

**BOROUGH OF JAMESBURG  
GOVERNING BODY MEETING  
MINUTES  
OCTOBER 8, 2014  
7:00 PM**

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**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 Busco  
Council Member Gibbons  
Council Member Spillane  
Council Member Sussman  
Council Member Taylor  
Council President Ludas - ABSENT  
Administrator Jawidzik  
Borough Attorney - Raffetto

**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: Taylor  
Seconded By: Sussman  
All in Favor

Sarah Mergogey – 29 Hooker St.: Mrs. Mergogey expressed her concern for several neighboring houses to hers that have garbage and trash piling up outside, including 21 Vine Street who has a trailer being used as storage on their property amongst other garbage outside. She has contacted the Board of Health and provided pictures to Mayor Lowande of the offending houses. Both Mayor Lowande and Administrator Jawidzik responded and will have our Zoning Officer Robert Lebrun address.

Motion to Close to Public Comment:  
Proposed By: Busco  
Seconded By: Taylor  
All in Favor

**ORDINANCES – SECOND READING BY TITLE – PUBLIC HEARING**

The following ordinances were approved on the first reading at the meeting of the Mayor and Council held on September 10, 2014 and published in the September 19, 2014 edition of the Cranbury Press. Copies have been posted on the municipal bulletin board and made available to the public since introduction.

**ORDINANCE #07-14**

**ORDINANCE PROVIDING FOR THE UNDERTAKING OF SEWER REHABILITATION, BY AND IN THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (THE “BOROUGH”); REAPPROPRIATING EXCESS CAPITAL FUNDS IN THE AMOUNT OF \$22,086.67 TO FINANCE THE COST THEREOF**

**WHEREAS**, the Borough Council of the Borough of Jamesburg, in the County of Middlesex, State of New Jersey (the "Borough"), finally adopted a Capital Ordinance, specifically Ordinance Number 10-12, Improvements to Half Acre Road, finally adopted on December 19, 2012; and

**WHEREAS**, the Borough has determined that all of the capital improvements or purposes set forth in Ordinance #10-12 have been completed in full; and

**WHEREAS**, there currently remains on deposit in the Borough capital accounts excess capital funds allocable to the Ordinance but no longer necessary to complete the improvements authorized therein; and

**WHEREAS**, in accordance with its statutory powers, including but not limited to those set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the Borough Council has determined that it is in the best interest of the Borough to reappropriate the excess capital funds to finance the cost of the undertaking of sewer rehabilitation in and by the Borough, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto; and

**WHEREAS**, the Borough Council now desires to reappropriate the Excess Capital Funds to undertake the cost of the Project, which is an improvement or purpose for which bonds may be issued; and

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

**SECTION 1.** The following amounts of Excess Capital Funds of the Ordinance are no longer necessary for the purposes for which they were authorized and issued:

**Ordinance #10-12: \$22,086.67**

**SECTION 2.** The total amount of \$22,086.67 in Excess Capital Funds is hereby reappropriated pursuant to N.J.S.A. 40A:2-39 and other applicable law, and shall be used to finance a portion of the cost of the Project, which is a general capital improvement or purpose for which bonds may be issued and, which general improvement or purpose is set forth in Section 3 of this bond ordinance.

**SECTION 3. (a)** The improvement hereby authorized and purpose for which the Excess Capital Funds shall be utilized is the undertaking of sewer rehabilitation.

**(b)** The estimated cost of said purpose is \$22,086.67, which is the reappropriation of the Excess Capital Funds.

**SECTION 4.** The capital budget of the Borough is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

**SECTION 5.** This capital ordinance shall take effect 10 days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

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

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

**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:**

#107-10-08-14\*\*                      Accepting Monthly Reports

**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	August 2014
Finance Report	August 2014
Report of the Tax Collector	August 2014
Report of the Sewer Administrator	August 2014

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

#108-10-08-14\*\*                      Approve Payment of Vouchers  
**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 \$688,053.85.

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

#109-10-08-14\*\*                      Accepting Meeting Minutes – September 10, 2014  
**RESOLUTION ACCEPTING MINUTES**

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

MAYOR AND COUNCIL

September 10, 2014

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

#110-10-08-14\*\*

Cancellation of Grant: NJ Drive Sober

**CANCELLATION OF GRANTS**

**WHEREAS**, the Borough of Jamesburg was approved for a NJ Drive Sober Grant from the NJ Department of Law and Public Safety; and

**WHEREAS**, the program is complete and there are excess funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Jamesburg that the following grant receivables and reserves be canceled:

NJ Drive Sober - \$100.00

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

#111-10-08-14\*\*

Authorize Adjustment of Sewer Account – 42 Dayton Rd.

**AUTHORIZE ADJUSTMENT OF SEWER ACCOUNT – 42 DAYTON ROAD**

**WHEREAS**, it has been brought to the attention of the Sewer Administrator that the structure located at 42 Dayton Road, also known as, account number 1061-1 was demolished in May 2014;

**WHEREAS**, the account, 1061-1, was billed for the second quarter sewer in the amount of \$97.00 and should not have been;

**WHEREAS**, the Sewer Administrator requests that the sewer account be inactivated and the account balance adjusted accordingly;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Jamesburg that the Sewer Administrator be and is hereby authorized to inactivate the sewer account of 42 Dayton Road, also known as, account number 1061-1 and adjust the account balance accordingly.

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

#113-10-08-14\*\*

Consenting to the Proposed Water Quality Management Plan Amendment Entitled: Middlesex County Future Wastewater Service Area Map

**A RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: FUTURE WASTEWATER SERVICE AREA (FWSA) MAP FOR MIDDLESEX COUNTY, NEW JERSEY**

**WHEREAS**, the Middlesex County Board of Chosen Freeholders desire to provide for the orderly development of wastewater facilities within Middlesex County; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

**WHEREAS**, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

**WHEREAS**, a proposed WQM plan amendment noticed in the New Jersey Register on October 20, 2014 for the Future Wastewater Service Area (FWSA) map has been prepared by the Middlesex County Office of Planning;

**NOW, THEREFORE, BE IT RESOLVED** on this 8<sup>th</sup> day of October, 2014, by the governing body of the Borough of Jamesburg that:

1. The Borough of Jamesburg hereby consents to the amendment entitled Future Wastewater Service Area (FWSA) Map, and publicly noticed on October 20, 2014, prepared by the Middlesex County Office of Planning, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4 and to the Middlesex County Office of Planning, Division of Comprehensive Planning and the Environment.

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

**NON-CONSENT AGENDA RESOLUTIONS:**

#112-10-08-14 Best Practices Inventory  
**RESOLUTION ACKNOWLEDGING DISCUSSION OF BEST PRACTICE INVENTORY AND AUTHORIZING SUBMISSION OF PUBLIC MEETING CERTIFICATION**

**WHEREAS**, the State’s Fiscal 2015 Appropriations Act (P.L. 2013, c.77) requires the Division of Local Government Services (DLGS) to determine how much of each municipality’s final 5% allocation of its CMPTRA and ETR aid will be disbursed based upon the results of a Best Practices Inventory; and

**WHEREAS**, the Chief Financial Officer (CFO) has completed the attached Best Practices Inventory on behalf of the Borough of Jamesburg; and

**WHEREAS**, the Mayor and Council have reviewed and discussed the Best Practices Inventory as prepared by the CFO.

**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 Gibbons			X			
Council Member Spillane	X		X			
Council Member Sussman			X			
Council Member Taylor		X	X			
Council President Ludas						X
Mayor Lowande						

Administrator Jawidzik explained the Best Practices Inventory.

#114-10-08-14 Award Bid for the Buckelew Ave. Curb & Sidewalk Replacement Project  
**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR BUCKELEW AVENUE CURB AND SIDEWALK REPLACEMENT PROJECT**

**WHEREAS**, the Borough of Jamesburg seeks to award a contract for the Buckelew Avenue Curb and Sidewalk Replacement Project; 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 October 7, 2014, the Borough of Jamesburg received bids for the Buckelew Avenue Curb and Sidewalk Replacement Project; and

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

- |    |                          |                   |
|----|--------------------------|-------------------|
| 1. | A & A Curbing Inc.       | \$222,149.88      |
| 2. | A. Takton Concrete Corp. | \$241,783.90      |
| 3. | S. Batata Construction   | \$278,610.00; and |

**WHEREAS**, the Borough Engineer has recommended that the contract for Buckelew Avenue Curb and Sidewalk Replacement Project for the base bid be awarded to A & A Curbing Inc. in the amount of \$222,149.88, 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 Buckelew Avenue Curb and Sidewalk Replacement Project for the base bid be awarded to A & A Curbing Inc. in the amount of \$222,149.88 subject to the approval of the Borough Attorney.

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

Council Member Taylor asked how much of Buckelew Avenue would be done and Administrator Jawidzik answered.

**COUNCILMATIC COMMITTEE REPORTS:**

- FINANCE COMMITTEE  
Council Member Sussman

No Report.

- EDUCATION COMMITTEE  
Council Member Spillane

Council Member Spillane reported that the Board of Education held their meeting on September 18<sup>th</sup>; the Superintendent recognized students and staff achievements. Also, a reminder that the PTA has a lot of activities planned for the students this year and all of the events can be found on the event calendar on the school's website.

- POLICE COMMITTEE  
Council Member Gibbons

Council Member Gibbons reported that the roads have been paved with some of the roads still needing painting. The Neighborhood Watch meeting is scheduled for October 27<sup>th</sup> at 7pm; there will be a guest speaker Kim Polick from the Middlesex County Prosecutor's Office who will be talking about Megan's Law which should interest a lot of parent's in attending. Police negotiations have begun with talks to continue in another two weeks.

Council Member Gibbons also addressed the Mayor and Council in his capacity as Republican Chairman apologizing for inadvertently naming the Democratic candidates Coleen Rutsky and Daria Ludas and Borough Clerk Tanya Pannucci, in the Republican Committee's lawsuit against the County Clerk to have their write-in candidates on the ballot for November's election. Council Member Taylor responded asking for an apology to be made to the taxpayer's for the money spent on legal fees, incurred because of the Borough Clerk indeed being named in the lawsuit that was filed. Council Member Taylor and Council Member Gibbons exchanged commentary regarding the lawsuit; Mayor Lowande responded, as well as, Borough Attorney Raffetto who interjected and clarified what his responsibility is as the attorney for the borough when a lawsuit is filed against the borough and borough employee's. Council Member Sussman asked Attorney Raffetto what the consequences would have been if we did not involve him in this lawsuit; Attorney Raffetto explained that we would have defaulted and the allegations made against the borough clerk would have been taken as correct. Council Member Taylor, Council Member Gibbons and Mayor Lowande continued discussions regarding the lawsuit, as well as, a question Council Member Gibbons had previously regarding the legality of the summer hour schedule was discussed.

- PERSONNEL COMMITTEE

Council Member Busco

Council Member Busco extended get well wishes to Council Member Ludas on her surgery recovery. He also commented on the success of the Fall Festival and thanked all that were involved in making it a success. He also thanked Administrator Jawidzik for the paving work that has been done in town.

- PUBLIC WORKS COMMITTEE

Council Member Taylor

Council Member Taylor reported that the DPW has cleaned up and cut the grass over at the Buckelew Mansion. Leaf pick-up will begin at the end of the month as the DPW is waiting on parts to fix the leaf machine.

- PUBLIC EVENTS COMMITTEE

Council President Ludas

Mayor Lowande reported on behalf of Council President Ludas who is recovering from surgery. She has spoken with Council Member Ludas and she is doing well, receiving permission from her doctor to do more as each day passes. Mayor Lowande reported on the Fall Festival commenting that it was another successful year with more ideas in store for next year's event. She thanked Council Member Spillane for all of her hardwork.

- ADMINISTRATOR'S REPORT

Denise Jawidzik

No Report.

- PUBLIC SAFETY COMMITTEE/MAYOR'S REPORT/CONSOLIDATION COMMITTEE

Mayor Marlene Lowande

Mayor Lowande reported that Platt's held a car show at the Fall Festival with over 50 cars in attendance all of which raised \$1,300 for Jamesburg's recreation programs. There will also be a car wash held this Saturday at the Jamesburg Fire Department with all proceeds going towards the recreation programs as well. Lastly, Mayor Lowande reported that the Pumpkin Festival is scheduled for October 25<sup>th</sup>, as well as, scarecrow making and plans for a zombie walk to be held on Halloween; all of which will be posted on the Borough facebook page and website.

**MOTION TO ADJOURN:**

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

**TIME OF ADJOURNMENT:**        7: 47PM

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Tanya Pannucci  
Registered Municipal Clerk  
Borough of Jamesburg