

June 19, 2017

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on June 19, 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, Kenneth Baudendistel, Kevin Bachorik, Kenneth Bayer, Jason Cilento and Joseph Petracca

Absent: Kenneth Bayer and Jeremy Lowder

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On the motion of Mr. Bachorik and seconded by Mr. Baudendistel it was moved to accept the Minutes of June 5, 2017:

Yes: Baudendistel, Bachorik, Cilento and Petracca

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**MAYOR'S APPOINTMENTS TO BOARDS AND AUTHORITIES**

Accept resignation of Autumn Barbato from the Dunellen Arts and Culture Commission

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**06-19-2017: #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: Baudendistel, Bachorik, Cilento and Petracca

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

**06-19-2017: #2**

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

Approval is granted to the Dunellen Destroyers Rugby Club to hold a Rugby Tournament in Columbia Park on July 13, 2017, from 4:30 pm to 8:30 pm.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

**06-19-2017: #3**

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

Whereas, a request was made by Heather Vail to hold a block party on Sunday, June 25, 2017, on the 200 block of Whittier Avenue, from 12:00 PM to 5:00 PM.

Now therefore be it resolved that permission is hereby granted to Heather Vail to hold a block party, and

Be it further resolved that by virtue of this resolution, the Police Department will be notified of the street closing and the Public Works Department will supply the necessary road barricades.

Heather Vail  
263 Whittier Avenue  
Dunellen, NJ 08812

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

**06-19-2017: #4**

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

The Mayor and Municipal Clerk of the Borough of Dunellen are hereby authorized to execute all documents attendant to the 2018 Municipal Alliance for Alcoholism and Drug Abuse Agreement with Middlesex County, accepting the funds provided to Dunellen through this grant.

Yes: Baudendistel, Bachorik, Cilento and Petracca

Note: Mr. Bayer arrived at 7:02 pm

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

**06-19-2017: #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     Potter, Violet  
                     367 Dogwood Way

Mountainside, NJ 07092

TSC	Block	Lot	Owner/Address	Principal	Interest	Premium	Total
16-16	34	24.01	Verrico, Virgilio & Janet 644 Bound Brook Rd	968.95	27.05	1,300.00	2,296.00

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**06-19-2017: #6**

**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:

7 Days Food Store -- 392 North Avenue  
Advance Auto Parts -- 216 North Avenue  
Alex's Fruits and Produce International -- 330 North Avenue  
American Legion Post #119 -- 137 New Market Road  
Avellino's Italian Restaurant -- 625 Bound Brook Road  
Bakery Delights -- 246 North Avenue  
Chicken Holiday -- 390 North Avenue  
Clucky Chicken -- 197 North Avenue  
Dairy Quick -- 615 Bound Brook Road  
Devine's Pharmacy -- 374 North Avenue  
Dunellen Bagel -- 390 North Avenue  
Dunellen Bakery -- 215 North Avenue  
Dunellen BBQ -- 626 Bound Brook Road  
Dunellen Board of Education -- High and Lehigh Streets  
Dunellen Hotel -- 120 North Washington Avenue  
Dunellen Liquors -- 195 North Avenue  
Family Dollar Store -- 215 North Avenue  
First Presbyterian Church -- 218 Dunellen Avenue  
Fashion Star Beauty Supply -- 104 C North Avenue  
Harry's Deli -- 530 North Avenue  
Knights of Columbus -- 647 Grove Street  
Kwick Mart -- 221 North Avenue  
Maggie Murray's -- 119 North Washington Avenue  
Mi Rincon Latino -- 248 North Avenue  
Mike's Subs -- 14 South Washington Avenue  
Mis Amigos Mexican Restaurant -- 373 North Avenue  
N Avenue Liquors -- 252 North Avenue  
Panda Restaurant -- 350 North Avenue

Planet Chicken -- 107 North Avenue  
Precious Gifts Day Care Center – 400 New Market Road  
Precious Moments – 358 North Avenue  
Quick Check – 426 North Avenue  
Ray Pharmacy – 2 South Washington Avenue  
Rome Pizza -- 334 North Avenue  
Roxy & Dukes – 745 Bound Brook Road  
St. John the Evangelist Church -- 317 North Washington Avenue  
St. Lukes Evangelical Lutheran Church -- 264 New Market Road  
Sun Power Gas -- 301 North Avenue  
Texas Weiners -- 238 North Avenue  
Tipico's Olga -- 106 North Avenue  
Tropical Supermarket -- 446 North Avenue  
Veterans of Foreign Wars -- 201 Prospect Avenue  
Healthy Life -- 375 North Avenue  
Zupko's Tavern – 450 North Avenue  
United Methodist Church – 150 Dunellen Avenue

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**06-19-2017: #7**

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

Whereas, applications for renewal of liquor licenses for the year 2017-2018 have been submitted, and

Whereas, no objections to said renewals have been filed, and

Whereas, the proper fees have been paid by all applicants.

Now therefore be it resolved that the following be granted renewals of their licenses for the year beginning July 1, 2017 and expiring June 30, 2018:

American Legion Post 119 -- 1203-31-013-001  
Columbian Club of Dunellen, Inc. -- 1203-31-016-001  
VFW Post 5479 -- 110-07-33902  
N Avenue Liquors [North Tavern] -- 1203-32-006-003  
Country Rose, LLC [Maggie Murray's] -- 1203-32-008-003  
Mar Kar, Inc., [Avellino's] -- 1203-33-004-008  
JJR Restaurant LLC [Dunellen Hotel] -- 1203-33-007-004  
One and Dunn LLC [Roxy and Duke's] -- 1203-33-011-007  
Pamela Zupko Executrix of the Estate of Richard Zupko [Zupko's] -- 1203-33-012-004

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**06-19-2017: #8**

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

WHEREAS, the State of New Jersey has not adopted its budget, and

WHEREAS, the Borough of Dunellen cannot send out its 2017 tax bills until the State of New Jersey adopts the 2018 State Fiscal Budget, therefore, a tax rate cannot yet be certified for 2017, and

WHEREAS, the Borough of Dunellen has determined that there will be insufficient cash flow to support operations in the Borough of Dunellen in the later part of July 2017 unless third quarter revenues are received on time, and

WHEREAS, without a 2017 Certified Tax Rate, the Borough of Dunellen will be unable to issue 2017 tax bills on a timely basis, and

WHEREAS, the Chief Financial Officer has reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.2 and N.J.S.A. 54:4-66.3.

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

1. That the Tax Collector is authorized to issue estimated tax bills for the Third Quarter of 2017.
2. That the entire estimated tax levy, including Municipal, Library, School, County, and County Open Space, for 2017 is hereby set at \$18,735,666.95.
3. That in accordance with the law, the third installment of 2017 taxes shall not be subject to interest until the later of August 10, 2017, or the twenty-fifth calendar day after the date the estimated bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**06-19-2017: #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 NW Financial Group, LLC., from the Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the account:

<u>NW Financial Group Invoice Number</u>	<u>Invoice Date</u>	<u>Amount</u>
23218	May 31, 2017	\$536.25
	Total	<u>\$536.25</u>

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**6-19-2017: #10**

**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 2017 in the sum of \$2,068.25, which is now available from the Middlesex County Municipal Alliance Grant (DEDR portion only).

BE IT FURTHER RESOLVED, that the like sum of \$2,068.25 is hereby appropriated under the caption 2016 Municipal Alliance Grant.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**6-19-2017: #11**

**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 2017 in the sum of \$11,799.89, which is now available from the Solid Waste Administration FY 2017 Clean Communities Grant.

BE IT FURTHER RESOLVED, that the like sum of \$11,799.89 is hereby appropriated under the caption 2017 Clean Communities Grant.

Yes: Baudendistel, 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:

**6-19-2017: #12**

**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 2017 in the sum of \$1,222.46, which is now available from the Alcohol Education, Rehabilitation and Enforcement Fund.

BE IT FURTHER RESOLVED, that the like sum of \$1,222.46 is hereby appropriated under the caption Alcohol Education, Rehabilitation and Enforcement Fund.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**6-19-2017: #13**

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

**SCHEDULE OF SCHOOL TAX LEVY PAYMENTS**

WHEREAS, it has been agreed to turn over to the Board of Education its total monthly allotment as close to the beginning of the month as is reasonable.

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

That the Borough Treasurer be and he is hereby authorized and directed to draw checks and issue same to the Custodian of School Monies, in accordance with the following schedule:

Total 2017 School Tax Levy of \$11,296,238 less paid on the first six months of 2017 (or \$5,483,287) to be paid from July 1, 2017 to December 31, 2017:

<u>Date</u>	<u>Amount</u>
July 3, 2017	908,923.00
August 7, 2017	1,088,629.50
September 5, 2017	908,923.00
October 2, 2017	908,923.00
November 6, 2017	1,088,629.50
December 4, 2017	<u>908,923.00</u>
Total	<u>\$5,812,951.00</u>

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**06-19-2017: #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 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>
0305764-0000001	50450	\$4,966.00
0305764-0000001	51892	\$3,732.53
	Total	<u>\$8698.53</u>

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**06-19-2017: #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 McManimom, Scotland & Baumann from the Interim Cost Agreement Escrow Account for work done toward redevelopment, subject to the refunding of the account:

<u>McManimom Scotland Baumann</u>	<u>Bill Number</u>	<u>Amount</u>
00019526-00004	146868	\$1,827.50
00019526-00004	147168	\$5,375.00
	Total	<u>\$7,202.50</u>

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**06-19-2017: #16**

**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
16-12	34	8		Duetsche Bank NA 529 Front Street	838.21	23.11	1,000.00	1,861.32

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

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

**06-19-2017: #17**

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

The Mayor and Council of the Borough of Dunellen hereby approve the attached Agreement between the Borough of Dunellen and Local 255 United Service Workers Union IUJAT. Said contract will run from January 1, 2017 through December 31, 2019.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

Reports:

Mr. Petracca: 1) no report.

Mr. Baudendistel: 1) reported on the Redevelopment conference call last week on how to manage the project. Some of the action items are who will manage, main contact person (Mr. Robins), Block 86, Lot 1, and regular meetings; 2) clothes drop off bins. Nothing in the draft ordinance prepared by Mr. Robins is there any location criteria. Mr. Robins noted that it is a draft ordinance and needs some discussion. Mr. Baudendistel is recommending a central location for all bins. Mr. Bruder is looking into zoning laws and restrictions; 3) noted that the property next to Advance Auto, that had been in dispute with the laundromat, won their Appellate Court Case and are ready to proceed; 4) asked Mr. Robins to follow up with the owners of the North Avenue fire properties and to ask for a status report on their rehabilitation. Mr. Bayer: brought up leaf bags. Mayor Seader: Stickers have been ordered. After August 1<sup>st</sup>, no pick up of grass bags due to County and DEP restrictions.

Mr. Bachorik: no report.

Mr. Cilento: no report.

Mayor Seader: 1) Mayor Seader asked Ron Safar if all was ready in the park for Graduation, that the electrical works, and the sign in the park is correctly spelled; 2) also, clean the park benches; 3) furthermore, he reported that Scott Luthman had informed the owner of 528 Bound Brook Road (North Avenue) that he had two months to tear down the buildings; 4) also, noted that the acoustic tiles were being put up in the Senior Center and the sound was already improved.

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**PUBLIC PORTION**

Tom Davis, 420 Jackson Avenue. 1) Pleased with the progress in the Senior Center. General discussion about naming the Senior Center/putting up a sign. 2) reported that he has sewer back up into his basement. Though the response from DPW was quick, the smell lingers. There was some discussion on the cause of the backup, ways to prevent it, how odors are often not adequately vented, and responsibility for laterals.

Jeff and Janna Best, 401 Madison Avenue. Noted that they did not even know about the Street Fair. Had to scramble to make sure their vehicles were not blocked in by the classic automobiles.

Mayor Seader reminded them that we have to do things legally, so we need to send notice, wait the statutory time period under the ordinance, assign the DPW to clean up, then have a resolution imposing a tax lien. All things take time. They reported there may be vermin. Mr. Robins will send the Health Department.

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

**06-19-2017: #18**

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

The Dunellen Borough Council Meeting of June 19, 2017 is adjourned.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca