

November 5, 2018

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on November 5, 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 Bayer, Jason Cilento, Jessica Dunne, Jeremy Lowder and Joseph Petracca

Absent: Kenneth Baudendistel

On the motion of Mr. Petracca and seconded by Mr. Cilento it was moved to accept the Minutes of October 15, 2018:

Yes: Cilento and Petracca

Abstain: Bayer, Dunne and Lowder, due to their absences at that meeting

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

11-05-2018: #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: Bayer, Cilento, Dunne, Lowder and Petracca

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

11-05-2018: #2

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 Calendar Year 2018 in the sum of \$5,819.57, which is now available from the Division of Highway Traffic Safety, Drunk Driving Enforcement Grant.

BE IT FURTHER RESOLVED, that the like sum of \$5,819.57 is hereby appropriated under the caption Drunk Driving Enforcement Fund Grant.

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

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

11-05-2018: #3

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 2018 Operating 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 Appropriations” be made:

From:

Account	Title	S&W	Other Expenses
20-165-299	Engineering Services		6,500.00
	Subtotal		6,500.00
	Total		<u>6,500.00</u>

Whereas, there appears to be insufficient funds in the following CY 2018 Operating Accounts over and above the demands to be necessary; viz:

Account	Title	S&W	Other Expenses
20-120-299	Borough Clerk		1,500.00
22-195-299	Construction Code		500.00
26-310-299	Public Buildings & Grounds		4,000.00
36-477-000	Defined Contribution		500.00

To:

	Retirement Plan		
		Subtotal	6,500.00
		Total	<u>6,500.00</u>

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

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

11-05-2018: #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 Trade Money LLC
29 Palisades Rd.
Old Bridge NJ 08857

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
18-8	36	5	Semperveive, Lori 507 First St	859.83	13.05	1,100.00	1,972.88

TOTAL REFUNDED \$1,972.88

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

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

11-05-2018: #5

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 two licenses 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 Merchandise Raffle License to the Dunellen PTO.

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

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

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

11-05-2018: #6

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>
0305764-0000002	95266	\$120.00
	Total	<u>\$120.00</u>

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

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

11-05-2018: #7

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

Richard E. Herkert is hired as an Operator Class F, Probationary Employee, in the Dunellen Department of Public Works, at a salary per the current contract, effective November 13, 2018.

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

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

11-05-2018: #8

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

Jesse K. Biuliano is hired as a Temporary Employee, of the Dunellen Department of Public Works, for up to 29 hours per week, at a salary of \$12.00 per hour, beginning November 5, 2018. The salary will be charged against the Clean Communities grant. This is a position without benefits according to Dunellen Code Chapter 50-3.

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

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

11-05-2018: #9

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

WHEREAS, N.J.A.C. 5:30-9A.6 and 5:31-4.1 allows for greater flexibility for local units when implementing requirements for claimant certifications set forth in N.J.S.A. 40A:5.16(a); and

WHEREAS, the local units are now given discretion to require a claimant certification as it deems necessary and appropriate; and

WHEREAS, the Chief Financial Officer of the Borough of Dunellen recommends a claimant signature be required for all purchase orders with the exception of the below list.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Dunellen that the below list will be exceptions to the claimant certification requirements:

Cablevision of Raritan Valley
Deer Park Spring Water
Delta Dental
Elizabethtown Water Company
Federal Express
Ford Credit Co.
Google
The Home Depot
Lowe's Credit Services
Mailfinance
Motorola
Neofund by Neopost
Plainfield Area Regional Sewerage
Authority
Pitney Bowes
Postage by Phone
Staples
TD Bank N.A.
Thomson Reuters
WB Mason
United Parcel Service (UPS)

Premium installment payments to Borough of Dunellen Insurance providers
Payments to local newspapers for advertising such as About Our Town, Inc. and The Courier News
Payments to Government Agencies – Federal, State agencies, Middlesex and Somerset County agencies, Dunellen Board of Education, Public Library and Rescue Squad, Other NJ Municipalities, U.S. Postal Service
Payments to Utility Companies (AT&T, Sprint, NJ American Water Co., Public Service (PSE&G), Verizon)

Professional Education courses for not-for-profit agencies where continuing education credits are awarded

Professional Membership Association Dues

Hotel and registration fees for professional conferences or conventions

Website hosting, including registration and maintenance of a domain name

Web purchases, such as through Amazon and Apple, Inc. and purchases made using a Procurement Card

Outside Lien Holders, including but not limited to A&L Real Estate Holdings, American Tax Funding, CCTS Tax Lien Service, Corelogic, Ebury Fund, FWDSL & Associates, Hackettstown Properties, Lereta, Trystone Capital Assets, US Bank as Custodian, Violet Potter, Wells Fargo Financial Leasing and Tax Service

Mr. Olsen explained that this resolution formalizes our procedure that we do not need to send out purchase orders to these companies.

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

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

11-05-2018: #10

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

The Mayor and Borough Council of the Borough of Dunellen hereby appoint Michael Deitrick as a Firefighter, in the Dunellen Fire Department, effective 5 November 2018.

Yes: Bayer, Cilento, Dunne and Petracca

Abstain: Lowder, as Chief of the Dunellen Fire Department

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

11-05-2018: #11

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

The Mayor and Borough Council of the Borough of Dunellen hereby appoint Ciro Lowder as a Probationary Firefighter, in the Dunellen Fire Department, said probation period to be one year, effective 5 November 2018.

Yes: Bayer, Cilento, Dunne and Petracca
Abstain: Lowder, as Chief of the Dunellen Fire Department

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

11-05-2018: #12

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

WHEREAS, there is a need to replace a furnace in the Dunellen Fire House in order to maintain second floor heat and prevent burst pipes; and

WHEREAS, we have received a quote from Myers Conditioning, LLC., to replace the broken furnace with a Bryant Furnace model #310AAV066135 for \$2,600.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that Myers Conditioning, LLC., be awarded a contract to replace a furnace in the Dunellen Fire House, at a cost not to exceed \$2,600.00.

Yes: Bayer, Cilento, Dunne and Petracca
Abstain: Lowder, as Chief of the Dunellen Fire Department

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

11-05-2018: #13

**BOROUGH OF DUNELLEN
RESOLUITON TO AUTHORIZE THE EXECUTION OF FIRST ADDENDUM TO
AMENDMENT TO ENVIRONMENTAL REMEDIATION ESCROW AGREEMENT**

WHEREAS, the Borough of Dunellen as Buyer and Edelman and Penn as Seller previously entered into an agreement dated June 8, 2009 and an Amended Agreement dated April 6, 2011 for the Sale and Purchase of certain real estate and improvements designated as

500 Mountainview Terrace, Borough of Dunellen, County of Middlesex, State of New Jersey, also known as Block 41, Lot 1.01, in the Borough of Dunellen; and

WHEREAS, Seller and Purchaser, as part of the above-referenced agreement and amended agreement, also entered into an Environmental Remediation Escrow Agreement (“Agreement”) on or about July 13, 2011, pursuant to which Seller had agreed to deposit into escrow with the Escrow Agent (Wilentz, Goldman & Spitzer) the sum of \$760,000, representing one hundred and fifty percent of the estimated environmental costs of remediation; and

WHEREAS, by resolution approved by the Governing Body on or about May 7, 2018, the Borough Council authorized an Amendment to the Environmental Remediation Escrow Agreement the escrow fund to be reduced below the minimum balance of \$260,000.00, in order to allow the Escrow Agent to make payments to Seller’s Licensed Site Remediation Professional (TRC Environmental Corporation) upon the completion of certain designated tasks; and

WHEREAS, the Seller has requested that the Borough be agreeable to a further Addendum to the Amendment of Environmental Escrow Agreement, upon all of the terms and conditions as are set forth on the First Addendum to Amendment of Environmental Escrow Agreement of May 7, 2018, which document is attached hereto; and

WHEREAS, except as expressly amended in the Amendment document, the Amended Agreement dated April 6, 2011 shall remain unchanged and in full force and effect.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Peapack and Gladstone that it hereby authorizes the Municipal Attorney to execute the First Addendum to Amendment to the Environmental Remediation Escrow Agreement, which amendment document is annexed hereto and made a part hereof.

Mayor Seader informed those from the public that his administration had received a \$2,000,000 Open Space grant from Middlesex County, to which the borough added in \$100,000, to purchase the property at the corner of Madison Avenue and Mountainview Terrace.

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

Reports:

Mr. Petracca: the Police Committee conducted interviews for a new police officer. They sequenced the top three and it is now up to the Police Department to make the selection and recommendation.

Mr. Bayer: the garbage truck was damaged in a fire and is still unable to be used. The matter has been referred to the insurance company.

Dr. Dunne: 1) noted that there was nothing in the Minutes regarding added police presence for Halloween. Dr. Robins responded that that issue was raised 2-3 meetings ago and appeared in those minutes. He noted that the day after that initial meeting, he spoke with Chief Nelson and Lt. Smith about available crossing guards and evening police shift staffing with the goal of

raising police awareness of the issue of Halloween night safety for children at busy intersections; 2) reported that she had received resident inquiries about possibly adding a garbage can at the corner of South Avenue and South Madison as there appears to be an increase in littering and garbage at that location. Mr. Safar responded that years ago there was a garbage can in the deli lot and it was used by NJ Transit bus drivers when they cleaned their vehicles.

Mr. Cilento: 1) Halloween Parade was on October 28th with a new route of Washington Park to Columbia Park with a circuit of the track. It seemed to have worked out nicely. The Recreation Commission wanted to thank the Mayor and Council members for attending, as well as the assistance of the Police and Fire Departments. The Grand Marshal was Joe Dudley; 2) Flag Football had a successful first year, run by the Dunellen High School football coaches; 3) 140 kids in the Soccer program; 4) copy for the *Dunellen Report* is due December 1st for the January edition; 5) Dunellen Arts and Culture Commission mural workshop was held on October 27th; 6) on November 17 the library will be hosting a sister city presentation; 7) Christmas Trees ordered by the Dunellen Downtown Management Organization will be arriving soon.

Mr. Lowder: he has been speaking with the Central Jersey Stream Team. Over the next few months, they will be evaluating all the brooks in town. There will be a meeting next April to coordinate the volunteers. The borough just needs to supply the dumpsters. This organization will be responsible for getting the permits.

Mayor Seader: 1) in the role of spokesperson for the Haunted Trail, he reported that it was a huge success and over the two nights they netted \$16,600. He thanked the sponsors: WeatherTek, the Dunellen Parking Authority, Provident Bank, Tropical Supermarket, and Avellino's Pizzeria. He also wanted to thank the Dunellen Department of Public Works, the Dunellen Fire Department, the Dunellen Rescue Squad and the Dunellen Police Department. He stated that many people told him that they were amazed that a small town like Dunellen could put together such a tremendous event. Everyone had a great time; 2) he then, on behalf of the Haunted Trail Committee, presented checks to the Dunellen Police and Fire Departments and to the Dunellen Rescue Squad; 3) he then thanked Karen Seader for all her hard work, and Phyllis Piano who assisted in the student volunteers. All the proceeds go to the Maurer House preservation; 4) informed Scott Olsen that the PARSA bill for next year actually decreased, which helps us; 5) asked Mr. Olsen about bringing on two new officers as we are shifting one senior officer to the schools as a School Resource Officer; 6) the Construction Office has brought in over \$120,000 in fees so far this year; 7) reported that this year may be the last we have a Dunellen-Middlesex Thanksgiving football game. This year's game will be held Wednesday night at 6:00 pm; 8) we will again have a bonfire on November 20th; 9) asked Ron to address the pothole situation on South Madison; 10) will be finishing Prospect Avenue and Madison this Fall and we have applied for South Madison for next year. Grants have been uncertain in recent years and we usually get only about \$250,000 to \$300,000 and most projects cost over \$1,000,000. The Council is aware of the condition of some of the streets and we are doing everything we can to make them better.

PUBLIC PORTION

John Solewski, 315 Pulaski Street. Asked about the recently received tax bills and inquired about the Revaluation. Mayor Seader responded that residents had received the remainder of the 2018 tax bills and that the new numbers with the Revaluation will not be released, by State law, until after Thanksgiving. He reported that he was having issues with smells from the DPW Yard.

The buffer that used to shield the Pulaski Street residents is much reduced and wonders if new trees could be planted or a privacy fence.

Susan Harris, 325 Prospect Avenue. Complained about her next-door neighbors who are leaving garbage and they saw rats. She contacted the Health Department, who came today, and he would notify the neighbors to remedy. She distributed photographs. She also complained about the house being a half-way house with people coming and going and the property being in disrepair.

Mr. Bruder advised Mrs. Harris to contact the NJ Department of Human Services which oversees half-way houses and group homes. They would come in and investigate. Our code Enforcer would also be notified.

Stacy Narvesen, 317 Prospect Avenue. She is grateful that Prospect Avenue is now being paved. She understands that speed bumps are probably not an option but wondered if we might make Walnut and Prospect a four-way stop? Mr. Cilento stated that he had already emailed the Police Committee the week of October 29th about installing a four-way stop sign based upon a request from a resident. Mayor Seader responded that we would speak with the Dunellen Police who could undertake a study.

Chris Mueller, 240 Prospect Avenue. Asked about sidewalk repair during the Prospect Improvement project. Mayor Seader responded that most of the curb and sidewalk work currently being done is for drainage reasons under the scope of the project. It is not for sidewalk repair, which would add tremendously to the cost.

He also asked about a speed limit flashing sign on a trailer and wondered if it could be placed on Prospect Avenue after the paving project is complete.

Joe Harris. Noted that there is no American Flag at the VFW Post on Prospect Avenue.

Karen Seader, 318 Dunellen Avenue. As a realtor, she noted that no one wants speed bumps in front of their home and it lowers the home's value and will decrease the number of potential buyers when you come to sell the house.

Sgt. DelBuono informed the Council that the speed sign works, and he could put it out on the street. However, it is solar/battery operated which limits its working time. This can be added to if someone would permit, at their own expense, an electrical cord to be hooked up.

Mayor Seader noted that an anonymous resident had inquired about the safety procedures regarding the Art Color demolition. He informed the audience that all proper procedures were being adhered to by the demolition company and there should be no concern about dust or asbestos. The County Board of Health inspected the project the day after the report and all was fine.

Council Discussion: Authorities:

Role of the Dunellen Parking Authority

Scott Olsen, Treasurer of the Dunellen Parking Authority (DPA), reported on the Dunellen Parking Authority. It was established by the Council as an Authority and is independent from the borough. Its mission is to control parking throughout the borough. They oversee Skinner Plaza and lots behind their building on Front Street. They also sell permits and collect coins from meters.

Commissioners

James Duhamel - Chairman
William Wagner – Vice Chairman
Cliff Vail
Theodore Treffinger
Glenn White

Staff

James Fitzgerald - Attorney

Employees:

Scott Olsen – Secretary/Treasurer
Sandra Reed – Operations Supervisor/Office Manager
David Locke – Parking Enforcement Officer
Charlotte Gebhardt – Parking Enforcement Officer

The Authority meets every other month and is a \$300,000 per year operation. They pay a rental fee to the borough for Skinner Plaza.

The Council is here reviewing the efficiency of the Authority. As the borough’s Chief Financial Officer, Mr. Olsen stated that it is an efficient and well-run Authority.

Important information flyers on lots, fees, and hours of operation can be found on the Dunellen web site:

http://www.dunellen-nj.gov/boards_and_commissions/dunellen_parking_authority

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

11-05-2018: #14

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

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

Yes: Bayer, Cilento, Dunne, Lowder and Petracca

