

October 1, 2018

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on October 1, 2018.

In the absence of Mayor Robert J. Seader, Council President Kenneth Baudendistel 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: Kenneth Baudendistel, Kenneth Bayer, Jason Cilento, Jessica Dunne, Jeremy Lowder and Joseph Petracca

Absent: Mayor Robert Seader

On the motion of Mr. Petracca and seconded by Mr. Cilento it was moved to accept the Minutes of September 17, 2018:

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

At this point, Mr. Robins read a Proclamation designating October Domestic Violence Awareness Month:

BOROUGH OF DUNELLEN

WHEREAS, violence against women, children, and men continues to become more prevalent as a social problem in our society; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, Women Aware, Inc. agency along with the Middlesex/Dunellen Domestic Violence Response Team has offered unparalleled services to women, children and men who have been victimized by domestic violence;

Now, Therefore, Be It Resolved, that in recognition of the important work being done by Women Aware, Inc. & the Middlesex/Dunellen Domestic Violence Response Team, I, Robert Seader, Mayor of Dunellen Borough, do hereby proclaim the month of October 2018 as **DOMESTIC VIOLENCE AWARENESS MONTH** and urge all citizens to actively participate in the scheduled activities and programs sponsored by Women Aware, Inc., and to work toward the elimination of personal and institutional violence against women, children, and men.

Given Under My Hand and the Seal of The Borough of Dunellen, New Jersey, This 1st Day of October, 2018

Robert Seader, Mayor
Borough of Dunellen

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

ORDINANCE 2018-11

BOROUGH OF DUNELLEN

The following ordinance is being Introduced for first reading on October 1, 2018. It will be presented for Public Hearing and Adoption on October 15, 2018. Copies of this ordinance will be available to the public on the municipal bulletin board and from the Municipal Clerk’s Office.

Dunellen Municipal Code, Chapter 150, FEES, Subsection A of Section 150-6. Escrow, originally adopted on December 1, 1997, is hereby amended in its entirety as follows, and this iteration of Section 150-6 (A) replaces all other prior versions, including Code Section 150-6 (A) adopted December 1, 1997 (Dunellen Ordinance 097-10), and Dunellen Code Chapter 115A-9 of the Dunellen Land Development law, enacted September 2001:

Planning/Zoning Board Fees

Section 150-6. Escrow.

- A. A deposit toward anticipated municipal expenses shall be required to cover the cost of any professional services rendered to the municipality or approving authority for the review of applications for development and preparation of documents. Prior to an application being deemed complete, the following sums shall be submitted to be held in escrow.

Application	Fee	Escrow
Residential:		
Minor subdivision, major preliminary subdivision, site plan		
1-3 lots or units	\$500.00	
\$5,000.00		
4-10 lots or units	\$500.00	
\$10,000.00		
11-25 lots or units	\$500.00	
\$15,000.00		

26-50 lots or units	\$500.00
\$20,000.00	
51 or more units	\$500.00
\$25,000.00	

Nonresidential:

Minor subdivision or major preliminary
Subdivision

1-3 lots	\$500.00
\$5,000.00	
4-10 lots	\$500.00
\$10,000.00	
11 or more lots	\$500.00
\$15,000.00	

Application	Fee	Escrow
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Site Plan

1-2,500 square feet	\$500.00
\$5,000.00	
2,501-10,000 square feet	\$500.00
\$10,000.00	
10,001-20,000 square	\$500.00
\$15,000.00	
20,001 or more square feet	\$500.00
\$20,000.00	

Final major site plan or subdivision

25% of original escrow fee required for
Preliminary subdivision, site plan

Amended Site plan

25% of original escrow fee

Variances:

Appeals under N.J.S.A. 40.55D-70 (a)	\$500.00
\$5,000.00	
Appeals under N.J.S.A. 40.55D-70 (b)	\$500.00
\$5,000.00	

Appeals under N.J.S.A. 40.55D-70 (c) \$5,000.00	\$500.00
Appeals under N.J.S.A. 40.55D-70 (d) \$5,000.00	\$500.00
Residential Accessory Building \$2,000.00	\$500.00
Tax Map Revision	\$1,000.00
Special Meeting	\$1,000.00

Mr. Baudendistel asked Mr. Robins to explain the purpose of this ordinance. Mr. Robins responded that it outlines a system for receiving escrow monies related to Planning Board and legal work on development projects.

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

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

ORDINANCE 2018-12

BOROUGH OF DUNELLEN

The following ordinance, which amends certain Dunellen Parking Ordinances, is 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 October 1, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of said governing body to be held in Municipal Building, 355 North Avenue, Dunellen, New Jersey, in said County, on October 15, 2018 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be 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 following Dunellen Parking Ordinance is amended as follows:

Ord. 269-35. Handicapped parking.

- A. Handicapped parking on streets. In accordance with the provisions of N.J.S.A. 39:4-197, the following on-street locations are designated as handicapped parking areas. Such spaces are for use by persons who have been issued special identification cards or plates or placards issued by the Division of Motor Vehicles or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces. Each such parking space shall be not less than 12 feet wide.

Amendment to existing schedule:

Schedule

Property: 240 Prospect Avenue
Number of Spaces: 1
Location: In front of 240 Prospect Avenue

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

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

ORDINANCE 2018-09

The following Amendment to the Dunellen Downtown Redevelopment Plan was Introduced for first reading on September 17, 2018. It is now being presented for Public Hearing and Adoption on October 1, 2018 at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. This ordinance was reviewed and commented upon by the Dunellen Planning Board. Notice has been given in advance of the date for the Public Hearing and Adoption. Copies of this ordinance have been posted on the Municipal Bulletin Board and have been available at the Office of the Borough Clerk for any interested members of the public.

This ordinance amends the Dunellen Downtown Redevelopment Plan, Phase One, that was adopted in February 2003 and revised on July 12, 2004, with further Amendments in June 2011, August 2013, November 2014, February 2016, November 2017 and September 4, 2018.

Proposed Amendment to Amended and Restated Dunellen Downtown Redevelopment Plan
Phase 1

Proposal is to amend Section 7 to add a new provision for a new site as follows:

7.4.5 Site #4. North Avenue (Block 34/Lots 31, 32, 33 & 34)

Principal Permitted Uses:

Residential. This land use designation contemplates a residential development not exceeding three (3) stories. Residential development shall be permitted on all floors in any building with the maximum number of residential units in all buildings not to exceed forty-one [41] in number. The residential development may include an activity center and other typical uses and structures accessory to residential uses. Any residential development may be for sale or rental, or a combination thereof, at the option of the developer, except as may be otherwise provided in a redevelopment agreement.

Building Requirements:

1. Building height requirements. The maximum building height shall be three (3) stories.

2. Materials. Materials used shall be conducive to creating a Railroad Town (Transit Village) environment encouraging the use of brick, awnings, planters and wrought iron railings.
3. Density Requirement. The maximum dwelling unit density shall be sixty-five (65) per acre.
4. Front, side and rear Setback Requirements. There shall be no front yard, side yard or rear yard setback requirements to existing property lines or to new property lines created by a subdivision. All new structures or buildings shall generally be located at the front property line to provide a continuous street wall.
5. Landscape Requirements. The minimum area devoted to landscaped open space shall be ten (10) percent of the total lot area.
6. Lighting. Decorative lighting in accordance with Borough specifications shall be used. The specifications are in the process of being developed.
7. Walkways. All walkways shall use decorative pavers.
8. Trash receptacles and benches. Both trash receptacles and benches are required and shall be of materials complementing the buildings and the Railroad Town theme.
9. Parking. The parking requirements applicable to residential uses within Site #4 shall be 1.5 spaces per residential unit. Tandem parking spaces shall be permitted.
10. Affordable Housing Requirements. A minimum of fifteen (15%) percent of all residential units shall be affordable to low and moderate income individuals and households. Non-age-restricted rental units shall be provided on the site in accordance with the Borough's 2016 Housing Element and Fair Share Plan and the provisions of the plans, agreements, statutes and codes referenced therein. Rental units may be utilized to satisfy the entire number of affordable housing units that are required based upon the total number of rental and for-sale residential units.

At this point, Council President Baudendistel opened the meeting for public comment on the ordinance. No one from the public spoke. This portion was closed.

Mr. Bruder noted that the Council has received comments from the Planning Board on this proposed ordinance in response to this ordinance being sent to the Planning Board for review. For the record, he notes that Council has reviewed these comments and considered them into their decision on this proposed ordinance.

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:

ORDINANCE 2018-10

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 17, 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 Municipal Council Chambers, in the Borough on October 1, 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 THE REPAVING OF MADISON AVENUE AND PROSPECT AVENUE IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$220,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$209,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose: The repaving of Madison Avenue and Prospect Avenue, including all work and materials necessary therefor and incidental thereto

Appropriation: \$220,000

Bonds/Notes Authorized: \$209,000

Grant Appropriated: N/A

Section 20 Costs: \$49,000

Useful Life: 10 years

At this point, Council President Baudendistel opened the meeting for public comment on the ordinance.

Homer Mosley, 113 Pearl Place, asked about the purpose of this bond ordinance. Mr. Robins responded that the Madison Avenue Roadway Improvement project was completed last year but did not have the funds to go all the way to the Green Brook border. We also received a grant for the Prospect Avenue Roadway Improvement project. When we received the bids for Prospect Avenue, they were higher than the amount authorized under the Prospect Avenue Bond Ordinance, so it was decided that we would raise additional funds to cover the Prospect Avenue costs and to finish Madison Avenue, using this present bond ordinance as the mechanism. Mr. Mosely

asked if these bonds were sold to the public. Mr. Robins responded that the borough sells notes to cover the outstanding bonds (this one and prior ones), recently joining in with larger offerings (for lower rates) with the Middlesex County Improvement Authority.

This portion was closed.

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:

10-01-2018: #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. Baudendistel and seconded by Mr. Cilento it was moved to accept the following:

10-01-2018: #2

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

The voluntary resignation of Harrison Werner as a laborer in the Dunellen Department of Public Works is accepted, effective September 21, 2018.

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:

10-01-2018: #3

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 John Lore of the Law Firm of DeMarco and Lore, from the "100 South Washington Avenue Escrow Account" for work done for the Dunellen Planning Board toward redevelopment:

John Lore	June 25, 2018 Planning Board	\$262.50
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Total		<u>\$262.50</u>
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Yes: Baudendistel, Bayer, Cilento, Dunne, Lowder and Petracca

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

10-01-2018: #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 “100 South Washington Avenue Escrow Account” for engineering work done for the Dunellen Planning Board toward redevelopment:

<u>CME Associates</u>	<u>Amount</u>
0229254	\$246.00
0225591	\$598.00
0224642	\$1,280.00
0223959	\$3,952.50
Total:	<u>\$6,076.50</u>

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

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

10-01-2018: #5

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

The Mayor and Municipal Clerk are hereby authorized to execute the Hazardous Materials Cost Recovery Interlocal Agreement between the Borough of Dunellen and the County of Middlesex.

Said term of the agreement is three (3) years, beginning January 1, 2019 and expiring on December 31, 2021.

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

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

10-01-2018: #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, subject to the refunding of the Account:

<u>Windels Marx File Number</u>	<u>Bill Number</u>	<u>Amount</u>
0305764-0000001	91935	\$912.00
0305764-0000002	91936	\$180.00
	Total	<u>\$1,092.00</u>

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:

10-01-2018: #7

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

Approval is granted for the Dunellen Treasurer to issue a refund in the amount of \$475.00 to Sunrun for the cancellation of a fee paid for a Solar permit.

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:

10-01-2018: #8

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 \$15,000, which is now available from the Middlesex County Recycling Enhancement Grant.

BE IT FURTHER RESOLVED, that the like sum of \$15,000.00 is hereby appropriated under the caption Middlesex County Recycling Enhancement Grant.

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

Reports:

Mr. Petracca: no report.

Mr. Bayer: 1) the garbage truck caught fire. The cause is not yet ascertained. Mr. Robins will submit a claim to the JIF insurance; 2) we might have found a candidate for the part-time DPW worker.

Dr. Dunne: 1) the Green Brook Flood Control Commission is this Wednesday. She is unable to attend and asks if anyone else can go to that meeting; 2) she reported that at the last Board of Education meeting a resident noted that there is a visibility issue from some hedges at the corner of Madison and North Avenue, making a right turn, opposite the Triangle Building (old fruit market). Mr. Bruder noted that though this is private property, we can request the owner to improve the visibility; 3) she noted that she will be unable to attend the next Council Meeting.

Mr. Cilento: 1) a similar visibility situation exists at Walnut Street and South Madison Avenue; 2) 150 enrollees for soccer; 3) 70th Annual Halloween Parade Sunday, October 28, starting at Washington Park and marching to Columbia Park; 4) Dunellen Arts & Culture Commission is applying again for a Summer Arts Program grant to the Middlesex County Arts and Heritage Commission; 5) *Dunellen Report*, December 1st due date; 6) the Transit Hub study had a preliminary meeting with the lead planner and from the meeting it was decided to focus on urban design: they will give us a set of maps showing all the relevant physical features in the area to see how we can best connect to the Art Color Redevelopment. They have four planners, two from Dunellen, and the study should take about six months.

Mr. Lowder: 1) notes issues with the brook behind the Fire House so he has reached out to Central Jersey Streams which is an organization that works with the NJ DEP and they know the regulations as to what they can and cannot do in the streams/brooks. They organize volunteers to come in and clean the debris and trim the vegetation. He distributed to the Council some of the guidelines for stream cleaning from the NJ DEP and he is going to try to meet with their team to see if they can go through this with us. Mr. Bruder noted that it can be done, by hand, and in a very limited manner by machinery. Also, we must figure how we will be disposing of the debris that is collected. Mr. Robins noted that we are working simultaneously on a Pulaski Street Culvert Project and the South Madison Avenue Culvert Project, both County projects. Mr. Bruder reported that for the Pulaski Street project, the County is seeking transfers of ownership or easements.

Mr. Baudendistel: 1) the decorative light projects will start next week; 2) the Shade Tree Commission will be planting 81 trees starting the week of October 15th. Residents have all received letters; 3) the downtown benches have been ordered and should be delivered in a few weeks; 4) continuing to work on the Sign Ordinance; 5) it appears that demolition will begin shortly at Art Color; 6) HarvestFest 2018 will be this Sunday, 10/7; 7) the Social Media policy might be up for discussion at the next meeting.

PUBLIC PORTION

Philip, Gertrude Terrace, inquired about the hole at the end of Gertrude Terrace at Grove Street. We will investigate.

Janine, 219 Gertrude Terrace. She is pleased to hear about the potential stream cleaning. She also noted the “sinkhole” at the intersection.

Homer Mosley, 113 Pearl Place, would like to know the feasibility of the Seniors Club coming under the auspices of the Borough government. It might open up more grants and funding opportunities. Also, he is a retired safety professional and would like to offer his services to the borough.

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

10-01-2018: #9

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

The Dunellen Borough Council Meeting of October 1, 2018 is adjourned.

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