

**BOROUGH OF JAMESBURG
GOVERNING BODY MEETING
MINUTES
DECEMBER 16, 2015
7:00 PM**

CALL TO ORDER: This meeting is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met. Any contracts awarded require the contractor to comply with N.J.S.A.10:5-31 et.seq. and N.J.A.C. 17:27. Also, in the event of a fire and pursuant to the N.J. Uniform Fire Code, members of the audience are requested to take notice of the exits at the front and rear of the Council Chambers as well as in the main hallway.

FLAG SALUTE: Led by Mayor Lowande

ROLL CALL: Mayor Lowande
Council Member Gibbons -
Council Member Ludas
Council Member Rutsky
Council Member Spillane
Council Member Sussman
Council President Busco
Administrator Jawidzik
Borough Attorney – Raffetto –

Mayor Lowande asked to begin the meeting by reading a statement she prepared about the antics at the last meeting. She explained that disrespect for one another will not be tolerated.

ORDINANCES – SECOND READING BY TITLE – PUBLIC HEARING

The following ordinances were approved at the first meeting of the Mayor and Council held on November 18, 2015 and published in the November 27, 2015 edition of the Cranbury Press. Copies have been posted on the municipal bulletin board and made available to the public since introduction.

ORDINANCE #08-15

**ORDINANCE OF THE BOROUGH OF JAMESBURG PROVIDING FOR IMPROVEMENTS OF
THE SANITARY SEWER SYSTEM AND APPROPRIATING THE SUM OF \$33,073
THEREFORE, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE
COUNTY OF MIDDLESEX, NEW JERSEY**

WHEREAS, the Mayor and Council of the Borough of Jamesburg in the County of Middlesex, New Jersey has determined to make improvements to Sanitary Sewer System; and

WHEREAS, the Borough of Jamesburg has been approved for \$33,073 in funding from the Middlesex County 2015 Community Development Block Grant Program for such improvements.

NOW THEREFORE, BE IT ORDAINED and enacted by the Mayor and Council of the Borough of Jamesburg, County of Middlesex, New Jersey, that:

Section 1. The improvements described in section 2 of this ordinance are hereby authorized as general capital improvements to be undertaken in and by the Borough of Jamesburg, County of Middlesex, New Jersey.

Section 2. The improvements hereby authorized to be undertaken consist of improvements to the Sanitary Sewer System, together with all items necessary, incidental or appurtenant thereto.

Section 3. the 2015 capital budget of the Borough of Jamesburg is hereby amended to conform to the provisions of this ordinance.

Section 4. All ordinances or parts of ordinances inconsistent with the terms of this ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This ordinance shall take effect 10 days after the first publication thereof after final adoption, as provided by law.

COUNCIL MEMBER	MOTION TO OPEN	2nd	VOTE	MOTION TO CLOSE	2nd	VOTE	MOTION TO ADOPT	2nd	VOTE
Council Member Gibbons			Y			Y			Y
Council Member Ludas		Y	Y	Y		Y	Y		Y
Council Member Rutsky			Y			Y			Y
Council Member Spillane			Y			Y			Y
Council Member Sussman	Y		Y		Y	Y		Y	Y
Council President Busco			Y			Y			Y
Mayor Lowande									

Y = YES N = OPPOSED A = ABSTAINED AB = ABSENT

Tom VandeSande asked where the project was located. Administrator Denise Jawidzik responded the lake on Forge Street.

ORDINANCE #09-15

**AN ORDINANCE AUTHORIZING THE BOROUGH OF JAMESBURG
TO ENTER INTO A RIGHTS-OF-WAY USE AGREEMENT
WITH CROSS RIVER FIBER, LLC,
FOR THE NON-EXCLUSIVE USE OF THE
PUBLIC RIGHTS-OF-WAY WITHIN THE BOROUGH**

WHEREAS, Cross River Fiber, LLC ("Cross River Fiber") was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE11050320

on July 14, 2011, Docket No. TE12040297 on June 18, 2012 and Docket No. TM14080906 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, pursuant to such authority granted by the New Jersey Board of Public Utilities, Cross River Fiber may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services; and

WHEREAS, Cross River Fiber proposes to place its telecommunication facilities aerially on existing utility poles or in underground conduit in the Public Rights-of-Way within the Borough of Jamesburg (the "Borough") for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, it is in the best interests of the Borough and its citizenry for the Borough to grant consent to Cross River Fiber to occupy said Public Rights-of-Way within the Borough for this purpose; and

WHEREAS, the consent granted herein is for the non-exclusive use of the Public Rights-of-Way within the Borough for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system; and

WHEREAS, the Mayor and Council of the Borough of Jamesburg wish to authorize the appropriate Borough officials to execute the attached Rights-of-Way Use Agreement with Cross River Fiber, or one which is substantially similar thereto and which meets with the approval of the Borough Attorney, for the purposes set forth above.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Jamesburg, in the County of Middlesex and State of New Jersey, as follows:

1. That the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the attached Rights-of-Way Use Agreement between the Borough and Cross River Fiber, or one which is substantially similar thereto and which meets with the approval of the Borough Attorney, for the purposes set forth above.
2. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
3. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

4. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

COUNCIL MEMBER	MOTION TO OPEN	2nd	VOTE	MOTION TO CLOSE	2nd	VOTE	MOTION TO ADOPT	2nd	VOTE
Council Member Gibbons			Y			Y			A
Council Member Ludas	Y		Y			Y	Y		Y
Council Member Rutsky			Y		Y	Y			Y
Council Member Spillane			Y			Y			Y
Council Member Sussman		Y	Y			Y		Y	Y
Council President Busco			Y	Y		Y			Y
Mayor Lowande									

Y = YES N = OPPOSED A = ABSTAINED AB = ABSENT

PUBLIC COMMENT PERIOD – ANY ITEM - EXCLUDES ORDINANCES (they have their own public hearing): Members of the public wishing to address the Mayor and Borough Council must approach the podium and state their name and address for the record. There is a five (5) minute time limit for all comments and questions.

Motion Open to Public Comment:

Proposed By: Ludas
 Seconded By: Spillane
 All in Favor

Tom VandeSande – 2 Fernwood Lane: Mr. VandeSande brought in a bag of stones/rocks that were coming out from under the pavement on Maple Drive. He said the holes are getting deeper and the stones that are coming out is what adds support to the road. This is Borough Property.

Rose Spillane – Miss. Spillane was very happy with the amount of out of towners at the tree lighting ceremony. She commented: “Wow, holiday spirit lives on in Jamesburg. Thank you to all.”

Brian Taylor – 11 Hillside Ave.: Mr. Taylor was appalled to learn that Mr. Gibbons used the library when it was closed for his campaign headquarters. The public website for the library states it is available for local non profit, education and non political groups. Mr. Gibbons actions are horrendous. Mr. Gibbons was removed from his position as chairman on the school board. He needs to be held accountable for his actions. A pattern has come to light. It seems Mr. Gibbons always apologizes for his actions. He wrote a letter apologizing to the Library, and they accepted his apology. Mr, Gibbons also had an apology for the superintendent at our October meeting. By him doing this it makes the town and council look bad. Mr. Taylor feels Mr. Gibbons owes one more apology to the borough for lying about them not giving money to the improvements at Veterans Park. Mr .Taylor asked Mr. Gibbons to step down and resign. He is not involved in anything the town does, and is a dismal failure as a council member.

Motion to Close to Public Comment:

Proposed By: Ludas
Seconded By: Sussman
All in Favor

CONSENT AGENDA DEFINED:

All matters listed on tonight's Consent Agenda are to be considered as one vote by the Borough Council and will be enacted by one motion. Any resolutions listed on the agenda with ** next to their respective number are to be considered as part of the Consent Agenda. There will be no discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately.

CONSENT AGENDA RESOLUTIONS:

#134-12-16-15**

APPROVE PAYMENT OF VOUCHERS

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill list for the payment of claims; and

WHEREAS, all vouchers listed herewith have been encumbered and sufficient funds are available for payment; and

WHEREAS, the required signatures of the Department Head or the Committee Chair, the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher on the attached list.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg, that the voucher list submitted is hereby approved for payment in the total amount of \$66,858.12.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons					X	
Council Member Ludas	X		X			
Council Member Rutsky		X	X			
Council Member Spillane			X			
Council Member Sussman			X			
Council President Busco			X			
Mayor Lowande						

#141-12-16-15**

RESOLUTION ACCEPTING MONTHLY REPORTS

BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg that the following reports be and are hereby received and filed:

Investment Report	November 2015
Finance Report	November 2015
Report of the Tax Collector	November 2015
Report of the Sewer Administrator	November 2015

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons					X	
Council Member Ludas	X		X			
Council Member Rutsky		X	X			
Council Member Spillane			X			
Council Member Sussman			X			
Council President Busco			X			
Mayor Lowande						

NON-CONSENT AGENDA RESOLUTIONS

#135-12-16-15

ACCEPTING DISPATCH CONTRACT

WHEREAS, the Contract between the New Jersey State Firemen's Mutual Benevolent Association Local 417 and the Borough of Jamesburg expired on December 31, 2015; and

WHEREAS, the Borough of Jamesburg wishes to enter into a new contract with New Jersey State Firemen's Mutual Benevolent Association Local 417, covering the time period from January 1, 2016 to December 31, 2019;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Jamesburg that the attached agreement be accepted and approved;

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Jamesburg, that the Mayor is hereby authorized to sign and the Borough Clerk to attest to the attached amended Contract between New Jersey State Firemen's Mutual Benevolent Association Local 417 and the Borough of Jamesburg.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons			X			
Council Member Ludas		X	X			
Council Member Rutsky			X			
Council Member Spillane			X			
Council Member Sussman	X		X			
Council President Busco			X			
Mayor Lowande						

#136-12-16-15

ACCEPTING DEPARTMENT OF PUBLIC WORKS CONTRACT

WHEREAS, the Contract between the Teamsters Local 210 and the Borough of Jamesburg expired on December 31, 2015; and

WHEREAS, the Borough of Jamesburg wishes to enter into a new contract with New Jersey Teamsters Local 210, covering the time period from January 1, 2016 to December 31, 2018;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Jamesburg that the attached agreement be accepted and approved;

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Jamesburg, that the Mayor is hereby authorized to sign and the Borough Clerk to attest to the attached amended Contract between Teamsters Local 210 and the Borough of Jamesburg.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons				X		
Council Member Ludas	X		X			
Council Member Rutsky			X			
Council Member Spillane			X			
Council Member Sussman		X	X			
Council President Busco			X			
Mayor Lowande						

#137-12-16-15

APPOINT ASSISTANT CHIEF FINANCIAL OFFICER - FRUEH

I, Marlene Lowande, Mayor, with the advice and consent of the Borough Council, do hereby appoint, **SCOTT FRUEH**, to the full-time position Assistant Chief Financial Officer effective January 1, 2016.

The salary for this position is \$65,000/year with a \$20,000 increase upon certification as Certified Municipal Finance Officer and another \$3,000 upon certification as a Qualified Purchasing Agent

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons			X			
Council Member Ludas	X		X			
Council Member Rutsky			X			
Council Member Spillane			X			
Council Member Sussman		X	X			
Council President Busco			X			
Mayor Lowande						

#138-12-16-15

RESOLUTION AUTHORIZING TRANSFERS IN THE 2015 MUNICIPAL BUDGET

WHEREAS, pursuant to N.J.S.A. 40A:4-58, appropriation transfers are allowable during the last two months of a fiscal year; and

WHEREAS, it is deemed necessary that said transfers be done through various accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg, County of Middlesex, New Jersey, that the following transfers be made in the 2015 budget appropriations.

From:

Gen Admin OE	5-01-20-100-021	\$1,400.00
Mayor Council OE	5-01-20-100-021	\$ 900.00
Zoning OE	5-01-21-205-025	\$1,000.00
Insurance	5-01-23-210-094	\$1,400.00
Police SW	5-01-25-240-018	\$5,600.00
Bldgs & Grounds	5-01-26-310-029	\$1,500.00
Animal Control SW	5-01-27-340-011	\$6,000.00

To:

Health Insurance	5-01-23-220-092	\$ 800.00
Electricity	5-01-31-430-071	\$9,000.00
Dispatch SW	5-01-43-491-014	\$8,000.00

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons			X			
Council Member Ludas	X		X			
Council Member Rutsky		X	X			
Council Member Spillane			X			
Council Member Sussman			X			
Council President Busco			X			
Mayor Lowande						

#139-12-16-15

RESOLUTION ACCEPTING MINUTES

BE IT RESOLVED THAT THE FOLLOWING MINUTES BE AND ARE HEREBY ACCEPTED AND FILED:

MAYOR AND COUNCIL

November 18, 2015

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons					X	
Council Member Ludas	X		X			
Council Member Rutsky			X			
Council Member Spillane		X	X			
Council Member Sussman			X			
Council President Busco			X			
Mayor Lowande						

#140-12-16-15

APPOINT ACTING BOROUGH CLERK

I, Marlene Lowande, Mayor with the advise and consent of the Borough Council do hereby appoint Susan Boulogne as Acting Borough Clerk, for a term to expire December 15, 2016.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons			X			
Council Member Ludas		X	X			
Council Member Rutsky			X			
Council Member Spillane			X			
Council Member Sussman			X			
Council President Busco	X		X			
Mayor Lowande						

#142-12-16-15

AUTHORIZE DEFERMENT OF 2015 LOCAL SCHOOL TAXES AS PROMULGATED BY THE DIVISION OF LOCAL GOVERNMENT SERVICES

WHEREAS, the Borough Council of the Borough of Jamesburg, County of Middlesex, State of New Jersey desires to increase the 2015 deferred School Taxes as promulgated by the Division of Local Government Services;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Jamesburg, County of Middlesex, State of New Jersey to increase the 2014 deferred School Taxes as follows:

	<u>FROM</u>	<u>TO</u>	<u>INCREASE</u>
LOCAL DISTRICT SCHOOL TAX	\$3,555,000.00	\$3,655,000.00	\$100,000.00

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Borough of Jamesburg be directed to file three certified copies of this resolution with the Division of Local Government Services.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons			X			
Council Member Ludas	X		X			
Council Member Rutsky			X			
Council Member Spillane		X	X			
Council Member Sussman			X			
Council President Busco			X			
Mayor Lowande						

#143-12-16-15

RESOLUTION CANCELING 2015 APPROPRIATION BALANCE

WHEREAS, the Borough of Jamesburg adopted its budget April 15, 2015; and

WHEREAS, it has been determined that certain 2015 appropriation balances may be cancelled as they are no longer required;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Jamesburg as follows:

1. That the following 2015 appropriation balance is no longer necessary:

5-01-43-494-074	Gasoline	\$20,000.00
5-01-43-500-116	MCUA Solid Waste	\$10,000.00

2. That two certified copies of this resolution be filed with the Director of the Division of Local Government Services.
3. That the municipal clerk forward a certified copy of this resolution to the following:
 - a. Chief Financial Officer
 - b. Borough Auditor

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Gibbons			X			
Council Member Ludas	X		X			
Council Member Rutsky		X	X			
Council Member Spillane			X			
Council Member Sussman			X			
Council President Busco			X			
Mayor Lowande						

COUNCILMATIC COMMITTEE REPORTS:

- FINANCE COMMITTEE
Council Member Rutsky

Council Member Rutsky reported that the interview with Mr. Frueh went well. The library will be having their final meeting December 21, 2015.

- EDUCATION COMMITTEE
Council Member Gibbons

Council Member Gibbons has questions about the letter from the Board of Education removing him from his position. He stated that the signature of the superintendent wasn't clear. Mayor Marlene Lowande asked Mr. Gibbons to grant the wishes of the Board of Education.

- POLICE COMMITTEE
Council Member Sussman

Council Member Sussman reported the Police Department will be purchasing 15 body cameras. In addition, they will be going around town to check out the signs and see what needs to be repaired or replaced. Thank you to the police. Thank you and congratulations to Tanya. Welcome Sue.

- PERSONNEL COMMITTEE
Council Member Ludas

Council Member Ludas congratulated Tanya and told her she will be missed. Welcomed Sue. The Vine Restaurant is scheduled to open mid January. Per Tutti updated the outside of the building to make it look like a more rustic Italian Restaurant. Council Members Shannon Spillane and Coleen Rutsky did great job on the tree lighting ceremony.

- PUBLIC WORKS COMMITTEE
Council President Busco

Council President Busco reported that DPW is hard at work cleaning up the leaves. The back stairs at Borough Hall are being redone. Council Members Rutsky, Spillane and Ludas did a great job on the tree lighting ceremony. Happy Holidays, and thank you Tanya you will be missed.

- PUBLIC EVENTS COMMITTEE
Council Member Spillane

Council Member Spillane thanked everyone who helped with the tree lighting ceremony. Paul Intravartola was serving hot chocolate and pop corn. Despite all the negativity in the world, we sang and had a good time. Coleen Rutsky concurred.

ADMINISTRATOR'S REPORT
Denise Jawdzik

No Report

- PUBLIC SAFETY COMMITTEE/MAYOR'S REPORT/CONSOLIDATION COMMITTEE
Mayor Marlene Lowande

Mayor Lowande reported that basketball has started. Wrestling is underway. Santa will be around town Saturday, December 19th. The tree lighting was a success. Tanya we will miss you. Have a safe, happy, healthy Christmas and New year.

MOTION TO ADJOURN:

Proposed By: Ludas
Seconded By: Sussman
All in favor.

TIME OF ADJOURNMENT: 7: 27PM



~~Tanya Pannucci~~ Susan Boulogne
~~Registered Municipal Clerk~~
Acting