

**BOROUGH OF JAMESBURG
GOVERNING BODY MEETING
MINUTES
NOVEMBER 18, 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 - *ABSENT*
Council Member Ludas
Council Member Rutsky
Council Member Spillane
Council Member Sussman
Council President Busco
Administrator Jawidzik
Borough Attorney – Raffetto – *ABSENT*

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 – FIRST READING BY TITLE – (PUBLIC HEARING SET FOR DECEMBER 16, 2015):

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 All ordinances or parts of ordinances inconsistent with the terms of this ordinance be and the same are hereby repealed to the extent of their inconsistency.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

RECORD OF VOTE:

FIRST READING: NOVEMBER 18, 2015

COUNCIL MEMBER	MOTION TO INTRODUCE	2nd	VOTE
Council Member Gibbons			AB
Council Member Ludas		X	X
Council Member Rutsky			X
Council Member Spillane			X
Council Member Sussman			X
Council President Busco	X		X
Mayor Lowande			

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.

RECORD OF VOTE:

FIRST READING: NOVEMBER 18, 2015

COUNCIL MEMBER	MOTION TO INTRODUCE	2nd	VOTE
Council Member Gibbons			AB
Council Member Ludas	X		X
Council Member Rutsky			X
Council Member Spillane		X	X
Council Member Sussman			X
Council President Busco			X
Mayor Lowande			

Administrator Jawidzik explained that the utility company must have permission for the rights of way: Council Member Spillane asked if this was underground or pole, Administrator Jawidzik answered both.

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: Sussman

Seconded By: Ludas

All in Favor

Rose Spillane – 29 Lincoln Ave.: Miss. Spillane commended council members Busco and Sussman on how they carried their campaign. She said it was done in a very professional matter and was much appreciated.

Brian Taylor – 11 Hillside Ave.: Mr. Taylor brought to the attention of the mayor and council that he attended church at St. James. He pointed out that it was safe. Chief of Police and 2 officers were present. Safety is very important. Thank you to the Chief of Police, mayor and council for ensuring safety at the church.

Mayor Lowande agreed with Mr. Taylor that is it a priority to have officers present at the church. Thank you to the Chief of Police.

Council Member Ludas added that the priest at St. James commended the Jamesburg Police Department for ensuring the safety of the parishoners.

Council Member Spillane also commented that it is comforting to see the Jamesburg Police Department at St. James. Thank you.

The Chief of Police stated this is still an active investigation.

Motion to Close to Public Comment:

Proposed By: Ludas
Seconded By: Spillane
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:

#126-11-18-15** 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 \$1,649,855.66.

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						

#127-11-18-15**

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL

October 21, 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						

#128-11-18-15**

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	October 2015
Finance Report	October 2015
Report of the Tax Collector	October 2015
Report of the Sewer Administrator	October 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						

#133-11-18-15**

AUTHORIZE REFUNDS OF TAX OVERPAYMENTS

WHEREAS, overpayments of taxes have been received by the Tax Collector's office in the aggregate amount of two-thousand two-hundred forty-three dollars and seventy-nine cents (\$2,243.79); and

WHEREAS, these payments have been certified by the Tax Collector as overpayments;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg that the Tax Collector be and is hereby authorized to make such refunds and the Chief Financial Officer is hereby directed to issue such checks in accordance with the certification(s) attached hereto.

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:

#129-11-18-15

Authorize Transfers in the 2015 Municipal Budget

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:

Clerk SW	5-01-20-120-012	\$3,000.00
Finance SW	5-01-20-130-012	\$3,000.00
Engineering OE	5-01-20-165-046	\$3,000.00
Fire Prevention OE	5-01-25-264-036	\$800.00
Telephone	5-01-31-440-076	\$5,000.00
Street Lighting	5-01-31-435-075	\$4,000.00
Assessor	5-01-20-150-027	\$2,900.00

To:

Legal	5-01-20-155-027	\$12,000.00
Fire Preventon SW	5-01-25-264-012	\$800.00
Solid Waste	5-01-26-305-046	\$6,000.00
Health Insurance	5-01-23-220-092	\$3,620.00

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						

#130-11-18-15

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR RIDGEVIEW ROAD RESURFACING & DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the Borough of Jamesburg seeks to award a contract for the Ridgeview Road Resurfacing and Drainage Improvements 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 November 10, 2015 the Borough of Jamesburg received bids for the Ridgeview Road Resurfacing and Drainage Improvements Project; and

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

- | | | |
|----|-----------------------------|-------------------|
| 1. | Lancha Construction Corp. | \$201,637.43 |
| 2. | S. Batata Construction Inc. | \$211,755.00 |
| 3. | Lucas Construction Group | \$224,780.50; and |

WHEREAS, the Borough Engineer has recommended that the contract for Ridgeview Road Resurfacing and Drainage Improvements Project for the base bid be awarded to Lancha Construction Corp. in the amount of \$201,637.43, 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 Ridgeview Road Resurfacing and Drainage Improvements Project for the base bid be awarded Lancha Construction Corp. in the amount of \$201,637.43, subject to the approval of the Borough Attorney.

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						

Administrator Jawidzik explained the project will begin in the Spring of 2016: still needs DOT approval.

#131-11-18-15

RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF MAINTENANCE BOND OF A & A CURBING, INC. BEING HELD FOR THE BUCKELEW AVENUE CURB & SIDEWALK REPLACEMENT PROJECT

WHEREAS, the Borough of Jamesburg is in possession of a Performance Bond from A & A Curbing, Inc. for the Buckelew Avenue Curb & Sidewalk Replacement Project; and

WHEREAS, A & A Curbing, Inc. has submitted a Maintenance Bond and the Borough Attorney and Borough Engineer have given approval of the amount and acceptance date of the aforementioned Maintenance Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Council of the Borough of Jamesburg, that the Borough Clerk is hereby authorized to accept the aforementioned Maintenance Bond and release the Performance Bond held for the Buckelew Avenue Curb & Sidewalk Replacement Project; and

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						

Administrator Jawidzik explained that this is the final step to close the project.

#132-11-18-15

RESOLUTION ACCEPTING THE SHARED SERVICES AGREEMENT FOR SOLID WASTE DISPOSAL BETWEEN THE MIDDLESEX COUNTY UTILITIES AUTHORITY AND THE BOROUGH OF JAMESBURG

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the "Act"), authorizes local units of this State to enter into agreements with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Mayor and Council of the Borough of Jamesburg have determined that it is in the best interest of Jamesburg to enter into a Shared Services Agreement with the Middlesex County Utilities Authority for the provision of disposal of Acceptable Solid Waste; and

out candy. Thank you to the Chief and the Jamesburg Police Department for enforcing safety in our town.

- PERSONNEL COMMITTEE
Council Member Ludas

Council Member Ludas had no report for personnel. She reported there would be meetings with the DPW regarding negotiations. She also reported on the County's approved project for a power plant in Sayreville which will create jobs. Groundbreaking will be in the Spring of 2016. Council Member Ludas added that the behavior at the October meeting was disrespectful and all parties deserve respect when being addressed.

- PUBLIC WORKS COMMITTEE
Council President Busco

Council President Busco reported that DPW is continuing lawn maintenance because of the warm weather which has caused leaf pick up to be delayed.

- PUBLIC EVENTS COMMITTEE
Council Member Spillane

Council Member Spillane conveyed that she is glad that she has been appointed the Chair of the Public Events Committee, because it has allowed her to meet many neighbors and she has seen how the town has come together and with hard work brings economic stimulus to the borough. The street fair went well. The money made will go to the recreation club. The borough tree lighting will be Friday, December 4th at 6:30pm in Veterans Park. A Jamesburg Garden Club has been created and will meet Saturday, December 12th at 2:00pm at the Senior Center.

ADMINISTRATOR'S REPORT Denise Jawidzik

No Report

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

Mayor Lowande reported that she has received a letter from the Jamesburg Board of Ed asking to have Council Member Tom Gibbons removed from his position as liaison to the Board of Education. She asked for a motion to have Council Member gibbons removed from his position as liaison for the Board of Education:

WHEREAS, the service to be provided by Middlesex County Utilities Authority to the Borough of Jamesburg is detailed in the attached agreement.

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

1. The Borough of Jamesburg does hereby enter into an agreement with Middlesex County Improvement Authority for the provision of disposal of Acceptable Solid Waste
2. The Mayor and Borough Clerk are hereby authorized to execute the attached agreement.
3. An executed copy of the agreement along with the authorizing resolution shall be forwarded to the Middlesex County Utilities Authority.

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						

COUNCILMATIC COMMITTEE REPORTS:

- FINANCE COMMITTEE
Council Member Rutsky

Council Member Rutsky reported the library director is working on the budget, trying to figure out how to recoup fines and obtain a motion picture license. The Library Board was dismayed with Thomas Gibbons' use of the library as the G.O.P. headquarters during the November 3rd election; a letter will be sent to address.

- EDUCATION COMMITTEE
Council Member Gibbons

No Report

- POLICE COMMITTEE
Council Member Sussman

Council Member Sussman reported even though Sergeant Tonkery was off duty when he spotted a house fire, he stepped in to help out. Mischief night was uneventful. The police officers drove around on Halloween handing out lollipops to the children. Mayor Lowande also drove around town handing

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						

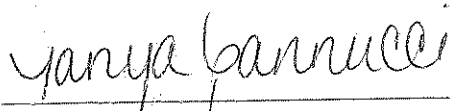
Mayor Lowande also reported that basketball will be starting and the tree lighting ceremony will be held on December 4th at Veteran's Park. She wished everyone a very Happy Thanksgiving.

Council Member Rutsky asked to add that the library will be holding a Christmas Sale on Saturday, November 21st between 9-1pm. Also, there will be a Community Q & A at the library on December 10th from 4-7pm.

MOTION TO ADJOURN:

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

TIME OF ADJOURNMENT: 7: 24PM



Tanya Pannucci
 Registered Municipal Clerk