

January 9, 2012

Minutes of the public meeting of the Mayor and Council of the Borough of Dunellen held on January 9, 2012.

Mayor Robert J. Seader called the meeting to order at 7:30 p.m. and he led the Pledge of Allegiance.

Municipal Clerk William Robins read the Sunshine Statement and called the Roll.

Present: Mayor Robert J. Seader, Council President Baudendistel, Anthony Aversa, Kenneth Bayer, Joseph Petracca, and Jason Cilento

Absent: Mark Bieniek

On the motion of Mr. Cilento and seconded by Mr. Baudendistel it was moved to accept the minutes of December 19, 2011.

Yes: Baudendistel, Bayer, Cilento and Petracca
Abstain: Aversa

On the motion of Mr. Baudendistel and seconded by Mr. Petracca it was moved to accept the minutes of January 1, 2012.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

ORDINANCE 2012-01

BOROUGH OF DUNELLEN

The following ordinance by the Borough of Dunellen, County of Middlesex, State of New Jersey be and is hereby approved on the first reading, and a second reading and public hearing will be held at 7:30 p.m. in the Dunellen Borough Municipal Building, 355 North Avenue, Dunellen, New Jersey on the 6th day of February, 2012, and copies of this Ordinance shall be posted on the public bulletin board prior to the date for second reading and final passage and copies of this Ordinance shall be available at the Office of the Borough Clerk for any interested members of the public.

CRIMINAL HISTORY BACKGROUND CHECKS OF PROSPECTIVE RECREATION VOLUNTEERS

- a. For purposes of this Section, a "Criminal History Record Background Check" means a determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation.
- b. The Borough requires that, as a condition of being a recreation volunteer with the Borough, all prospective recreation volunteers, including, but not limited to, permanent, provisional, temporary and seasonal employees and volunteers, shall submit to being fingerprinted in accordance with applicable State and Federal laws, rules and regulations, as a condition of employment with the Borough.
- c. As a further condition of being a recreation volunteer with the Borough, all prospective employees, including, but not limited to, permanent, provisional, temporary and seasonal employees, shall authorize the Borough, by its duly authorized representative, to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation.
- d. In order to obtain criminal history record information pursuant to this Section and N.J.S.A. 40:48-1.4, the Borough shall submit the fingerprint data for prospective volunteers to the State Bureau of Identification in the Division of State Police. The State Bureau shall receive all criminal history record information from the Federal Bureau of Investigation and shall disseminate that information to the Borough.
- e. The Borough shall conduct a criminal history record background check of a prospective volunteer only upon receipt of the written authorization and consent to the criminal history background check from the prospective volunteer. A form for the authorization and consent to said background check shall be provided to each prospective volunteer. Failure to submit a fully signed and witnessed written authorization and consent form shall be grounds to rescind any volunteer position.

f. The Borough shall bear the costs associated with conducting criminal history record background checks.

g. An individual shall be disqualified from serving as a recreation volunteer of the Borough if that prospective volunteer's criminal history record background check reveals a record of conviction of any of the following crimes and/or offenses:

i. 1) In New Jersey, any crime against the family, children or incompetents, including, but not limited to, those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:7-1 to N.J.S.A. 2C:11-1, *et. seq.* and N.J.S.A. 2C:24-1 *et. seq.*; 2) any other crime of violence against another; or 3) any crime of moral turpitude.

h. All prospective recreation volunteers, upon receiving a conditional offer of employment, shall submit their name, address, fingerprints and written consent to the Borough for the criminal history record background check to be performed. All conditional offers of employment shall be specifically subject to the prospective employee passing the criminal history record background check, along with any other requirements as provided by law and/or requested by the Borough.

i. Access to criminal history record background information of prospective employees obtained under this Section for employment purposes is restricted to authorized personnel of the Borough on a need to know basis, as may be authorized by Federal or State statute, rule or regulation, executive order, administrative code, this Section and/or resolution regarding obtaining and dissemination of criminal history record background information. Said employees are the Borough Administrator, Police Chief, Mayor, Borough Attorney and Borough Labor Counsel and those other employees designated in writing by the Mayor.

j. Criminal history record background information shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be

limited solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. Said records are not public records under the Open Public Records Act.

Council discussed how to pay for the checks and the frequency of the checks.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

ORDINANCE 2012-02

BOROUGH OF DUNELLEN

AN ORDINANCE AMENDING SECTION 275-14 OF THE TREE ORDINANCE, CODE OF THE BOROUGH OF DUNELLEN, SETTING FORTH THE PROCEDURE WHEREBY REPLANTING FEES ARE DETERMINED WHEN REMOVAL OF A TREE IS DONE WITH THE APPROVAL OF THE SHADE TREE COMMISSION OR AS PART OF NEW DEVELOPMENT, CONSTRUCTION OR SUBDIVISION

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, that Dunellen Code, Section 275-14, be amended as follows:

1. There will be a replanting fee, payable to the Borough of Dunellen, for each tree that is removed from the borough right of way under this ordinance. This fee will be used for replanting trees. The fee schedule is as follows:

- a. The fee for removing any tree 4" or greater, but less than 12", shall be \$300.00 per tree.
- b. The fee for removing any tree 12" or greater, shall be \$600.00 per tree.

2. For purposes of tree measurement to be utilized under this chapter, tree caliper shall be measured at breast height as defined in Section 275-3. In the event the tree is removed prior to measurement, tree caliper shall be measured at the stump. In the event the tree stump is removed prior to measurement, tree caliper shall be in accordance with the tree inventory, as then maintained by the Borough or the Shade Tree Commission. In the event no tree inventory exists for the removed tree, then the fee shall be fixed at \$300.00 per tree removed.

3. Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all genders.

4. Should any provisions of this ordinance be inconsistent with the provisions of any prior

ordinances, the inconsistent provisions of such prior ordinances are hereby repealed, but only to the extent of the inconsistencies.

5. In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

6. This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

ORDINANCE 2012-03

BOROUGH OF DUNELLEN

AN ORDINANCE AMENDING CHAPTER 103, "ANIMALS," OF THE CODE OF THE BOROUGH OF DUNELLEN

BE IT ORDAINED by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that Chapter 103 of the Revised General Code of the Borough of Dunellen, be amended as follows:

Section 103-3. Application for licenses [dogs].

Any person who shall own, keep or harbor a dog of licensing age shall, in the month of January 1972 and annually thereafter, apply for and procure from the Municipal Clerk of the Borough a license and official registration tag for each such dog so owned, kept or harbored and shall place upon such dog a collar or harness with the registration tag securely fastened thereto.

Section 103-32. License requirements [cats].

Owners must obtain license number. Any person who owns, keeps or harbors a cat of licensing age must annually apply for and procure from the licensing authority an official registration tag with license number, for each cat, so owned, kept or harbored. The owner shall prove licensure of any such cat by producing the registration tag upon the request of the licensing authority, its authorized representatives or a police officer. Licenses are not transferrable.

103-35. Prohibiting the Feeding of Wild Animals and Waterfowl

A. Purpose

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

B. Definitions

As used in this ordinance, the following terms shall have the meanings indicated:

"Wild animal" shall include any animal, which is not normally domesticated in this state, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks, and waterfowl.

"Waterfowl" shall include any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; an aquatic fowl, including but not limited to ducks, geese, swans, heron, and egrets.

C. Feeding of Wild Animals and Waterfowl Prohibited

1. No person shall purposely or knowingly, as said terms are defined in Title 2C of the New Jersey Revised Statutes, feed, bait, or in any manner provide access to food to any wild animal or waterfowl in the Borough of Dunellen, on lands either publicly or privately owned. This section shall not apply to the feeding of farm animals.
2. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, grain in a manner that would constitute an attractant to any wild animal or waterfowl.
3. No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant after being advised by the Borough to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food or bird feeders.
4. Nothing in this section shall apply to (1) any agent of the borough authorized to implement an alternative control method set forth in any approved community based deer management plan and possessing a special deer management permit issued by the New

Jersey Division of Fish and Wildlife in accordance with the provisions of P.L. 2000, c.46, or (2) any hunter engaging in baiting for the purpose of hunting pursuant to a valid hunting license issued in accordance with the provisions of Title 23 of the New Jersey Revised Statutes.

D. Feeding of other songbirds and other backyard birds permitted

1. Feeding of other songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that: (1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property and; (2) Does not create an accumulation of droppings on the property and surrounding properties and; (3) Does not become an attractant for rodents or other wild animals and; (4) Bird feeders are placed at least five (5) feet above the ground.

E. Enforcement

1. Each property owner shall have the duty to remove any above named materials or device placed on the owner's property in violation of this Ordinance.

2. Failure to remove such materials or device or to make such modifications within twenty-four (24) hours after notice from the Borough shall constitute a separate violation of this Ordinance.

3. Health Department personnel, Construction and Code Enforcement Officers, Animal Control Officers and all Police Officers of the Borough of Dunellen are hereby given full power and authority to enforce this ordinance.

4. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

F. Penalties

Any person violating any provision of this Section shall be liable to a fine not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00) for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues.

G. Severability

Every section of this ordinance or subdivision or separate part thereof shall be considered a separate provision to the intent that if any portion shall be declared unconstitutional it shall not affect the remaining parts of this ordinance.

H. When Effective

This ordinance shall take effect immediately upon final passage thereof and publication thereof as provided for by law.

Council recommended that appropriate ordinance signs be posted in the parks.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

ORDINANCE 2011-12

BOROUGH OF DUNELLEN

This ordinance was Introduced on December 19, 2011. It is now being presented this day, January 9, 2012, for Public Hearing and Adoption, at 7:30 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.

The following are base salaries, without longevity or benefits:

<u>Step</u>	<u>Minimum</u>	<u>Maximum</u>
11	\$100,000.00	\$125,000.00
10	\$70,000.00	\$99,999.00
9	\$60,000.00	\$69,999.00
8	\$45,000.00	\$59,999.00
7	\$35,000.00	\$50,000.00
6	\$30,000.00	\$39,999.00
5	\$20,000.00	\$35,000.00
4	\$15,000.00	\$25,000.00
3	\$10,000.00	\$19,999.00
2	\$2,000.00	\$12,000.00
1	\$1,000.00	\$4,999.00

<u>Full-Time Positions</u>	<u>Step</u>
Chief of Police	11
Administrator/Clerk	10
Court Administrator	8

Recreation Director	7
Tax Collector/Treasurer	7
Finance/Payroll Clerk	7
Deputy Clerk/Registrar	5
Registrar	5
Deputy Court Administrator	5

Part-Time Salary Positions

Municipal Attorney	7
Construction Code Official	6
Municipal Judge	5
Chief Financial Officer	5
Public Works Superintendent	3
Tax Assessor	3
Municipal Prosecutor	3
Property Maintenance/Code Enf.	3
Sewer Inspector	3
Property Maintenance Officer	3
Public Defender	2
Office of Emergency Management	2

Part Time – Hourly

	<u>Minimum</u>	<u>Maximum</u>
Sewer Inspector - Additional Hourly	\$30.00	\$48.00
Substitute Deputy Clerk (Court)	\$25.00	\$35.00
Sub Code Official (Electrical, Fire, Plumbing)	\$25.00	\$33.00
Interpreter	\$20.00	\$25.00
Planning Board Secretary	\$12.00	\$18.00
Tax Clerk	\$12.00	\$18.00
Head School Crossing Guard	\$12.00	\$16.00
Police Administrative Assistant	\$12.00	\$16.00
Violations Clerk (Court)	\$10.00	\$15.00
Laborer	\$10.00	\$14.00
Senior Citizen Van Driver	\$10.00	\$14.00
School Crossing Guard	\$10.00	\$14.00
Janitor	\$9.00	\$13.00
Clerk’s Administrative Assistant	\$9.00	\$13.00

Part-Time - Monthly/Meeting

Planning Board Recording Secretary	\$275/meeting	\$300/meeting
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Elected Officials

Mayor	\$5,000 annually
Council President	\$2,800 annually
Council Member	\$2,500 annually

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: Aversa, Baudendistel, Bayer, Cilento and Petracca

At this point, Mayor Robert J. Seader made the following appointments:

APPOINTMENTS OF MEMBERS OF THE ARCHITECTURAL REVIEW COMMITTEE AND THE DOWNTOWN MANAGEMENT ORGANIZATION

Architectural Review Committee: Kenneth Baudendistel and Kenneth Bayer (Redevelopment Agency), Randee Staats and Roger Dornbierer (Planning Board), Ellen Byrnes and Karen Seader (residents), Robert Tunison (merchant)

Dunellen Downtown Management Organization: William Robins (Borough Administrator), Kenneth Baudendistel and Jason Cilento (Borough Council), Adam Gordon (Planning Board), Walter Tunison, David Starace, and Areli Gonzalez (residents), Richard Hendricks, Noreen Dunn and Peg Lockwood (merchants), Heidi Heleniak (Dunellen Historical Society)

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

01-09-2012: #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: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2011: #2

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 Matthew Glancey as a Probationary Firefighter, in the Dunellen Fire Department, said probation period to be one year, effective 9 January 2012.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #3

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

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, NJS 40A:50-29 allows municipalities to receive amounts for costs incurred for “Donations – Acceptance of Bequests and Gifts” for *The Dunellen Report*; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, County of Middlesex, State of New Jersey as follows:

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for “Donations – Acceptance of Bequests and Gifts” for *The Dunellen Report* as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Borough of Dunellen is hereby directed to forward two certified copies of the resolution to the Director of the Division of Local Government Services.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #4

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 Tax collector is hereby authorized to issue the following refunds:

BLOCK	LOT	ADDRESS	LIEN AMOUNT	REFUNDED TO	REASON FOR REFUND
39	6	529 Fourth Street	250.00	Wallace Dow	Veteran's Deduction for 2011

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #5

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

Audrey Lipinski is hired as a temporary assistant in the Dunellen Municipal Court, assigned to audit various accounts, at a salary of \$25.00 per hour, for Calendar Year 2012, for an amount not to exceed \$1,500.00. This is a position without benefits.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #6

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

WHEREAS, there is a need to install a fire and smoke alarm system in the Police Department Locker Room; and

WHEREAS, quotes have been received from the following:

Protection Plus, Middlesex	\$1,820.00
Plus \$770.00 for yearly maintenance contract and central station monitoring	

Haig Service Corp., Green Brook	\$2,981.00
Plus \$720.00 for yearly maintenance contract and central station monitoring	

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that Protection Plus be awarded a contract to install a fire and smoke alarm system in the Police Department Locker Room at a cost not to exceed \$1,820.00, plus \$770.00 per year for a yearly maintenance contract and central station monitoring, any costs in future years subject to the availability of funding.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #7

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

WHEREAS, by Resolution 12-05-2011: #3, approval was granted by the Mayor and Dunellen Borough Council to implement a Flexible Benefits Plan; and

WHEREAS, by resolution 12-05-2011: #3, the Borough of Dunellen hereby recognized and authorized Flex Facts, LLC to provide a Section 125 Flexible Benefits Plan for its employees with employee voluntary contributory Flexible Spending Accounts with the following specifications:

- Medical Expense Reimbursement: \$2,500.00 Annual Maximum.
- Dependent Care Expense Reimbursement: \$5,000.00 Annual Maximum.

WHEREAS, it was further resolved that the Borough of Dunellen recognized and authorized payment of discounted administrative fees to Flex Facts, LLC as a Third Party Administrator in the following amounts: 1) Initial Account Setup Fee – Waived for 36 months, 2) Annual Renewal Fee – Waived for 36 months, and 3) \$4.00 per month per participant fee with a minimum total monthly fee of \$50.00; and

WHEREAS, it was further resolved that the Borough of Dunellen recognized and authorized Colonial Life representatives through their employee education, communication and affirmative enrollment process to enroll its employees in their pre-tax elections by means of Colonial's electronic enrollment systems with electronic signatures, the results of which will be provided back to the municipality for its records and payroll deduction implementation; and

WHEREAS, it was further resolved that the Borough of Dunellen recognized and authorized that these enrollment meetings be mandatory for Section 125 compliance purposes and consist of group and individual meetings for all benefit eligible employees and which are to be conducted at the worksite during normal working hours and further agrees to provide a complete "site" listing of all employment locations with the number of employees working at each to help determine enrollment schedule and that a roster of employees will be provided and checked against the attendees by an employer representative for all meetings; and

WHEREAS, it was further resolved that the Borough of Dunellen agreed to instruct its managers and supervisors to fully support such mandatory group and individual employee meetings for their subordinates and will wholeheartedly support and encourage employee attendance of said meetings; and

WHEREAS, it was further resolved that the Borough of Dunellen agreed to provide Colonial representatives with a complete employee census and employee premium contribution amounts for all benefit plans to be enrolled in a timely manner, which information will be loaded on Colonial's systems solely for employee enrollment purposes; and

WHEREAS, it was further resolved that the initial Section 125 Enrollment period will run concurrent with the Open Enrollment period for Colonial Supplemental Insurance which shall be in effect from December 1, 2011 until December 31, 2011 and have a plan effective date of January 1, 2012. Subsequent Section 125 Open Enrollment periods will start on the first day of November and conclude on the last day of December with a plan effective of the first day of the following year unless and until determined otherwise; and

WHEREAS, it was further resolved that such payroll deductions for participation in Section 125 pre-tax premiums and pre-tax contributions shall take effect with the first payroll after January 6, 2012; and

WHEREAS, the Borough of Dunellen wishes to and hereby does amend the Flexible Benefits Plan authorized in Resolution 12-05-2011: #3 to change the Medical Expense Reimbursement annual maximum to \$10,000; and

WHEREAS, the Borough of Dunellen as employer has the power to implement the plan.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Dunellen, that the form of Health Flexible Spending Account under the Cafeteria Plan Code Section 105 and Dependent Care under the Cafeteria Plan Code Section 129 of the Internal Revenue Code of 1986, presented to this meeting is hereby adopted and approved and that the proper Officers of the Employer are hereby authorized and directed to execute and deliver to the Plan Administrator one or more copies of the Plan.

AND BE IT FURTHER RESOLVED, that the proper Officers of the Employer shall act as soon as possible to notify employees of the Employer of the implementation of the Plan by delivering to each employee a copy of the summary plan description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved. The undersigned certifies that attached hereto as Exhibits A and B respectively are true copies of the Plan Document and Summary Plan Description for Borough of Dunellen Flexible Benefits Plan approved and adopted in the foregoing resolutions.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #8

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

Whereas, there exists a need to lease a photocopier machine for the Tax Collector's Office; and

Whereas, a quote has been received from:

ARMPCO Office Machines, Inc., South Plainfield, NJ-- \$95.00 per month, for a 60 month lease term; and

Whereas ARMPCO Office Machines, Inc., has a New Jersey State Contract (#A53090 T2075) for the leasing of photocopier machines; and

The funds for this contract have been certified by the Chief Financial Officer, and continuation of the contract is subject to the availability of funds in future fiscal years. The funds are certified from January 1, 2012 to December 31, 2012.

Now, therefore, be it resolved, by the Mayor and Council of the Borough of Dunellen, that a photocopier machine be leased from ARMPCO Office Machines, Inc., Inc., for an amount not to exceed \$95.00 for 60 months, financed through GE Capital.

Funds for this certification are from Account #024-1016-205.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #9

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

Whereas, by Resolution 03-05-2007: #9, Pitney Bowes Company was awarded a four-year lease contract for a postage meter machine to be used in the Municipal Clerk's Office; and

Whereas, by Resolution 01-10-2011: #10 this resolution was extended to the 2012 calendar year; and

WHEREAS, the cost of the contract is \$53.00 per month; and

WHEREAS, funds are certified for each year of the contract; and

WHEREAS, the next term of the contract is from 1 January 2012 until 31 December 2012.

The Chief Financial Officer will certify \$636.00 for this contract.

Renewal of this contract is subject to the availability of funds in subsequent fiscal years.

The Account against which this appropriation is to be charged is # 024-1033-205.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #10

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

The following FAX Machines are to be leased through GE Capital for a combined price of \$112.00 per month:

Clerk's Office, Account #024-1018-205 (\$37.33 per month)
Police Department, Account #024-1110-205 (\$37.33 per month)
Construction Office, Account #024-1610-205 (\$37.34 per month)

With a total amount of \$1,344.00 per year.

For the period January 1, 2012 through December 31, 2012.

A continuation of the contract is subject to the availability of funds in future fiscal years.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #11

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

The following persons are hired as part-time seasonal employees of the Recreation Department for the 2012 Winter Season that will run from January 2012 through March 2012:

Brennen Gerhart, Basketball Referee/Clock and Book, \$8.00 per hour clock and book; referee \$15.00 per game

Liz Miller, Basketball Referee/Clock and Book, \$8.00 per hour clock and book; referee \$10.00 per game

Dominique Blackmon, Basketball Referee/Clock and Book, \$8.00 per hour clock and book; referee \$10.00 per game

Jason Staggers, \$9.00 per hour, Recreation Hoops Referee/Gym Supervisor, 3rd – 8th grade Games & Tournaments

Stephanie Hiedinger, \$8.00 per hour Recreation Hoops Referee, 3rd – 8th grades

Frank Zurla, \$8.00 per hour Recreation Hoops Referee, 3rd – 8th grades

Fernando Guzman, \$7.50 per hour Recreation Hoops Clock/Book, 3rd – 8th grades

Colin Hannis, \$7.50 per hour Recreation Hoops Clock/Book, 3rd – 8th grades

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #12

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

Teresa Pickett is hereby hired as a Substitute School Crossing Guard, effective January 9, 2012, at an hourly salary of \$10.00. This is a position without benefits.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

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

01-09-2012: #13

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

WHEREAS, the Borough of Dunellen has received a grant from the New Jersey Transportation Trust Fund Act for the reconstruction of New Market Road sidewalks; and

WHEREAS, a condition of this funding was the award date for this contract by January 17, 2007; and

WHEREAS, this project is to be constructed in conjunction with the improvement to the roadway, a Middlesex County project, that is currently in the final design and permitting phase; and

WHEREAS, the construction of the sidewalks along with the roadway improvements will benefit the borough residents by minimizing disruptions caused by construction and will also minimize the cost of the work by incorporating it into a larger project; and

WHEREAS, it is therefore advisable to request an extension of time to award the contract for this project.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Dunellen, County of Middlesex, State of New Jersey, that the Borough of Dunellen hereby requests a one year extension of time, until January 17, 2013, to award the contract for the New Market Road sidewalk improvements project.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca

REPORTS:

Mr. Petracca: 1. Gathering information for the Budget; Scott Olsen is awaiting revenue side figures. Scott would also like to get some help from Gregg Katzer of the auditor's office for assistance in getting the financials together sooner, for submission to the state.

Mr. Baudendistel: 1. inquired about a new truck for the DPW; concerned that they would be down a truck for snow plowing. Scott Olsen said that the funds would come either from a capital ordinance, or buy it outright from the capital improvement fund, or lease it. The truck would cost \$39,000. Mayor Seader noted that we are down a man and have vehicles for the rest. Scott said he will have a better idea after the financials are completed. 2. asked about emails for DPW members. 3. Did they purchase the equipment to paint the cross walks? Jerry Schaefer will take care of it. 4. will wait until the snow stops for the banners to be put up on North Avenue.

Mr. Aversa: will have a year-end report from the Rescue Squad next time. Matt Phillips asked about left over Fire Department turn-out gear (looking for 4 sets).

Mr. Bayer: 1. Second hearing for Towne Pharmacy before the Planning Board next week. Mayor Seader asked about Acting Chief Nelson's attendance at Council Meetings.

Mr. Cilento: 1. Leak at the roof of fire house is not the roof, but instead is the hose tower. Garden State Brick Face wants to do a presentation to the Council. It was recommended that some council members take a meeting with GSBF at the Fire House, maybe the Buildings and Grounds Committee.

Mayor Seader: 1. Noted that this year's Budget is going to be extremely bad. We are down construction fees and Court Revenues, and a substantial increase from PARSA. We can't continue to be assuming increases when we have a 2% CAP, especially if we are starting in a hole. 2. James Bennett gave a tour to some residents of the house at 500 Mountainview Terrace. He found a potentially useful garage that could be used for storage. The house itself has much broken glass, but not too bad all in all. There may be an historical grant to help fix up the house.

The Council reviewed a letter from the Dunellen Parking Authority to the Division of Local Government Services regarding Audit Reports.

The mayor noted that there has been some back and forth about the Parking Authority. A complaint was made about the PA and the PA acted upon it, sending the letter, explaining the audits. The article in the paper last Saturday proved to be fair and favorable to the Parking Authority. The mayor thanked Chairman James Duhamel for acting quickly and efficiently in this matter. He also noted that the PA is not a part of borough government. The borough appoints the commissioners. We have a very good Parking Authority. We have a lot of faith in them; they are good people, some of the best that Dunellen has to offer, and they give us \$100,000 each year, that they don't have to do, and this helps relieve the tax burden on our residents.

PUBLIC PORTION:

Dawn Sabik, 150 New Market Road: 1. Received abandoned vehicle titles from Mr. Robins but complained that he had not fully filled it out. Mr. Robins asked her to bring them to him and he would review them and amend as needed. 2. Commented on the coaches' criminal background checks.

There was no Executive Session

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

01-09-2012: #14

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

The Dunellen Borough Council Meeting of January 9, 2012 is adjourned.

Yes: Aversa, Baudendistel, Bayer, Cilento and Petracca