

October 7, 2019

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on October 7, 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 Mr. Cilento and seconded by Mrs. Narvesen it was moved to accept the Minutes of September 16, 2019:

Yes: Bayer, Burke, Cilento and Narvesen

Abstain: Petracca, due to his absence

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, 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 7, 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 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 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 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

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, 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 7, 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 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 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 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

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:

ORDINANCE 2019-11

NOTICE OF PENDING ORDINANCE AND SUMMARY

The 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 16, 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 Dunellen Municipal Building, Council Chambers, in the Borough on October 7, 2019 at 7:00 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full 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 have requested the same. The summary of the terms of such ordinance follows:

Title: ORDINANCE CANCELLING \$20,000 FROM THE 2018 CAPITAL OUTLAY AND APPROPRIATING \$45,000 FROM THE 2019 CAPITAL OUTLAY AND \$20,000 FROM A RESERVE FOR SEWER UTILITY CAPITAL TO PROVIDE FOR REPAIRS TO A SEWER MAIN BREAK IN AND BY THE BOROUGH OF DUNELLEN, IN THE COUNTY OF MIDDLESEX, NEW JERSEY.

Purposes:

- 1) To cancel \$20,000 from the 2018 Capital Outlay and transfer the amount to a Reserve for Sewer Utility Capital
- 2) To appropriate \$65,000, \$45,000 of which is from the 2019 Capital Outlay and \$20,000 of which is from a Reserve for Sewer Utility Capital as noted above, for repairs to a sewer main break overseen by the Plainfield Area Regional Sewerage Authority, including all work and materials necessary therefor and incidental thereto

Appropriation: \$65,000

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

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

10-07-2019: #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 Mr. Cilento and seconded by Mr. Bayer it was moved to accept the following:

10-07-2019: #2

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 Public Health Interlocal Service Contract between the Borough of Dunellen and the County of Middlesex. The terms and costs are as follows:

January 1, 2020 through December 31, 2020	\$37,244.71
January 1, 2021 through December 31, 2021	\$37,989.60

The 2021 term is subject to the availability of funds in that fiscal year.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

10-07-2019: #3

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

Resolution 09-16-2019: #7 is amended as follows:

WHEREAS, the Borough of Dunellen has a need for a new gazebo as part of the Open Space project in Columbia Park; and

WHEREAS, Bid Specifications were published on June 27, 2019, with a return date for bid opening of July 30, 2019; and

WHEREAS, the Bid Specifications were simultaneously posted on the Borough's Web Site and on public notice boards throughout the borough; and
WHEREAS, no submissions were received on this date; and

WHEREAS, Bid Specifications were published again on August 2, 2019, with a return date for bid opening of August 27, 2019; and

WHEREAS, these second Bid Specifications were simultaneously posted on the Borough's Web Site and on public notice boards throughout the borough; and

WHEREAS, no submissions were received on this date; and

WHEREAS, a quote was received on August 28, 2019, from Amish Country Gazebos which is in conformity with the Bid Specifications originally published.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that per the requirements of *N.J.S.A. 40A: 11-5(3)(I)(ii)(iii)*, that Amish Country Gazebos be awarded a contract for the provision of a 30-foot octagon wood gazebo, at a cost not to exceed \$44, 665.00. Funds for this will be taken from Account #C-04-18-06T-00-601.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

10-07-2019: #4

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

Whereas, the Governing Body is desirous to administer the Cooperative Purchasing Coordination Services phase and the Construction Phase Services of the Columbia Park Synthetic Turf Field Improvements, which includes resurfacing of the running track, necessary stormwater management, and attendant electrical work, to Columbia Park that is being funded in part through a grant provided by the Middlesex County Open Space program and with a funding contribution from the Dunellen School District; and

Whereas, the Local Public Contracts Law (NJSA 40A:11-1 et seq) requires that the resolution authorizing the award of the contract for Professional Services without competitive bidding must be publicly advertised.

Now therefore be it resolved by the Governing Body of the Borough of Dunellen as follows:

1. The cost of said services is not to exceed \$169,200.00
2. The Mayor and Municipal Clerk are hereby authorized to execute an agreement with CME Associates, 3141 Bordentown Road, Parlin, New Jersey 08859

3. This contract is awarded without competitive bidding as a Professional Service under the provisions of the Local Public Contract Law because the services rendered are professional services of a recognized profession whose practice is regulated by law. The funds are to be taken from Account #C-04-18-160-000-601.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

10-07-2019: #5

AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR TAX ASSESSOR

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

WHEREAS, the Borough of Dunellen has a need to acquire a Tax Assessor as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A- 20.5*; and,

WHEREAS, the Dunellen Municipal Clerk has determined and certified in writing that the value of the service will exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is from October 14, 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*; and

WHEREAS, the annual salary will be \$18,000; and

WHEREAS, Dawn Guttschall has submitted a proposal indicating she will provide the services; and

WHEREAS, the Dawn Guttschall has completed and submitted a Business Entity Disclosure Certification which certifies that she has not made any reportable contributions to a political or candidate committee in the Borough of Dunellen in the previous one year, and that the contract will prohibit Dawn Guttschall from making any reportable contributions through the term of the contract, and

WHEREAS, the Chief Financial Officer of the Borough of Dunellen has certified as to the availability of funds.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Dunellen authorizes the Mayor and Borough Administrator to enter into a contract with Dawn Guttschall, at an amount not to exceed \$18,000.00; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

A copy of this resolution shall be published in the Courier News or other paper of record as required by law within ten days of its passage.

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:

10-07-2019: #6

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

General Recreation, Inc., is awarded a contract for the provision of playground equipment in Columbia Park as part of the Open Space rehabilitation grant. The contract is awarded per State Contract 16 Fleet 00130, in an amount not to exceed \$149,875.00. Funds for this award are to be taken from Account # C-04-18-06L-00-601.

Mrs. Burke and Mrs. Narvesen provided the background to resolutions #6 and #7. The borough had previously provided the funding through a bond ordinance for new playground equipment in Columbia Park and McCoy Park. Mayor Seader appointed a Committee consisting of Mrs. Burke and Mrs. Narvesen, in consultation with Recreation Director Alex Miller, to research appropriate new playground equipment. Children assisted in trying out equipment under consideration. They discussed engineering and proposed layouts (a handout with the selected arrangement was distributed to Council and public). The new equipment will be a mixture of swings and climbing equipment, suitable for a range of ages. Columbia Park will continue to host a "little kids" area and a "big kids" area. Mr. Miller added that work should begin by the end of November. Mayor Seader thanked the Councilwomen and Mr. Miller for their time on this project.

Mr. Cilento asked about the colors. Mr. Miller replied that the ones in the hand-out are from the manufacturer and can be changed.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

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

10-07-2019: #7

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

10-07-2019: #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 Alliger as a Probationary Firefighter, in the Dunellen Fire Department, said probation period to be one year, effective 7 October 2019.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

CONSENT AGENDA

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

10-07-2019: #11

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

Faith Turshman is hereby hired as a School Crossing Guard, effective October 7, 2019, at an hourly salary of \$11.50.

10-07-2019: #12

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

The resignation of Karen Miller, School Crossing Guard, is accepted, effective June 20, 2019.

10-07-2019: #13

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 26, 2019	\$337.50
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Planning Board

Total \$337.50

10-07-2019: #14

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>
0247829	\$1,652.75
Total:	\$1,652.75

10-07-2019: #15

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>
0247830	Redevelopment	\$126.75
	Total	\$126.75

10-07-2019: #16

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 Borough of Dunellen, from the Brudner Interim Cost Agreement Escrow Account, for legal notices published on the redevelopment project.

<u>Borough of Dunellen</u>	<u>Purpose</u>	<u>Amount</u>
	Legal advertisement Redevelopment	\$116.10
	Total	<u>\$116.10</u>

10-07-2019: #17

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	23971	\$1,800.10
	Total	<u>\$1,800.10</u>

10-07-2019: #18

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 US Bank Cust. BV001 Trust
50S. 16th St. Suite#2050
Philadelphia PA 19102

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
16-23	49	41	MMYM LLC c/o M Mancheno 733 Bound Brook Rd.	93,524.67	29,921.36	47,100.00	170,546.03
				Legal fees	and costs		1,307.00
TOTAL REFUNDED							\$171,853.03

10-07-2019: #19

WHEREAS, the Tax Collector has received a duplicate 2019 sewer payment, thereby creating an overpayment; and

WHEREAS, the taxpayer has requested a refund of the monies.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the proper Borough officers be and they are hereby authorized and directed to issue a check(s) as follows:

Account	Name	Amount
1818-0	Moorehouse – 419 North Ave. Corp. 419 North Ave Check payable and Mail to: Moorehouse- 419 North Ave. Corp. 33 Division St. Somerville NJ 08876	398.00

10-07-2019: #20

WHEREAS, the Tax Assessor has decreased the assessed value on the following property hereby causing an overbill.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUNELLEN:

That the proper municipal officers be and they are hereby authorized and directed to issue a check(s) as follows:

Block	Lot	Name	Amount
50	4	Rak, Richard & Christine 519 Bound Brook Rd Check payable and Mail to: Rak, Richard & Christine 2347 Wickford Rd Union NJ 07083	667.29

10-07-2019: #21

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>
October 1, 2017 – December 12, 2017	RD-10-12-17	\$1,520.00
Total		<u>\$1,520.00</u>

10-07-2019: #22

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 the Law Offices of John E. Bruder 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>
September 7, 2017 – December 7, 2017	D/E&P-09.17-12.17	\$1,728.00
February 2, 2018 – March 24, 2018	D/E&P-02:18-03:18	\$1,456.00
April 2, 2018 – June 6, 2018	D/E&P-04.18-6.18	\$992.00
October 2, 2018 – November 15, 2018	D/E&P-10.18-12.18	\$592.00
Total		<u>\$4,768.00</u>

Yes: Bayer, Burke, Cilento, Narvesen and Petracca

Reports:

Mr. Petracca: the Construction Office has taken in approximately \$108,000 in permit fees so far this year.

Mrs. Burke: no report.

Mr. Bayer: no report.

Mr. Cilento: 1) for the AARP grant, all the benches and the surrounding mulch have been placed. The next phase is placing signs and the Dunellen Arts and Culture Commission painting the bridge to Pearl Place; 2) the next edition of *The Dunellen* Report will be in January so please submit articles in December.

Mrs. Narvesen: 1) the Green Brook Flood Control Commission has a new project manager. Work is presently being done in Middlesex Borough and the next meeting of the Commission will be on December 4th at the Plainfield Public Library; 2) HarvestFest 2019 will be Sunday, October 13th, 11 am to 4 pm; 3) the Board of Education will be having their Special Facilities Enhancement presentations tonight, and then again on October 14th at Faber and November 12th at the High School.

Mayor Seader: 1) asked Ron Safar if all was ready for the Domestic Violence event at the Gazebo in Washington Park, including lights? Yes; 2) asked Lt. Beenders if there were police officers assigned for the Haunted Trail? Yes; 3) noted that this afternoon he and Mrs. Narvesen attended a Ribbon Cutting Ceremony for the new Tennis Courts in Columbia Park. Mayor Seader emphasized that we will have no tolerance for anyone who abuses and vandalizes the new facilities.

PUBLIC PORTION

John Sulewski, from Pulaski Street, reported on the smell from the DPW Yard. He had spoken with Ken Baudendistel about barrier trees, but nothing has so far been done. Mayor Seader responded that tomorrow we will again contact Mr. Baudendistel.

Homer Mosley, 113 Pearl Place, thanked Ron Safar for repairing the walkway from the Columbia Park parking lot to the Senior Center.

Mr. Petracca thanked Ron Safar for repairing the dip in Hall Street.

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

10-07-2019: #23

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

The Dunellen Borough Council Meeting of October 7, 2019 is adjourned.

Yes: Bayer, Burke, Cilento, Narvesen and Petracca
