

**BOROUGH OF JAMESBURG
GOVERNING BODY MEETING
MINUTES
SEPTEMBER 12, 2012
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 President Ludas
Council Member Busco
Council Member Carpenter
Council Member Kostbar
Council Member Newton
Council Member Taylor
Administrator Jawidzik
Borough Attorney Raffetto

1ST PUBLIC COMMENT PERIOD – AGENDA ITEMS ONLY: 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 TO OPEN PUBLIC COMMENT – AGENDA ITEMS ONLY

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

Tom Van de Sande – 2 Fernwood Lane: Mr. Van de Sande asked for clarification regarding Resolution #149-09-12-12 NJDOT Grant App and Contract and what it was for. Borough Administrator Jawidzik responded explaining the contract will come after the application is submitted and it is for grant money that will be used to replace curbs and sidewalks along Buckelew Ave. to the Pergola Ave. border dependent upon how much money we receive. Council Member Taylor reiterated that this is “free money”.

Mr. Van de Sande asked who was awarded the contract for the West Railroad Ave. Resurfacing Project Phase II. Borough Administrator Jawidzik responded. Council Member Taylor also explained that the contractor who is being awarded this contract also did the other portion which came out nice. The bid spec did include a pedestrian crosswalk after being asked by a previous resident on Gatzmer Ave. if it would be included.

Mr. Van de Sande asked about what the “Best Practices Inventory Acknowledgement” meant and how it was administered. Borough Administrator Jawidzik responded that it would determine if the Borough would get 100% of its State Aid. The questions are different ranging from finance, personnel, training, etc.

MOTION TO CLOSE OPEN PUBLIC

Proposed By: Taylor
Seconded By: Ludas
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:

#146-09-12-12** Accepting Meeting Minutes - August 8, 2012
August 8, 2012 Executive Session
August 29, 2012

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL

August 8, 2012
August 8, 2012 Executive Session
August 29, 2012

#147-09-12-12** Accepting Monthly Report

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	July, 2012
Finance Report	July, 2012
Report of the Tax Collector	July, 2012
Report of the Sewer Administrator	July, 2012

#148-09-12-12** Approve Payment of Vouchers

RESOLUTION TO 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 \$1,233,100.91.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco			X			
Council Member Carpenter			X			
Council Member Kostbar	X		X			
Council Member Newton						X
Council Member Taylor			X			
Council President Ludas		X	X			
Mayor Lowande						

NON-CONSENT AGENDA RESOLUTIONS:

#149-09-12-12 NJDOT Grant App and Contract
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BUCKELEW AVENUE IMPROVEMENTS PROJECT

NOW, THEREFORE, BE IT RESOLVED, that Council of the Borough of Jamesburg formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Administrator are hereby authorized to submit an electronic grant application identified as MA – 2013 – Jamesburg Borough – 00063 to the New Jersey Department of Transportation on behalf of the Borough of Jamesburg.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Jamesburg and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco	X		X			
Council Member Carpenter		X	X			
Council Member Kostbar			X			
Council Member Newton						X
Council Member Taylor			X			
Council President Ludas			X			
Mayor Lowande						

#150-09-12-12 Award Bid West Railroad Avenue Road Resurfacing Project Phase II
RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR WEST RAILROAD AVENUE ROAD RESURFACING PROJECT PHASE II

WHEREAS, the Borough of Jamesburg seeks to award a contract for the West Railroad Avenue Road Resurfacing Project Phase II; and

WHEREAS, the Borough of Jamesburg hereby accepts and approves the specifications of this project as prepared by the Borough Engineer, and finds this project to be in the best interest of the Borough; and

WHEREAS, on August 21, 2012, the Borough of Jamesburg received bids for the West Railroad Avenue Road Resurfacing Project Phase II; and

WHEREAS, on that date, the three lowest bids for the Base Bid were received from the following bidders for this project:

Bidder	Base Bid
1. Z. Brothers	\$179,091.67
2. Jads Construction	\$196,677.50
3. F&P Contractors	\$213,909.00

; and

WHEREAS, the Borough Engineer has recommended that the contract for West Railroad Avenue Road Resurfacing Project Phase II be awarded to Z. Brothers for the base bid in the amount of \$179,091.67, subject to the Borough Attorney as to form; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg, County of Middlesex, New Jersey that the contract for the West Railroad Avenue Road Resurfacing Project Phase II be awarded to Z. Brothers in the amount of \$179,091.67 subject to the approval of the Borough Attorney.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco		X		X		

Council Member Carpenter				X		
Council Member Kostbar				X		
Council Member Newton						X
Council Member Taylor	X			X		
Council President Ludas				X		
Mayor Lowande						

#151-09-12-12

Amending Personnel Policy

RESOLUTION AMENDING SECTION 8 LONGEVITY OF THE BOROUGH OF JAMESBURG PERSONNEL POLICY

WHEREAS, the Mayor and Council of the Borough of Jamesburg adopted an amended Personnel Policy with respect to the employees of the Borough on August 12, 2009; and

WHEREAS, the Mayor and Council of the Borough of Jamesburg have determined to make the following amendments:

- Section 8 - Longevity:
* Any employee hired after September 1, 2012 shall not be entitled to Longevity
- Add Section 30A – Borough Vehicle Use Policy:
* The Borough of Jamesburg prohibits personal use of Borough vehicles.

In the event that any employee receives a waiver from this requirement by action of the Governing Body for use of a Borough vehicle to commute to and from work, such employee shall be subject to a fringe benefit value added to their gross income on their W-2.

; and

WHEREAS, the Mayor and Council of the Borough of Jamesburg is desirous of adopting the amendments to Section 8 and add Section 30A of the Personnel Policy;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg that the amendments to Section 8 and addition of Section 30A of the Personnel Policy are hereby adopted.

Council Member Kostbar explained that part of the Best Practices Inventory was to eliminate longevity for all new employees, and the state says we should have a vehicle use policy in place, although we have no employees who use any Borough vehicles for personal use.

Council Member Taylor reiterated that longevity is eliminated for all new hires.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco			X			
Council Member Carpenter		X	X			
Council Member Kostbar			X			
Council Member Newton						X
Council Member Taylor			X			
Council President Ludas	X		X			
Mayor Lowande						

#152-09-12-12

Award Contract – Cellular Communications Tower Sale of Lease

RESOLUTION AUTHORIZING AWARD OF BID FOR THE CELLULAR COMMUNICATIONS TOWER SALE OF LEASE

Council Member Taylor wanted to discuss that this idea came about due to the fact the Borough received word from the County that the Borough entered into an agreement with the County approximately 12-13 years ago agreeing to pay 16% of the cost of the 5-way intersection and 100% of

the cost of land acquisition. 13 years later the County called to set up a meeting for the Borough to sign an agreement stating that if we decide to back out we are responsible for all costs to date. There is a meeting scheduled with the County between Council Member Taylor, Mayor Lowande and Council Member Busco to see if a grant can be obtained, if not then canceling the project would cost approximately \$300,000 which the Borough would be responsible paying for. The increase in flows of sewer will result in an increase of \$163,000 and tax appeals have costs the Borough \$100,000. These major hits have caused the Borough to look at an additional way of gaining income through a cell tower lease which other towns have done as well. The Borough will lose approximately \$40,000 in annual revenue but will gain \$664,000, which is the equivalent to 15 years of lost revenue or until 2028. The money will offset major project costs, unexpected costs and relieve obligations. Any money not spent will go into the surplus account and help stabilize property taxes. This will create a bridge of relief until 2017 when the sewer debt will decrease from \$73,000 to \$18,000 saving the Borough \$55,000 a year. The debt will be paid off by 2022. Also, in 2017 three ranking police officers and one Borough employee will be eligible for retirement which will also save the Borough money. This lease agreement will allow the Borough to be fiscally responsible now and help replace lost revenue.

Council Member Kostbar asked if any unused money can be put into the capital improvement account which Administrator Jawidzik explained that any unused money will go into surplus and be decided on how to use as there are a lot of capital expenses coming up.

Council Member Taylor expressed concern that there are very expensive things coming up and the borough needs to build a bridge to alleviation.

Council Member Kostbar and Mayor Lowande thanked Council Member Taylor on his report.

Council Member Kostbar asked when we can expect the check, Administrator Jawidzik explained that they have 30 days to sign the contract and hopes to receive the check by the end of the year.

WHEREAS, the Borough of Jamesburg seeks to award a contract for the Cellular Communications Tower Sale of Lease; and

WHEREAS, on August 16, 2012, the Borough of Jamesburg received bids for the Sale of such Lease; and

WHEREAS, on that date, bids were received from the following bidders for this sale:

- | | | |
|----|--------------------------------|-------------------|
| 1. | Wireless Capital Partners, LLC | \$664,000.00 |
| 2. | Landmark Dividend | \$609,000.00 |
| 3. | Telecom Lease Advisors | \$570,000.00 |
| 4. | Communications Capital Group | \$464,500.00; and |

WHEREAS, the Purchasing Official has recommended that the contract for Cellular Communications Tower Sale of Lease be awarded to Wireless Capital Partners LLC in the amount of \$664,000.00; and

WHEREAS, the highest bidder has thirty (30) to enter into contract with the Borough as per the bid specifications; and

WHEREAS, failure to enter into such contract within the specified thirty (30) day time period will result in the contract being awarded to the second highest bidder, Landmark Dividend in the amount of \$609,000.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg, County of Middlesex, New Jersey that the contract for Cellular Communications Tower Sale of Lease bid be awarded to Wireless Capital Partners, LLC in the amount of \$664,000.00; or in the event of failure to enter into such contract, to Landmark Dividend in the amount of \$609,000.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute a contract in a form acceptable to the Borough Attorney on behalf of the Borough of Jamesburg

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg that the Municipal Clerk is hereby authorized to file the attached Best Practice Public Meeting Certification Form with the DLGS.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco			X			
Council Member Carpenter	X		X			
Council Member Kostbar		X	X			
Council Member Newton						X
Council Member Taylor			X			
Council President Ludas			X			
Mayor Lowande						

COUNCILMATIC COMMITTEE REPORTS:

- FINANCE and EDUCATION COMMITTEES
Council Member Taylor

Finance: Council Member Taylor reported that the Finance Committee had looked into a new revenue source by advertising on the Borough website and the Borough vehicles. In doing further research the initial cost is \$9,500 and the Borough website would need 5,000 hits per month. After further discussion it was realized that this would not benefit the Borough and we would be unable to meet the requirements. Council Member Taylor noted that even if something does not work out the council members are doing research on ways to save the tax payers money.

Education: No Report – was unable to attend

- POLICE COMMITTEE
Council Member Kostbar

Council Member Kostbar reported that it has been a busy month for the JPD; with 185 tickets issued, 30 arrests, and 1 armed robbery which resulted in the perpetrators being locked up and the weapon used recovered.

Police secretary is doing a great job and went with Officer Burzachiello to a Firearm Application Seminar; there has been an increase in firearm applications.

75 people have signed up for the Neighborhood Watch Program – Lt. Craparotta will be sending a letter out to those interested to set up a meeting.

- PERSONNEL COMMITTEE
Council President Ludas

Council Member Ludas reported that Acting Clerk Tanya Pannucci has begun duties as Acting Borough Clerk. She will be attending Municipal Clerk classes and Election classes throughout September and October.

A meeting for Jamesburg business owners will be held at Borough Hall on Thursday, September 13th. Work on clearing the Church Street Creek/Manalapan Brook will continue in October.

- PUBLIC WORKS COMMITTEE
Council Member Busco

No Report

- PUBLIC EVENTS COMMITTEE
Council Member Carpenter

Council Member Carpenter reiterated that the Jamesburg Fall Festival will be held October 7, 2012 with a rain date of October 14, 2012 from Noon – 5pm. Anyone interested in becoming a vendor can obtain an application on the Borough website or by contacting her directly. Vendors are coming in slowly – with approximately 60 signed up to participate thus far. Registration packets have been handed out, sent through a mass email, advertised on Craigslist, flyers to all local business and a press release sent to the newspapers. 15 advertisement signs have been posted near intersections of town. Applications will be passed out during the Helmetta Day and Hightsown Festival events. Chief Horvath has arranged to have the County mobile advertising unit to be set up announcing the Fall Festival date near Forsgate Dr. Goal is to make this year's event as successful as last year. She explained all of the planned activities for that day: kid's rides, pony rides, pumpkin contests, etc. She explained the need for vendors to make this year's Festival as successful as last years.

The Library will be celebrating their 50th anniversary in 2013 and a celebration is planned for April 13, 2013 at Forsgate Country Club.

Bus trip is scheduled for October 13, 2012 visiting Pulitzer Prize Winner Pearl buck and then to Peddler's Village.

Yard/Bake Sale is scheduled for September 29, 2012.

- PUBLIC SAFETY COMMITTEE
Council Member Newton

No Report - Absent

- ADMINISTRATOR'S REPORT
Denise Jawidzik

No Report

- MAYOR'S REPORT
Mayor Marlene Lowande

Mayor Lowande reported that she is pleased to see the high number of signups for the Neighborhood Watch program – as it will be a positive addition to have in town.

She is excited for the street fair and is confident there will be more vendor signups in the coming weeks.

The JFD Ladies Auxiliary is hoping to have a pumpkin contest, kid games and a zombie walk sometime at the end of October.

The Mayor also thanked everyone for their hardwork and dedication in working together and the informative reports that were given. She believes the newly appointed Acting Borough Clerk will be a good fit and will continue to work well with the rest of the Borough staff.

2nd 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 TO OPEN PUBLIC COMMENT – AGENDA ITEMS ONLY

Proposed By: Ludas

Seconded By: Taylor

All in favor.

Sandy Sussman – 124 Buckelew Avenue: Mr. Sussman expressed his concern over the decrease in vendor applications for the Fall Festival. Council Member Carpenter responded that there have been some conflicts with other towns because they are holding their own Street Fairs/Fall Festivals. Council Member Kostbar also noted that Von Thun's is having their own festival which takes away from vendors joining ours. Mayor Lowande also stated that due to location and distance for some vendors, they have opted to participate in festivals closer to home. Mr. Sussman inquired about possibly joining surrounding towns and having a Fall Festival with them. Council Member Carpenter explained that they would like to keep the Festival in Jamesburg as it gives everyone something to look forward to. She also noted that she does get a lot of last minute signups, even on the day of to participate. Mr. Sussman threw out the idea of possible participating as a food vendor doing bbq – Mayor Lowande has confirmed that a bbq food vendor will already be in participation.

Tom Van de Sande – 2 Fernwood Lane: Asked if the Police Secretary position was filled. Council Member Kostbar responded – yes. Asked if there was now a vacancy for a receptionist. Council Member

Kostbar and Mayor Lowande responded – no, the receptionist will continue doing her duties in that position along with her Acting Borough Clerk duties.

Mr. Van de Sande inquired about the budget; why there is an increase in spending when revenue is down. Council Member Kostbar explained that the amount being spent has stayed the same and only has been charged differently.

Mr. Van de Sande asked about why the tax amounts have increased and is the decrease in revenue due in part to the amount of tax appeals that were successful. Administrator Jawidzik responded – yes. Van de Sande also wanted to know if commercial and residential property owner's tax money were being used as reserve – Council Member Taylor responded – no.

Mr. Van de Sande also asked if there was any truth to a Wrestling Program being started – Mayor Lowande explained that the recreation department is working on starting a wrestling program that is fully funded by the registration fees they charge for signups.

Mr. Van de Sande asked why there was never a vehicle use policy in place until now – Council Member Kostbar responded that there was never a need but it is necessary to have one as no employee has ever used any Borough vehicles for personal use.

MOTION TO CLOSE OPEN PUBLIC

Proposed By: Ludas

Seconded By: Carpenter

All in favor.

MOTION TO ADJOURN

Proposed By: Kostbar

Seconded By: Ludas

All in favor.

TIME OF ADJOURNMENT: 7:33PM

Tanya Pannucci
Acting Municipal Clerk
Borough of Jamesburg