”; and

WHEREAS, the Governing Body of the Borough of Dunellen has determined that this ordinance may no longer be compatible with the regulations as set forth in N.J.A.C. 8:27-1 et seq., which regulations were enacted by the State of New Jersey subsequent to the Borough of Dunellen’s enactment of Chapter 262 of the Code of the Borough of Dunellen; and

WHEREAS, the Governing Body of the Borough of Dunellen has determined that it is appropriate to repeal said ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Dunellen that Chapter 262 of the Code of the Borough of Dunellen, New Jersey is hereby repealed effective immediately upon adoption of this ordinance.

Municipal Attorney John Bruder advised that this ordinance was prematurely Introduced as he would like to do additional legal research on the issue and he is asking that the ordinance be tabled.

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

02-05-2018: A

WHEREAS, ORDINANCE 2018-01, an ordinance repealing Chapter 262 (Tattooing) of the Code of the Borough of Dunellen, New Jersey, was introduced by motion and seconded; and

WHEREAS, upon recommendation of Municipal Attorney John E. Bruder, the Dunellen Borough Council decided to table this ordinance prior to a roll call vote.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Dunellen that Ordinance 2018-01 be tabled.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-2018: #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, Dunne, Lowder and Petracca

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

02-05-2018: #2

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

Kenneth Baudendistel and Roger Dornbierer are appointed as Dunellen Borough Council liaisons to the Middlesex County Housing & Community Development Agency.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-2018: #3

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
15-28	64	16	Malloy, Kathleen 233 Gertrude Terrace	24,317.14	5,136.55	25,500.	54,953.69

TOTAL REFUNDED \$54,953.69

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-2018: #4

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 FWDSL & Associates, LP
17 West Cliff Street
Somerville, NJ 08876

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
16-31	68	1		Ebel,Rose & Lambert,Michelle 106 Prospect Ave	8,243.31	270.46	800.00	9,313.77

Total: \$9,313.77

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-2018: #5

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

The Dunellen American Legion Post 119 is hereby granted permission to run a penny drive (canning) fund raiser on Saturday, April 28, 2018, Sunday, April 29, 2018, Saturday, May 5, 2018 and Sunday, May 6, 2018, with a rain date of May 12, 2018, on the corners of North Avenue and Washington Avenue, North Avenue and Madison Avenue, and Grove Street and

Prospect Avenue, and outside business establishments (with retailers' permission) in downtown Dunellen, for the purpose of raising funds for the organization's supported charities.

The American Legion Post 119 has been notified that they must also apply to the New Jersey Department of Transportation for a permit to fund raise on state roads, and to the County of Middlesex for a permit to fund raise on county roads, and that this Dunellen Borough Council approval is granted subject to the final approval of the NJDOT and the Middlesex County Department of Transportation.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-2018: #6

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

Whereas, there exists a need to lease photocopier machines, one for the Dunellen Police Department and a second one for the Dunellen Municipal Clerk's Office; and

Whereas, a quote has been received from:

Wells Fargo:

- 1) Police -- \$87.50 per month, for a 60 month lease term (Account # 8-01-25-240-000-205)
 - 2) Clerk's Office -- \$117.50 per month, for a 60 month lease term (Account # 8-01-20-120-000-205)
- Total: \$205.00 per month

Whereas Wells Fargo has a New Jersey State Contract (#A53090 T2075) for the leasing of photocopier machines; and

The funds for this contract have been certified by the Chief Financial Officer, from April 2018 – March 2019, and continuation of the contract is subject to the availability of funds in future fiscal years.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that two photocopier machines be leased from Wells Fargo for an amount not to exceed \$205.00 for two machines per month for 60 months.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-2018: #7

WHEREAS, by Resolution 02-06-2017: #9, the law firm of Apruzzese, McDermott, Mastro & Murphy, was appointed Special Labor Counsel on behalf of the Borough of Dunellen, at a cost not to exceed in total \$5,000; and

WHEREAS, by Resolution 12-18-2017: #6, \$3,000.00 was added to the original certification for a total not to exceed \$8,000.00.

It is now necessary to certify additional funds.

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

The law firm of Apruzzese, McDermott, Mastro & Murphy, is continuing to be appointed Special Labor Counsel on behalf of the Borough of Dunellen, at an additional cost not to exceed \$1,958.00, with the totality of certifications not to exceed \$9,958.00.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-2018: #8

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

Robert J. Seader is hereby appointed as Dunellen's Commissioner to the Plainfield Area Regional Sewerage Authority, for the term February 1, 2018 through January 31, 2023.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-18: #9

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 2017 Operating Reserve 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 Appropriation Reserves” be made:

From	Account	Title	S&W	Other Expenses
	20-165-299	Engineering		8,000.00
	22-195-299	Construction Code Official	1,000.00	
	25-240-101	Police	4,000.00	
	26-290-101	Road Repairs	4,000.00	
		Subtotal	9,000.00	8,000.00
		Total	<u>17,000.00</u>	

Whereas, there appears to be insufficient funds in the following CY 2017 Operating Reserve Accounts over and above the demands to be necessary; viz:

To:	Account	Title	S&W	Other Expenses
	20-100-001	Postage		1,000.00
	20-150-133	Assessment of Taxes	100.00	
	20-155-222	Legal Services		4,000.00
	22-195-205	Construction Code Official		100.00
	25-240-203	Police		3,500.00
	25-240-001	Police – Overtime	4,000.00	
	26-290-103	Road Repairs	1,500.00	
	28-370-207	Recreation		500.00
	31-460-299	Gasoline		1,300.00
	42-305-299	Intergovernment/Recycling		1,000.00
		Subtotal	5,600.00	11,400.00
		Total	<u>17,000.00</u>	

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-2018: #10

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, subject to the refunding of the account:

<u>John E. Bruder</u>	<u>Bill Number</u>	<u>Amount</u>
January 2017	RD-01-17	\$1,960.00
February 2017	RD-02-17	\$320.00
March 2017	RD-03-17	\$1,980.00
	Total	<u>\$4,260.00</u>

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

02-05-2018: #11

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

Funds be certified and that payment be made to the Law Offices of John E. Bruder, from Ordinance 09-10, Account #C-04-09-100-000-600, in an amount not to exceed \$1,260.00, for work done regarding litigation in the Matter of Edelman & Penn v. Borough of Dunellen.

<u>John E. Bruder</u>	<u>Bill Number</u>	<u>Amount</u>
January 2018	D/E&P-01-18	\$1,260.00
	Total	<u>\$1,260.00</u>

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

Reports:

Mr. Petracca: no report

Mr. Baudendistel: 1) the report on the Strip Joint property is being reviewed and we have a meeting with the engineers this Thursday. Discussion will be on our options: clean up, sale. There is a risk if the borough sells the property with existing environmental concerns.

Mr. Bayer: no report

Dr. Dunne: no report

Mr. Cilento: 1) March of Dimes Tournament finished. Dunellen teams lost; 2) Alex will be meeting this Thursday to begin planning for the Memorial Day Parade; 3) baseball and softball

registration is currently open for 2018; 4) *Dunellen Report* deadline is February 28th; 5) a vendor examined the Municipal Building stairs as to whether we can install a lift, but it was determined that the stairs are too narrow; 6) the Bloustein School has accepted Dunellen as a subject for a SIDS study.

Mr. Lowder: no report

PUBLIC PORTION

No one from the public spoke.

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

02-05-2018: #12

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

The Dunellen Borough Council Meeting of February 5, 2018 is adjourned.

Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca