

October 21, 2019

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on October 21, 2019.

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, April Burke, Jason Cilento, Stacy Narvesen and Joseph Petracca

Absent: Jessica Dunne

On the motion of Mrs. Narvesen and seconded by Mrs. Burke it was moved to accept the Minutes of October 7, 2019:

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

Ordinance 2019-14

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, is being 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 21, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Council Chambers, in the Borough on November 4, 2019 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 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 summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF EQUIPMENT FOR THE POLICE DEPARTMENT IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose: The acquisition of equipment for the Police Department, including, but not limited to portable radios, mobile radios, batteries, and a fingerprint machine and further including all related costs and expenditures incidental thereto

Appropriation: \$200,000

Bonds/Notes Authorized: \$190,000

Grant Appropriated: N/A

Section 20 Costs: \$10,000

Useful Life: 10 years

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

Ordinance 2019-12

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 October 7, 2019. It is now being further considered for final passage, after public hearing thereon, at a meeting of the governing body being held at the Borough Council Chambers, in the Borough on October 21, 2019 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 GROVE STREET ROADWAY IMPROVEMENTS IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$286,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$286,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose(s): Grove Street roadway improvements between Gertrude Terrace and New Market Road including, but not limited to, asphalt pavement milling, concrete milling, concrete base repair where necessary, removal and replacement of concrete vertical curb where necessary, construction of ADA accessible curb ramps at the intersections, adjustment of castings to grade, traffic stripes and markings and the construction of hot mix asphalt surface and leveler course and further including all work and materials necessary therefor and incidental thereto

Appropriation: \$286,000

Bonds/Notes Authorized: \$286,000

Grants (if any) Appropriated: A grant in the amount of \$225,000 received from the State of New Jersey Department of Transportation Municipal Aid Program

Section 20 Costs: \$57,200

Useful Life: 10 years

At this point, Mayor Seader opened the meeting for public comment on the ordinance. Janine McNair, 219 Gertrude Terrace, asked if this ordinance would include fixing the water main at Gertrude Terrace? Mayor Seader responded that the broken sewer pipes and manhole are covered in the next ordinance. This portion was closed.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

Ordinance 2019-13

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 October 7, 2019. 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 October 21, 2019 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 GROVE STREET SANITARY SEWER IMPROVEMENTS IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING \$163,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$155,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Purpose(s): sanitary sewer improvements on Grove Street proximate to the Grove Street and Gertrude Terrace intersection and the abandonment of the existing sanitary sewer main on Grove Street, if deemed appropriate, including all work and materials necessary therefor and incidental thereto

Appropriation: \$163,000

Bonds/Notes Authorized: \$155,000

Grants (if any) Appropriated: \$0

Section 20 Costs: \$32,600

Useful Life: 40 years

At this point, Mayor Seader opened the meeting for public comment on the ordinance. Janine McNair, 219 Gertrude Terrace, asked if we had an approximate date when this would happen? Mr. Robins responded that after publication, which would be either Thursday or Friday, the 20-day Estoppel period would run. At that conclusion, the monies could legally be spent. However, he intends to communicate the ordinances' passage to CME Associates, our engineers, so that they can begin planning for the projects. Mrs. McNair then asked about parking. Mr. Robins responded that the details had not yet been worked out, but based on past models of road improvement projects, there would be a preconstruction meeting that includes the Police Department and traffic and resident parking issues would be discussed and communicated to residents well before any actual work is done. This portion was closed.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

10-21-2019: #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, Burke, Cilento, Narvesen and Petracca

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

10-21-2019: #2

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

Dunellen Borough Council resolution 10-07-2019: #5 is amended as follows:

Dawn Guttschall is appointed the Tax Assessor for the Borough of Dunellen, from October 15, 2019 until July 1, 2020, and then for a four-year term, from July 1, 2020 through June 30, 2024, per *N.J.S.A.* 40A:9-146, at an annual salary of \$18,000. This is a position without benefits.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

10-21-2019: #3

RESOLUTION OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:12A-67(g) AND 40A:12A-29(a)(3)

WHEREAS, the Borough of Dunellen, in the County of Middlesex, New Jersey (the "Borough") desires to make application to the Local Finance Board pursuant to the provisions of N.J.S.A. 40A:12A-67(g) and 40A:12A-29(a)(3) for its approval of the issuance by the Borough of not-to-exceed \$10,000,000 aggregate principal amount of non-recourse redevelopment area bonds; and

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Borough's bond counsel, redevelopment counsel and auditor, along with other representatives of the Borough, are hereby authorized to prepare such application and to represent the Borough in matters pertaining thereto.

Section 2. The Clerk of the Borough is hereby directed to prepare and file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

CONSENT AGENDA

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

10-21-2019: #4

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 2019 in the sum of \$86,518.00, which is now available from the 2018/2019 Community Development Block Grant.

BE IT FURTHER RESOLVED, that the like sum of \$86,518.00 is hereby appropriated under the caption Community Development Block Grant.

10-21-2019: #5

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 2019 in the sum of \$4,620.00, which is now available from the Division of Highway Traffic Safety Drive Sober or Get Pulled Over Grant.

BE IT FURTHER RESOLVED, that the like sum of \$4,620.00 is hereby appropriated under the caption Division of Highway Traffic Safety Drive Sober or Get Pulled Over Grant.

10-21-2019: #6

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 2019 in the sum of \$3,025.00, which is now available from the Division of Highway Traffic Safety Aggressive Driving Grant.

BE IT FURTHER RESOLVED, that the like sum of \$3,025.00 is hereby appropriated under the caption Division of Highway Traffic Safety Aggressive Driving Grant.

10-21-2019: #7

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 “528 North Avenue LLC Escrow Account” for engineering work done for the Dunellen Planning Board:

<u>CME Associates</u>	<u>Amount</u>
0246959	\$464.75
0248153	\$2,180.50
Total:	<hr/> \$2,645.25

10-21-2019: #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 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>
0248154	Redevelopment	\$84.50
	Total	<hr/> \$84.50

10-21-2019: #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 John Lore of the Law Firm of DeMarco and Lore, from the “528 North Ave, LLC. Escrow Account” for work done for the Dunellen Planning Board toward redevelopment:

John Lore	August/September, 2019 Planning Board	\$1,125.00
	Total	<hr/> \$1,125.00

10-21-2019: #10

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 a license 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 this license will be issued pending final approval by New Jersey State Legalized Games of Chance Commission.

10-21-2019: #11

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 a license 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 an Instant Raffle License to the American Legion Post 119 for calendar year 2020.

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

10-21-2019: #12

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

The Municipal Clerk is hereby authorized to issue food handler licenses to the following establishments:

Hot Spot Fitness and Nutrition -- 310B North Avenue

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

RETURN TO REGULAR AGENDA

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

10-21-2019: #12b

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

The Mayor and Municipal Clerk are authorized to sign the “Reimbursement, Hold Harmless, and Indemnification Agreement” with Officer Nicholas Goldman.

Mr. Olsen asked if this was taxable income to Mr. Goldman. Mr. Bruder responded that it was not. It is reimbursement money that was held in escrow.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

Council Discussion: Best Practices

Each year, the Department of Community Affairs promulgates a “Best Practices Inventory” and distributes to all 565 municipalities. It is designed to ascertain the status of municipal government practices in New Jersey. The inventory ostensibly assesses each municipality’s compliance with various laws and evaluates implementation of fiscal and operational best practices. The inventory is regarded as one of the ways taxpayers can evaluate their municipality’s performance.

This year there were 84 questions. Some of the topics were: personnel, budgeting, financial administration, capital projects, transparency, authorities, procurement, web sites, cybersecurity, shared services, PILOTs, and affordable housing.

Many of the questions were unscored, meaning they were opportunities for a municipality to request from the DCA additional training or advice.

The State can withhold some of our discretionary aide if we do not answer enough questions positively. This year we answered 39 questions with a “Yes,” thus we will receive full funding.

Reports:

Mr. Petracca: no report.

Mrs. Burke: 1) Fire Department held its Open House last Friday; 2) the Dunellen Library has a Survey on its website: <http://www.dunellenlibrary.org/>; 3) artists at the Library have created a mural on the parking lot side of the building.

Mr. Bayer: 1) Halloween Parade on October 27th at Columbia Park at 1:00 pm.; 2) concrete slab for the new Gazebo in Columbia Park will be poured soon.

Mr. Cilento: 1) Two new officers for the Dunellen Police Department will be sworn in on November 4th; 2) the Dunellen Arts & Culture Commission has sponsored a Mural at the Library, funded from a grant from Middlesex County; 3) the Dunellen Downtown Management Organization is creating a newsletter that will highlight downtown businesses and cultural events; 4) we received an email regarding garbage in the downtown. Ron Safar responded that he would send someone tomorrow morning; 5) he had sent an email (and Jessica had sent her own) about the school bonding referendum. He wondered if the town should potentially prepare an article on how bonding works and how the school’s bonding might affect the borough’s ability to bond and finance future municipal projects. This would be an informational piece. Mr. Bayer noted that when people ask him about the referendum, he responds that if they are asking us to vote on it then it must be costing us something. Mayor Seader expressed a concern that the District’s anticipated

state aide funding might not continue. We might then be responsible for making up the shortfall. Mr. Cilento noted that the bond might be taking over \$5 million from our capacity to bond and this might limit the municipality's bonding capacity to fix roads and sewers. Mrs. Burke asked if we know how much we might be limited? Mr. Olsen responded that it is a moving target but will be about \$4.5 million of improvements if the referendum passes. Mrs. Burke thought it a good idea to put out an information article on how bonding works. Mr. Petracca pointed out that the bigger issue is the \$2.5 million dollars—that if for some reason the State does not give the District \$2.5 million, then it might fall upon the borough's property owners in the form of increased taxes. The Council gave its consent to produce an educational piece on bonding.

Mrs. Narvesen: 1) the Board of Education will be having their next Special Facilities Enhancement presentation on November 12th at the High School; 2) the District has approved the hiring of a Business Administrator, Johnny Rosa; 3) HarvestFest 2019 was a great success.

Mayor Seader: 1) the Haunted Trail was a huge success. They brought in between \$21,000 and \$22,000 over the two nights. He would like to thank the Dunellen Police Department, Fire Department, Rescue Squad, and Department of Public Works and the many volunteers who helped, including 46 students led by Ms. Piano from the High School. Councilperson Petracca, Bayer, Cilento and Narvesen also assisted over the weekend; 2) noted the planters in the street lamps have died. Ron will have them taken down and the containers saved; 3) asked about replacing the flags in time for Veteran's Day; 4) some of the light poles are twisted. Ron will get the pole numbers and contact PSE&G; 5) will hopefully hear about the Lincoln Avenue grant application in November and possibly do both Lincoln and South Madison at the same time next year.

PUBLIC PORTION

Homer Mosley, 113 Pearl Place, regarding the article on the bonding referendum, he asked the Council to consider holding a public forum because many residents do not have access to the Internet which had been suggested as a means of disseminating the article. Along with other seniors, he is concerned about any possible tax increase. He also asked if we had statistics on the population ranges in Dunellen. Yes, taken from the 2010 Census.

Chief Smith: met with Jason and April and they discussed the difficulties in getting Substitute Crossing Guards and the possibility of increasing their starting salaries. The lack of substitutes sometimes results in Police Officers acting as Guards, and they may need to be called away.

Ellen Byrnes, Mountainview Terrace: remembered in the past, school bond referendums needed a vote. Council members responded that this is also going to a vote, but that the District will undertake its plans whether the bond is approved or not. Right away if the bond passes, or over time if not.

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

10-21-2019: #13

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

The Dunellen Borough Council Meeting of October 21, 2019 is adjourned.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca
