

September 18, 2017

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on September 18, 2017.

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, Kevin Bachorik, Kenneth Bayer, Jason Cilento and Joseph Petracca

Absent: Kenneth Baudendistel and Jeremy Lowder

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On the motion of Mr. Bachorik and seconded by Mr. Cilento it was moved to accept the Minutes of September 5, 2017.

No vote could be taken as there was an insufficient number of Councilmen present who were also at that September 5<sup>th</sup> meeting. Acceptance of the September 5, 2017 Minutes was held over until October 2, 2017.

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#### PROCLAMATION

**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 2017 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 18 Day Of September, 2017

Robert J. Seader, Mayor  
Borough of Dunellen

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

**ORDINANCE 2017-07**

**BOROUGH OF DUNELLEN**

**The following ORDINANCE was Introduced for first reading on September 5, 2017. It is being presented for Public Hearing and Adoption on September 18, 2017, at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. 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.**

Section 269-13 (C), Dunellen’s Two-Hour Resident Parking, is amended as follows. This ordinance supersedes Ordinance 08-18:

**Section 269-13 (C). Two-Hour Resident Parking.**

Parking time limited on certain streets; exceptions. No person shall park a vehicle for longer than two hours on any day (except Saturday, Sunday and public holidays), between the hours of 8:00 a.m. to 5:00 p.m., upon the following streets or parts thereof except for those vehicles displaying resident permits which exempt them from the time limitation. Resident permits will be distributed by the Dunellen Parking Authority, subject to proper identification. Resident parking permits shall be displayed on the driver's side rear window. Vehicles will be in violation of this ordinance if there is a failure to display a resident parking permit and/or a failure to properly and correctly display a resident parking permit.

Columbia Street	both sides	entire length
Dunellen Avenue	both sides	Jefferson Avenue to Madison Avenue
First Street	both sides	Jefferson Avenue to Madison Avenue
Front Street	both sides	Jefferson Avenue to Sanford Avenue
Fourth Street	both sides	North Washington Avenue to Madison Avenue
Fourth Street	South side	North Washington Avenue to McCoy Park
Gertrude Terrace	both sides	entire length
Grove Street	both sides	New Market Road to westerly end
Jackson Avenue	both sides	North Avenue to Fourth Street
Jefferson Avenue	West side	North Avenue to Fourth Street
Lincoln Avenue	both sides	North Avenue to Fourth Street
Madison Avenue	both sides	North Avenue to Fourth Street
North Washington Avenue	both sides	Dunellen Avenue to Fourth Street
Oak Parkway	both sides	entire length
Orange Street	both sides	entire length
Penfield Place	both sides	entire length
Prospect Avenue	both sides	North Avenue to Center Street

Second Street	both sides	Jefferson Avenue to Madison Avenue
South Madison Avenue	both sides	South Avenue to Walnut Street
South Washington Avenue	both sides	New Market Road to Walnut Street
Third Street	both sides	Jefferson Avenue to Madison Avenue
Whittier Avenue	both sides	New Market Road to Walnut Street

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: Bachorik, Bayer, Cilento and Petracca

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

**ORDINANCE 2017-08**

**BOROUGH OF DUNELLEN**

**The following ORDINANCE was Introduced for first reading on September 5, 2017. It is being presented for Public Hearing and Adoption on September 18, 2017, at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. 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.**

**ORDINANCE AMENDING CHAPTER 50 OF THE DUNELLEN MUNICIPAL CODE, "PERSONNEL POLICIES," TO INCLUDE A SECTION ADDRESSING CONFLICTS OF INTEREST AND OUTSIDE EMPLOYMENT**

**WHEREAS**, the Dunellen Borough Council adopted Ordinance 02-13 (Chapter 50 of the Dunellen Municipal Code) establishing the Borough’s employee Personnel Policy on October 7, 2002; and,

**WHEREAS**, Chapter 50 was subsequently updated on November 1, 2010, with the adoption of Ordinance 2010-14, amending Chapter 50-3, Definitions, Chapter 50-4, Introductory period, Chapter 50-7(A), Work and Attendance, and Chapter 50-8(D), Pay Periods; and

**WHEREAS**, Chapter 50 was subsequently updated on December 20, 2010, with the adoption of Ordinance 2010-16, amending Chapter 50-11(I), Sick, emergency, disability, and funeral leave; and

**WHEREAS**, the Dunellen Borough Council wishes to amend the Dunellen Personnel Policy, Chapter 50 of the Dunellen Municipal Code, to add a section addressing Conflicts of Interest and Outside Employment.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Dunellen, that it hereby adopts the following ordinance creating Section 20 in Chapter 50 of the Dunellen Municipal Code.

Chapter 50, Section 20. Conflicts of Interest and Outside Employment.

## **CONFLICT OF INTEREST POLICY**

Employees including Borough officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Borough. Violations of this policy will result in appropriate discipline up to and potentially including termination.

The Borough recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Borough business. However, business dealings that appear to create a conflict between the employee and the Borough's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Borough Clerk a state mandated disclosure form. The Borough Clerk will notify employees and Borough officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee including a Borough official is in a position to influence a Borough decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, domestic partner, child, parent, stepparent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the Borough may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Borough Administrator to obtain clarification.

Specifically, no Borough employee may ask or direct another employee to provide personal services during working hours, nor may an employee provide such services. No Borough employee may accept or permit anyone in the employee's immediate family to accept any gratuity, gift, item or service of monetary value from a vendor, prospective vendor or party to a contract with the Borough or any of its boards or agencies. No Borough employee shall accept any gift, gratuity, item or service of monetary value from a resident or business person in the Borough in consideration for the performance of his or her municipal duties or because of his or her status as a municipal official or employee. A Borough employee shall not accept any discounted merchandise, services, or other item of value from a resident or business person in the Borough in consideration for the performance of his or her municipal duties because of his or her status as a municipal official or employee. Employees are required to report to the Borough Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Employees are allowed to hold outside employment as long as it does not interfere with their Borough responsibilities. Employees are prohibited from engaging in outside employment

activities while on the job or using Borough time, supplies or equipment in the outside employment activities. The Borough Administrator may request employees to restrict outside employment if the quality of Borough work diminishes. Any employee who holds an interest in, or is employed by, any business doing business with the Borough must submit a written notice of these outside interests to the Borough Administrator.

An employee who believes that any provision of this policy has been violated should report the alleged violation to his or her supervisor or other Borough managerial employee. Violations of this policy will result in appropriate discipline including termination.

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: Bachorik, Bayer, Cilento and Petracca

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

**ORDINANCE 2017-09**

**BOROUGH OF DUNELLEN**

**The following ORDINANCE was Introduced for first reading on September 5, 2017. It is being presented for Public Hearing and Adoption on September 18, 2017, at 7:00 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey. 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.**

**ORDINANCE AMENDING CHAPTER 50 OF THE DUNELLEN MUNICIPAL CODE,  
“PERSONNEL POLICIES,” TO INCLUDE A SECTION ADDRESSING USE OF  
BOROUGH VEHICLES**

**WHEREAS**, the Dunellen Borough Council adopted Ordinance 02-13 (Chapter 50 of the Dunellen Municipal Code) establishing the Borough’s employee Personnel Policy on October 7, 2002; and,

**WHEREAS**, Chapter 50 was subsequently updated on November 1, 2010, with the adoption of Ordinance 2010-14, amending Chapter 50-3, Definitions, Chapter 50-4, Introductory period, Chapter 50-7(A), Work and Attendance, and Chapter 50-8(D), Pay Periods; and

**WHEREAS**, Chapter 50 was subsequently updated on December 20, 2010, with the adoption of Ordinance 2010-16, amending Chapter 50-11(I), Sick, emergency, disability, and funeral leave; and

**WHEREAS**, the Dunellen Borough Council wishes to amend the Dunellen Personnel Policy, Chapter 50 of the Dunellen Municipal Code, to add a section addressing Use of Borough Vehicles.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Dunellen, that it hereby adopts the following ordinance Creating Section 21 in Chapter 50 of the Dunellen Municipal Code.

Chapter 50, Section 21. Use of Borough Vehicles.

### **USE OF BOROUGH VEHICLES POLICY**

Borough-owned vehicles shall be used only on official Borough business and all passengers must be engaged in Borough business. An employee who is also employed by another governmental entity may use a Borough vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough and the other jurisdiction.

Use of a Borough vehicle by an employee must be approved by the employee's supervisor **prior** to its use. The employee must log the following information when using the vehicle:

1. time in and out with the vehicle;
2. the mileage before and after its use; and
3. the destination.

In the event a Borough vehicle needs to be driven home by an employee, the employee must obtain the advance approval of the Borough Administrator, except a Department Head may grant a temporary approval to facilitate the employee's responses to after-hours emergency calls. When an employee drives a Borough vehicle to his or her home, it must be used only for official Borough business and for commuting to work/home. There are no other permissible uses for the Borough vehicle. Employees authorized to use such vehicles for commuting to or from work shall have a fringe benefit value added to the gross income reported on the employee's W-2 unless exempt by law.

Employees shall be reimbursed for the use of the employee's personal vehicle for Borough business provided:

1. Use of the personal vehicle is considered necessary and is authorized in advance by the employee's supervisor.
2. A Borough vehicle was not reasonably available when the personal vehicle was used.
3. The employee made a request to use his or her personal vehicle in writing and an adequate record showing the date the vehicle was used, the miles driven and the nature of trip for the Borough is maintained and submitted to the Borough Administrator.

4. Reimbursement to employees for use of personal vehicles while on Borough business shall be at the IRS's standard mileage rate.
5. Private automobile mileage reimbursement for Borough business is allowed from the point of origin to the point of destination (but not for commuting between home and work). When Borough business trips originate or terminate at the employee's home because of convenience to the employee, mileage reimbursement to the employee must be the lesser of: (a) an amount based on the distance between home and destination; or (b) an amount based on the distance between office and destination.

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: Bachorik, Bayer, Cilento and Petracca

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

**09-18-2017: #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: Bachorik, Bayer, Cilento and Petracca

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

**09-18-2017: #2**

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

The resignation of Dorothy Lake as a Substitute School Crossing Guard is accepted, effective September 12, 2017.

Yes: Bachorik, Bayer, Cilento and Petracca

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

**09-18-2017: #3**

**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, 2018 through December 31, 2018	\$34,798.45
January 1, 2019 through December 31, 2019	\$36,514.42

The 2019 term is subject to the availability of funds in that fiscal year.

Yes: Bachorik, Bayer, Cilento and Petracca

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

**09-18-2017: #4**

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

The Municipal Clerk is hereby authorized to issue a food handler's license to:

Dunellen Farmers Market  
501 North Avenue  
Dunellen, NJ 08812

Yes: Bachorik, Bayer, Cilento and Petracca

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The following five resolutions were introduced and adopted under a Consent Agenda with a single motion and second encompassing all five:

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

**09-18-2017: #5**

**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
16-42	78	12		Heleniak, David & Donna 208 Penfield Place	967.38	33.00	1,000.00	2,000.38

**09-18-2017: #6**

**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
16-01	3	7	Rifino, Abert & Joy 125 Dunellen Ave	10,928.64	1,392.89	27,000.00	39,321.53
16-06	14	1	Veliz-Chamale, & Maria 720 North Washington Ave	14,939.13	1,383.52	28,000.00	44,322.65
14-07	10	17	Lopez, Lidio & Gomez, B. 502 N Washington Ave	2,010.82	234.14	1,600.00	3,844.96

**TOTAL REFUNDED \$87,489.14**

**09-18-2017: #7**

**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 Trystone Capital Assets  
 P O Box 1030  
 Brick, NJ 08723

TSC	Block	Lot	Owner/Address	Principa1	Interest	Premium	Total
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16-03	5	9	Cote, Jennifer 135 First St.	1,011.86	28.14	1,500.00	2,540.00
16-08	28	14.02	Datta, Pinaki P 324 Dunellen Ave.	1,039.46	26.63	1,600.00	2,666.09
<b>TOTAL REFUNDED</b>							<b>\$5,206.09</b>

**09-18-2017: #8**

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

The Treasurer is hereby authorized to refund the following tax overpayment:

Payable to     Santonastaso, Clement & Louise  
                  c/o 148 Gubernat Dr.  
                  South Plainfield NJ 07080

Block:           11  
Lot:              5  
Qual  
Address         138 Third St

Amount:         \$74.70

Period:         2017 Q3 Taxes

**09-18-2017: #9**

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

The Treasurer is hereby authorized to refund the following tax overpayment:

Payable to     Potter, Violet  
                  367 Dogwood Way  
                  Mountainside NJ 07092-1324

Block:           14  
Lot:              1  
Qual  
Address         720 North Washington Ave.

Amount:         \$1,059.52

Period: 2017 Q3 Taxes and Interest

Yes: Bachorik, Bayer, Cilento and Petracca

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Reports:

Mr. Petracca: no report

Mr. Bayer: no report

Mr. Bachorik: no report

Mr. Cilento: 1) Exit Row Band last Thursday, very well attended; 2) Soccer enrollment is up from last year; 3) Senior Picnic will be this Friday; 4) Halloween Parade on October 29<sup>th</sup> at 1:00 pm. Joey Keleman will be the Grand Marshal; 5) HarvestFest 2017 on October 8<sup>th</sup>; 6) Founder's Day Celebration on October 28<sup>th</sup>; 7) DACC is producing a survey that they will distribute regarding arts in town and what attracts new residents.

Mayor Seader: 1) reported that we may go above \$100,000 in Construction fees; 2) met with a resident of Rail Road Avenue. Ongoing discussions with NJ Transit. Embankment is extending into the road, making it more difficult for emergency vehicles to traverse; 3) asked Mr. Bayer if he needs any help installing the remaining acoustic tiles. Mr. Bayer responded that they should be in later this week; 4) reminded the Council that we have an Agreement with PARSA to clean the sewer lines.

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## **PUBLIC PORTION**

No one from the public spoke.

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

**09-18-2017: #10**

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

The Dunellen Borough Council Meeting of September 18, 2017 is adjourned.

Yes: Bachorik, Bayer, Cilento and Petracca

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