

June 20, 2016

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on June 20, 2016.

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, Kenneth Bachorik, Kenneth Bayer, Jeremy Lowder and Joseph Petracca

Absent: Jason Cilento

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On the motion of Mr. Baudendistel and seconded by Mr. Bayer it was moved to accept the Minutes of June 6, 2016:

Yes: Baudendistel, Bayer, Lowder and Petracca

Abstain: Bachorik. He noted that he had been absent from that Council Meeting.

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

**BOROUGH OF DUNELLEN  
ORDINANCE 2016-13**

The following Ordinance to Amend Ordinances 09-09 and 2016-10, Development Fee Ordinance, was Introduced for first reading on June 6, 2016, and by Resolution was forwarded to the Dunellen Planning Board for review and response at a meeting to be held on June 20, 2016, at 7:00 pm. It is now being presented for Public Hearing and Adoption on June 20, 2016 at 7:30 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey, subsequent to the review and recommendation of the Dunellen Planning Board. 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, as well as being uploaded to the Borough's Web site: [http://www.dunellen-nj.gov/affordable\\_housing/](http://www.dunellen-nj.gov/affordable_housing/)

**AN ORDINANCE AMENDING ORDINANCE NUMBER 09-09 ("DEVELOPMENT FEE ORDINANCE") TO ENSURE CONSISTENCY WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE BOROUGH OF DUNELLEN AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE BOROUGH'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH IN RE: N.J.A.C. 5:96 AND 5:97, 221 N.J. 1, 30 (2015).**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Dunellen, in the County of Middlesex and the State of New Jersey, as follows:

1. Purpose

a) In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8. 1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of a court of competent jurisdiction and have a Court-approved spending plan may retain fees collected from non-residential development.

c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to N.J.A.C. 5:93-8 and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of rules on development fees, codified at N.J.A.C. 5:93-8.

2. Basic requirements

a) This ordinance shall not be effective until approved by a court of competent jurisdiction pursuant to N.J.A.C. 5:91-15.

b) The Borough of Dunellen shall not spend development fees until a court of competent jurisdiction has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-8.9.

3. Definitions

a) The following terms, as used in this ordinance, shall have the following meanings:

i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

ii. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.

iii. "Development fee" means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:93-8.

iv. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

v. "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

vi. "Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low- maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

#### 4. Residential Development Fees

##### a) Imposed fees

i. Within the RA district, RB district, and the area governed by the Dunellen Downtown Redevelopment Plan, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent of the equalized assessed value for residential development provided no increased density is permitted and that the proposed density complies with applicable standards of the Dunellen land use ordinances.

ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit in excess of applicable ordinance standards that may be realized. However, if the zoning on a site has changed during the two-year period immediately preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

##### b) Eligible exactions, ineligible exactions and exemptions for residential development

i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

ii. Any development within an Area in Need of Redevelopment or Rehabilitation, where a redevelopment agreement that includes specific requirements related to the provision of affordable housing has been executed by the Borough and the designated redeveloper, shall be exempt from development fees.

iii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

iv. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

v. Developers of one and two family homes shall be exempt from paying a development fee under the following circumstances:

1. Residential structures demolished and replaced as a result of a natural disaster, including but not limited to fire, flood, or wind; and
2. Property converted from commercial to residential use, to create additional affordable housing.

## 5. Non-residential Development Fees

### b) Imposed fees

i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

### c) Eligible exactions, ineligible exactions and exemptions for non-residential development

i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.

- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Dunellen as a lien against the real property of the owner.

#### 6. Collection procedures

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

g) Should the Borough of Dunellen fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).

h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

i) Appeal of development fees

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by The Borough of Dunellen. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Dunellen or by the State, as the case may be. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. Affordable Housing trust fund

a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Municipal Clerk/Municipal Housing Liaison for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1. payments in lieu of on-site construction of affordable units;
2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development handicapped accessible;
3. rental income from municipally operated units;

4. repayments from affordable housing program loans;
5. recapture funds;
6. proceeds from the sale of affordable units; and
7. any other funds collected in connection with the Borough of Dunellen's affordable housing program.

c) Within seven days from the opening of the trust fund account, the Borough of Dunellen shall provide the New Jersey Department of Community Affairs Division of Local Government Services (“DCA-LGS”) with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and DCA-LGS to permit DCA-LGS to direct the disbursement of the funds as provided for in N.J.A.C. 5:93-8.16.

d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by DCA-LGS or a court of competent jurisdiction.

#### 8. Use of funds

a) The expenditure of all funds shall conform to a spending plan approved by a court of competent jurisdiction. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Borough of Dunellen's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:93-8.6 and specified in the approved spending plan.

b) Funds shall not be expended to reimburse the Borough of Dunellen for past housing activities.

c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

- ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
- iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The Borough of Dunellen may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:93-8.16.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with reporting and monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to applicable affordable housing regulations or requirements are not eligible uses of the affordable housing trust fund.

## 9. Monitoring

- a) The Borough of Dunellen shall complete and return to DCA-LGS, with copies to the Fair Share Housing Center (FSHC), all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Dunellen's housing program, as well as to the expenditure of revenues and implementation of the plan approved by a court of competent jurisdiction. All monitoring reports shall be completed on forms designed by DCA-LGS.

## 10. Ongoing collection of fees

- a) The ability for the Borough of Dunellen to impose, collect and expend development fees shall expire with its Judgment of Compliance and Repose unless the Borough of Dunellen has filed an adopted Housing Element and Fair Share Plan with the State of New Jersey or a court of competent jurisdiction, has petitioned for substantive certification or a Judgment of Compliance and Repose, and has received approval of its development fee ordinance from that entity. If the Borough of Dunellen fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Borough of Dunellen shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its



substantive certification or judgment of compliance, nor shall the Borough of Dunellen retroactively impose a development fee on such a development. The Borough of Dunellen shall not expend development fees after the expiration of its substantive certification or judgment of compliance without further approval.

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: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #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, Bayer, Lowder and Petracca

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

**06-20-2016: #2**

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

Joseph Keleman is appointed Foreman in the Dunellen Department of Public Works, effective May 11, 2016, at a salary per the Agreement Between the Borough and Local 255, United Service Workers.

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #3**

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

Ron Safar is appointed Principal Public Works Manager in the Dunellen Department of Public Works, effective April 20, 2016.

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #4**

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

Lucy Singura is hired as an Assistant in the Dunellen Tax Assessor Office, at a rate of \$25.00 per hour, not to exceed in total \$312.50. This award is to come out of Account # 601-20-150-00-101.

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #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
15-35	78	26		Schafer, Michelle 269 Maple Ave	796.86	19.33	1,400.00	2,216.19
15-36	78	35		Conroy, Mary 269 Maple Ave	999.28	25.26	1,200.00	2,224.54

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #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 TWR CUST - EBURY FUND 1NJ  
P O BOX 37695  
BALTIMORE MD 21297-3695

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
15-23	57.02	22		Perrine, Daniel & Jennifer 398 S Madison Avenue	646.58	17.57	1,400.00	2,064.15

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #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 Pilewski, James  
801 Lake Shore Dr, Apt 501  
Lake Park, FL 33403

TSC	Block	Lot	Qual	Owner/Address	Principal	Interest	Premium	Total
02-8	82.01	11		Nary, Alan E Pearl Place-Rear	408.36	709.37		1,117.73
03-19	82.01	11		Nary, Alan E Pearl Place-Rear	76.79	151.35		228.14

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #8**

**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 2017 Municipal Alliance for Alcoholism and Drug Abuse Agreement with Middlesex County, accepting the funds provided to Dunellen through this grant.

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #9**

**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  
Brown's Stationery -- 111 North Washington Avenue  
Chicken Holiday -- 390 North Avenue  
China Garden -- 209 North Avenue  
Clucky Chicken -- 197 North Avenue  
Dairy Quick -- 615 Bound Brook Road  
Deli Appetit -- 745 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  
Eight on the Break -- 340 North Avenue  
Family Dollar Store -- 215 North Avenue  
First Presbyterian Church -- 218 Dunellen Avenue  
Fashion Star Beauty Supply -- 104 C North Avenue  
Footprints Christian Preschool -- 264 North Avenue  
Grab & Go Convenience Store -- 318 North Avenue  
Harry's Deli -- 530 North Avenue  
In and Out Convenience Store -- 187 North Avenue  
Jim's Hot Dogs -- 335 Dunellen Avenue  
Just Us Children Learning Center -- 419 North Avenue  
Knights of Columbus -- 647 Grove Street  
Kwick Mart -- 221 North Avenue  
Lily Yip Table Tennis -- 370 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  
Roscoe's Wrap it Up -- 399 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  
TNT Groceries -- 702 Bound Brook Road  
Tropical Supermarket -- 446 North Avenue  
Uncle Louie G's -- 500 North Avenue  
Veterans of Foreign Wars -- 201 Prospect Avenue  
Healthy Life -- 375 North Avenue  
Zupko's Tavern -- 450 North Avenue

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #10**

**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 2016-2017 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, 2016 and expiring June 30, 2017:

American Legion Post 119 -- 1203-31-013-001  
Knights of Columbus Home Association of Dunellen NJ, Inc. -- 1203-31-016-001  
Tri Boro Memorial Post #5479 Veterans of Foreign Wars of US -- 1203-31-018-001  
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  
Dunellen Liquors Inc -- 1203-44-001-006

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #11**

**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 2016 tax bills until the State of New Jersey adopts the 2017 State Fiscal Budget, therefore, a tax rate cannot yet be certified for 2016, 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 2016 unless third quarter revenues are received on time, and

WHEREAS, without a 2016 Certified Tax Rate, the Borough of Dunellen will be unable to issue 2016 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 2016.
2. That the entire estimated tax levy, including Municipal, Library, School, County, and County Open Space, for 2016 is hereby set at \$18,024,593.00.
3. That in accordance with the law, the third installment of 2016 taxes shall not be subject to interest until the later of August 10, 2016, 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, Lowder and Petracca

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

**06-20-2016: #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 the year CY 2016 in the sum of \$13,889.37 which is now available from the Clean Communities 2016 Grant.

BE IT FURTHER RESOLVED, that the like sum of \$13,889.37 is hereby appropriated under the caption Clean Communities 2016 Grant.

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #13**

**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 the

year CY 2016 in the sum of \$3,443.12 which is now available from the New Jersey Department of Law and Public Safety, Pedestrian Safety Grant.

BE IT FURTHER RESOLVED, that the like sum of \$3,443.12 is hereby appropriated under the caption New Jersey Department of Law and Public Safety, Pedestrian Safety Grant.

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #14**

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

An Outdoor Dining license is approved for:

Restaurant Tipico's Olga  
106 North Avenue

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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**REPORTS:**

Mr. Petracca: no report.

Mr. Baudendistel: 1) asked after the status of three grants. Mr. Robins responded that Madison Avenue will be going to bid in early July and the North avenue and Washington Avenue streetscape grants were still awaiting NJ DOT approval; 2) raised the issue of keeping the flowers planted in Washington Park alive, given the near draught conditions. He wondered if an underground sprinkler system might be an answer. Council discussed and at this point it was approved to solicit quotes. Mr. Robins will however investigate the possibility of using CDBG monies.

Mr. Bayer: no report.

Mr. Bachorik: no report.

Mr. Lowder: no report.

Mayor Seader: reported on behalf of Mr. Cilento:

- 1) Summer Camp started today we have 20 kids enrolled in the camp right now. Camp runs Mon-Fri 9 am to 3pm. June 20th to August 5th.
- 2) Summer Travel Baseball just started on Friday.
- 3) The Recreation program is forming a baseball committee and overseeing Little League baseball and Recreation baseball as one organization.
- 4) Recreation will be working with the Police Department on National Night out on August 2nd.
- 5) The Adult 55 and Older group had a great time at the Hunterdon Hill Playhouse on June 7th, we had 30 people attend.



6) 55+ Group is planning a trip to SOPAC on July 17th. We will need 20+ for the trip to happen. The Event will cost \$55.00 includes Catered lunch from the Hotel, bus, and ticket for the show.

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**PUBLIC PORTION**

Tom Davis, representing the Seniors' Organization thanked Alex Miller for assisting the Seniors and they had a great trip to the Hunterdon Hills Playhouse. He did note that the acoustics in the Senior Center need improvement.

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

**06-20-2016: #14 (a)**

That the Council go into recess for about ten minutes.

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #15**

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

Whereas, the Open Public Meetings Act (NJSA 10:4-6) permits the closing of meetings to the public under certain circumstances; and

Whereas, there exists such a circumstance; and

Whereas, the Governing Body wishes to enter into Executive Session for the purpose of discussing matters concerning pending litigation or contract negotiation; and

Whereas, minutes of the Executive Session will be kept and will be released when the matters under discussion during the Executive Session are no longer confidential.

Therefore, be it resolved, that the Borough Council will enter in to Executive Session.

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

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

**06-20-2016: #16**

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

The Dunellen Borough Council Meeting of June 20, 2016 is adjourned.

Yes: Baudendistel, Bachorik, Bayer, Lowder and Petracca

[Note: the tape recorder malfunctioned and this is a transcript from Clerk's notes]