

November 21, 2016

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on November 21, 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, Kevin Bachorik, Jason Cilento and Joseph Petracca

Absent: Kenneth Bayer and Jeremy Lowder

[Mr. Bayer arrived at 7:04 pm and participated in Resolutions #7 and 8. Mr. Lowder arrived at 7:07 pm and participated in Resolution 8.]

On the motion of Mr. Petracca and seconded by Mr. Cilento it was moved to accept the Minutes of November 7, 2016:

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-21-2016: #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, Cilento and Petracca

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

11-21-2016: #2

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

Whereas, the Governing Body is desirous to administer the construction phase of the Madison Avenue Roadway Improvements project that is being funded through a grant provided by the New Jersey Department of Transportation; 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 \$55,237.00
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-04-15-050-000-600.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-21-2016: #3

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

Dorothy Lake is hereby hired as a Substitute School Crossing Guard, effective November 21, 2016, at an hourly salary of \$10.00. This is a position without benefits.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-21-2016: #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 \$350.00. This award is to come out of Account # 601-20-150-00-101.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-21-2016: #5

CERTIFYING PROPERTY CLEAN-UP COSTS

WHEREAS, on October 4, 2016, a Notice of Complaint was sent to Donna Pear, 11 Dogwood Terrace, Ringwood, NJ, relative of the deceased Walter Dilley, 519 Front Street, Dunellen, NJ, Block 34 Lot 4, said notification being returned undeliverable, which Notice required remediation of debris and overgrown lawn and leaves within 10 days of receipt, and;

WHEREAS, on October 25, 2016, the Department of Public Works conducted clean up and security activities utilizing municipal equipment, with borough employee time totaling 6 hours, with an expense totaling \$680.88; and

WHEREAS, on October 25, 2016, the Department of Public Works purchased weed-wacking string, diesel fuel, and gasoline as part of the debris cleanup and landscaping work, at a cost of \$28.76.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Dunellen do hereby certify the total project cost of \$709.64 as attached hereto, and further directs the Tax Collector to place a lien in said amount that shall become part of the taxes next to be assessed and levied on such lands, that being February 1, 2017, bearing the same rate of interest as taxes. Said cleanup is per Municipal Ordinance 2016-14.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-21-2016: #6

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

The Performance Surety Bond provided to the Borough of Dunellen by QuickChek in the amount of \$112,317.30, and the cash portion in the amount of \$12,479.70, for site improvements to Block 33, Lots 19 and 20, are authorized to be released.

Furthermore, the Maintenance Guarantee in the amount of \$18,719.55 is authorized to be waived.

Yes: Baudendistel, Bachorik, Cilento and Petracca

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

11-21-2016: #7

**BOROUGH OF DUNELLEN
AUTHORIZING THE MAYOR TO EXECUTE SETTLEMENT AGREEMENT WITH
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE
MATTER ENTITLED “NJDEP v. BOROUGH OF DUNELLEN” BEARING OAL
DOCKET NO. ECE-02675-2012N**

WHEREAS, the New Jersey Department of Environmental Protection (hereinafter “NJDEP”) issued a Notice of Violation (“NOV”) on May 6, 2010, and thereafter filed a related Administrative Order and Notice of Civil Administrative Penalty Assessment (“AONOCAPA”) against the Borough of Dunellen on or about October 22, 2010 for the alleged unpermitted discharge of raw sewage in March, 2010 ; and

WHEREAS, the Borough timely filed an appeal and requested a hearing in accordance with administrative regulations; and

WHEREAS, the parties have litigated the matter from that time to the present, and have presently reached an amicable settlement proposal subject to approval by both parties; and

WHEREAS, the Mayor and Council have reviewed same and it appearing that it is appropriate and necessary for the Borough to enter into said settlement agreement, and for the Mayor to execute said agreement on behalf of the Borough.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Dunellen that Dunellen Mayor Robert Seader is hereby authorized to execute the settlement agreement in the above-referenced matter on behalf of the Borough of Dunellen, subject to approval from the Borough Attorney.

Yes: Baudendistel, Bachorik, Bayer, Cilento and Petracca

REPORTS:

Mr. Petracca: no report.

Mr. Baudendistel: he sent out 15 letters on 11/15 for the Welcome to Dunellen signs.

Mr. Bayer: no report.

Mr. Bachorik: no report.

Mr. Cilento: Tree Lighting on 12/4; House Decoration Contest on 12/17 – 12/21; Santa Around Town on 12/25; Dunellen Report ASAP. Mr. Robins reported that he had received a few slogan suggestions for the Welcome sign and Council has the final say to accept or reject.

Mr. Lowder: has been working on sound tiles for the Senior Center. Topic will be taken up again in the new year.

Mayor Seader: Asked when the Fire Company will be? Mr. Lowder said: next week; Mayor Seader gave a check from the Maurer House Commission to the Fire Department for helping at the Haunted Trail.

PUBLIC PORTION

No one from the public spoke.

COUNCIL DISCUSSION

John Triola and Liz Marren-Licht, for their book on Dunellen? To be discussed again at the next meeting.

Mr. Bruder reported that he had filed a law suit against the New Jersey Division of Taxation challenging the ratio they assigned to Dunellen which was in part based upon one commercial property that should not have been included. If successful, the result might be some savings to the property owners.

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

11-21-2016: #8

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

The Dunellen Borough Council Meeting of November 21, 2016 is adjourned.

Yes: Baudendistel, Bachorik, Bayer, Cilento, Lowder and Petracca
