

BOROUGH OF JAMESBURG
GOVERNING BODY MEETING
MINUTES
JUNE 17, 2020
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 Czarneski
Council Member Ludas
Council Member Rampacek
Council Member Rutsky
Council Member Shaughnessy
Council Member Sussman
Administrator Frueh
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 TO OPEN TO PUBLIC COMMENT:

Proposed By: Rampacek

Seconded By: Sussman

Randy Dey – 9 Woodland Road – Mr. Dey is a lifelong resident of Jamesburg. He addressed the Mayor and Council about his neighborhood always smelling like fire. The neighbor right next door to him burns fires in his yard all the time. He has put in complaints to the Fire Marshall, Health Department and Zoning Officer. He has asthma and cannot keep his windows open.

Mayor Lowande asked Mr. Dey to email her his contact information and she will look into it for him.

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MOTION TO CLOSE TO PUBLIC COMMENT:

Proposed By: Sussman

Seconded By: Ludas

ORDINANCES SECOND READING – Public Hearing

ORDINANCE #05-20

AN ORDINANCE PROVIDING FOR IMPROVEMENTS OF THE SANITARY SEWER SYSTEM AND APPROPRIATING THE SUM OF \$40,549 THEREFORE.

[illegible]

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

CONSENT AGENDA:

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.

RESOLUTION #079-06-17-20**

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF JAMESBURG PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the budget of the municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget;

WHEREAS, said Director may also approve the insertion of any item of appropriations for an equal amount.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg, that it hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget for the year 2020 in the amount of \$2,000.00 which item is now available as revenue from the Sustainable Jersey Grant funded by the PSEG Foundation,; and

BE IT FURTHER RESOLVED that a like sum of \$2,000.00 be and the same is hereby appropriated under the caption of:

2020 Sustainable Jersey Grant – Other Expense

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas			X			
Council Member Rampacek			X			
Council Member Rutsky			X			
Council Member Shaughnessy	X		X			
Council Member Sussman		X	X			
Council President Czarneski			X			
Mayor Lowande						

RESOLUTION #081-06-17-20** 8

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF JAMESBURG PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the budget of the municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget;

WHEREAS, said Director may also approve the insertion of any item of appropriations for an equal amount.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg, that it hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget for the year 2020 in the amount of \$416.77

which item is now available as revenue from the State of New Jersey, Division of Criminal Justice; and

BE IT FURTHER RESOLVED that a like sum of \$416.77 be and the same is hereby appropriated under the caption of:

2020 Alcohol Education Rehabilitation Enforcement Fund – Other Expense

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas			X			
Council Member Rampacek			X			
Council Member Rutsky			X			
Council Member Shaughnessy	X		X			
Council Member Sussman		X	X			
Council President Czarneski			X			
Mayor Lowande						

RESOLUTION #083-06-17-20**

AUTHORIZING AGREEMENT FOR HOUSING ELEMENT AND FAIR SHARE PLAN SERVICES

WHEREAS, the Borough of Jamesburg has a need to retain an engineer to serve as the Borough Engineer for the year 2020 and to provide engineering services; and ; and

WHEREAS, the Purchasing Official has determined and certified in writing that the value of this contract shall exceed \$17,500, and therefore the contract is subject to the provisions of the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.*; and

WHEREAS, the firm of Remington & Vernick Engineers, has submitted a proposal to perform the Housing Element and Fair Share Plan Services; and

WHEREAS, this contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(I), because engineering services are a recognized profession licensed and regulated by law; and

WHEREAS, Remington & Vernick Engineers has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), which certifies that Remington & Vernick Engineers has not made any reportable contributions to a political or candidate committee in the Borough of Jamesburg in the previous year, and that the contract will prohibit Remington & Vernick Engineers from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough Chief Financial Officer has certified to the availability of funds for this contract.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, 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 authorized to execute and the Borough Clerk to attest the attached Agreement between the Borough of Jamesburg and Remington & Vernick Engineers regarding the above-referenced Housing Element and Fair Share Plan services.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.

3. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Remington & Vernick Engineers
 - b. Scott Frueh, Borough Administrator

RESOLUTION #083-06-17-20**

**AUTHORIZING AGREEMENT FOR HOUSING ELEMENT AND FAIR SHARE
PLAN SERVICES**

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas			X			
Council Member Rampacek			X			
Council Member Rutsky			X			
Council Member Shaughnessy	X		X			
Council Member Sussman		X	X			
Council President Czarneski			X			
Mayor Lowande						

RESOLUTION #084-06-17-20**

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL

MAY 20, 2020

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas			X			
Council Member Rampacek			X			
Council Member Rutsky			X			
Council Member Shaughnessy	X		X			
Council Member Sussman		X	X			
Council President Czarneski			X			
Mayor Lowande						

RESOLUTION #085-06-17-20**

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	May 2020
Finance Report	May 2020
Report of the Tax Collector	May 2020
Report of the Sewer Administrator	May 2020

COUNCIL MEMBER	MOTION		2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas				X			
Council Member Rampacek				X			
Council Member Rutsky				X			
Council Member Shaughnessy	X			X			
Council Member Sussman			X	X			
Council President Czarneski				X			
Mayor Lowande							

RESOLUTION #086-06-17-20**

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 \$828,667.16..

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas			X			
Council Member Rampacek			X			
Council Member Rutsky			X			
Council Member Shaughnessy	X		X			
Council Member Sussman		X	X			
Council President Czarneski			X			
Mayor Lowande						

RESOLUTION #088-06-17-20**

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RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF JAMESBURG PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any such items of revenue in the budget of the municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget;

WHEREAS, said Director may also approve the insertion of any item of appropriations for an equal amount.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg, that it hereby requests that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the budget for the year 2020 in the amount of \$9,382.29

which item is now available as revenue from the State of New Jersey, Environmental Protection Agency; and

BE IT FURTHER RESOLVED that a like sum of \$9,382.29 be and the same is hereby appropriated under the caption of:

2020 Clean Communities Grant – Other Expense

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas			X			
Council Member Rampacek			X			
Council Member Rutsky			X			
Council Member Shaughnessy	X		X			
Council Member Sussman		X	X			
Council President Czarneski			X			
Mayor Lowande						

NON-CONSENT AGENDA RESOLUTIONS:

RESOLUTION #077-06-17-20

RESOLUTION APPROVING THE BOROUGH BUSINESS ADMINISTRATOR CONTRACT

WHEREAS, THE BOROUGH OF JAMESBURG WISHES TO ENTER INTO A CONTRACT WITH BOROUGH BUSINESS ADMINISTRATOR, SCOTT M FRUEH; AND

WHEREAS, THE PERSONNEL COMMITTEE HAS NEGOTIATED SUCH A CONTRACT WITH THE BOROUGH BUSINESS ADMINISTRATOR;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE ATTACHED CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND THE JAMESBURG BOROUGH BUSINESS ADMINISTRATOR BE ACCEPTED EFFECTIVE JANUARY 1, 2020 THROUGH DECEMBER 31, 2022;

BE IT FURTHER RESOLVED, THAT THE MAYOR IS AUTHORIZED TO EXECUTE AND THE BOROUGH CLERK TO ATTEST THE ATTACHED CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND THE JAMESBURG BOROUGH BUSINESS ADMINISTRATOR, SCOTT M FRUEH.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
						8
Council Member Ludas			X			
Council Member Rampacek			X			
Council Member Rutsky			X			
Council Member Shaughnessy		X	X			
Council Member Sussman	X		X			
Council President Czarneski			X			
Mayor Lowande						

- Council President Czarneski explained there were 2 minor changes to the contract. The QPA added #2 regarding base pay and #8 was also added Professional & Civic Organizations Membership which is \$100.00 per year.

RESOLUTION NO. 078-06-17-20

AMENDING RESOLUTION 076-05-20-20, AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER “ESTIMATED” TAX BILLS, DUE AUGUST 1, 2020

WHEREAS, in light of the disruption caused by the coronavirus outbreak, the State delayed the adoption of the State Fiscal Year 2021 Budget to September 30, 2020; and

WHEREAS, the Division of Local Government Services (DLGS) cannot certify State Aid allocations to municipal budgets until State Aid Appropriations are known; and

WHEREAS, the DLGS cannot approve municipal budgets and the County Board of Taxation cannot certify taxes until long after the June 30, 2020 deadline to process third quarter tax bills due August 1, 2020; and

WHEREAS, without an adopted 2020 Municipal Budget and without a 2020 Certified Tax Rate, the Tax Collector cannot process the final 2020 Tax Levy; and

WHEREAS, the DLGS “strongly recommends” under Local Finance Notice 2020-07 “that municipalities prepare to issue estimated property tax bills for 2020;” and

WHEREAS, the Tax Collector, in consultation with the Chief Financial Officer, computed and certified an estimated Tax Levy necessary to bill third quarter taxes due August 1, 2020

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Jamesburg, in the County of Middlesex and State of New Jersey on this 17th day of June, 2020 that the Tax Collector is hereby authorized and directed to process estimated tax bills for the third quarterly installment of 2020 taxes; and

BE IT FURTHER RESOLVED that, the third quarterly installment of 2020 taxes shall not be subject to interest until the later of August 10, 2020 or the twenty-fifth (25) calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

BE IT FURTHER RESOLVED, that the Jamesburg Tax Collector is hereby authorized to prepare and issue estimated tax bills for the third installment of 2020 based upon an annualized levy analysis totaling \$15,491,420.50. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).

PERMISSIVE ESTIMATED TAX LEVY RANGE

RANGE 5% LOWER TO 5% HIGHER THAN PREVIOUS YEAR’S LEVY

2019 TOTAL TAX LEVY	\$15,187,667.16
95% LEVY	\$14,428,283.80 8
105% LEVY	\$15,947,050.52
2019 TAX RATE	\$6.380
95% RATE	\$6.061
105% RATE	\$6.699

Certified calculation prepared by:

Scott M. Frueh, CMFO - CFO

Kevin Hatch, CTC -Tax Collector

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas		X	X			
Council Member Rampacek	X		X			
Council Member Rutsky			X			

Council Member Shaughnessy			X			
Council Member Sussman			X			
Council President Czarneski			X			
Mayor Lowande						

RESOLUTION #080-06-17-20

Coronavirus Aid, Relief, and Economic Security Act ("CARES Act")
COUNTY/MUNICIPAL REIMBURSEMENT AGREEMENT

This Reimbursement Agreement (the "Agreement"), dated this 17th day of June, 2020 between the County of Middlesex (the "County") located at 75 Bayard Street, New Brunswick, New Jersey 08901 and Borough of Jamesburg (the "Municipality") located at 131 Perrineville Road, Jamesburg, New Jersey

WHEREAS, the United States of America, the State of New Jersey, the County of Middlesex and the Municipality have become victims of the COVID-19 Virus and Pandemic (the "Coronavirus"); and

WHEREAS, the Coronavirus has caused economic damage and hardships to states, counties and municipalities throughout the United States of America; and

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was signed by President Donald J. Trump; and

WHEREAS, the CARES Act was enacted, among other purposes, in order to combat the economic damage caused to states, counties and municipalities because of the Coronavirus; and

WHEREAS, the County has received CARES Act funds in the amount of \$143,966,956.60 from the United States Treasury (the "Stimulus Funds") to be used to reimburse the County and the municipalities and agencies within the County (the "Municipalities") including the Municipality due to economic damage caused to them by the Coronavirus; and

WHEREAS, as the recipient of the Stimulus Funds it will be the responsibility of the County to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments.

NOW THEREFORE, it is stipulated and agreed as follows:

1. Purpose of Stimulus Funds. The Municipality understands and

agrees that its eligibility for the receipt of any Stimulus Funds shall be determined by the County in accordance with the terms and conditions of the "Coronavirus Relief Fund - Guidance for State, Territorial, Local and Tribal Governments -April 22, 2020" (the Guidelines"), attached hereto as Schedule A, and any subsequent amendments and/or changes to the Guidelines. Excluded from the Guidelines as an eligible reimbursement are the categories detailed in number 4, related to long distance learning, and in number 5, on page 3 of the Guidelines.

2. Role of County. As the recipient of the Stimulus Funds it shall be the responsibility of the County to establish a reasonable process for the acceptance of an application by the Municipality for an eligible reimbursement from the Stimulus Funds. The Municipality agrees and understands that the decision as to whether the reimbursement sought by the Municipality is not within the discretion of the County but is governed by the Guidelines. The County is developing a process to be employed for the acceptance of applications for a reimbursement from the Stimulus Funds.

3. Use of Stimulus Funds. The Municipality understands that the Stimulus Funds represent an amount of funds for which the County along with the Municipalities in Middlesex County are eligible to file a claim for reimbursement. However, neither the County, nor any of the Municipalities in Middlesex County, has a vested right to receive any of the funds and the receipt of funds shall be subject to any claim for reimbursement meeting the eligibility requirements established by the CARES Act and the Guidelines. **Please note that claims for Stimulus Funds must be filed and disbursed by no later than December 30, 2020 or the Stimulus Funds must be returned to the Secretary of Treasury, so time is of the essence.**

4. Processing of Claims. The County shall process and accept all claims for reimbursements in the order in which the claim is received and shall pay any eligible payment in the order it is determined to be eligible. Subject to the provisions of paragraph 8 hereinafter written.

5. Non-Liability of the County. The Municipality understands that the County cannot guaranty that a claim for reimbursement is eligible for ⁸ payment nor that any claims for reimbursements beyond the amount of the Stimulus Funds can be paid. In the event there is dispute by the Municipality as to determination made by the County, either as to the eligibility for a reimbursement or the amount of a reimbursement, then the County shall, if requested by the Municipality, pursue an appeal or a request for clarification with the United States Treasury, at the cost of the Municipality.

6. Indemnification by Municipality. The Municipality acknowledges that the role of the County as to the distribution of the Stimulus Funds shall be as an intermediary. Consequently, if as the result of any audit performed by the United States Treasury or any other auditing agency, department or office of

the Government of the United States determines that any reimbursement made to the Municipality by the County from the Stimulus Funds was not eligible for reimbursement, then the Municipality shall repay any ineligible reimbursement within the time mandated by the United States Treasury or the agency, department or office of the Government of the United States for the return of any Stimulus Funds. The Municipality shall indemnify and hold harmless the County from any claim made by the United States Treasury or any agency, department or office of the Government of the United States for the return of any payment received by the Municipality from the Stimulus Funds. Included in the claim for reimbursement shall be any legal fees, court costs or professional fees incurred by the County in defense of any claim made for return of any Stimulus Funds received by the Municipality.

7. *Documents Required and Preservation of Records.* Any application for reimbursement must be sufficiently documented so that the County can determine the eligibility of the claim for reimbursement including a provision whereby the Municipality certifies that it has not applied to the State or Federal governments for the reimbursement of the same claim submitted to the County. The Municipality agrees that it will not destroy or discard any documents or records maintained and/or relied upon by the Municipality in filing any claim to the County for the receipt of Stimulus Funds without providing written notice to the County at the address first written, or at any other address provided to the Municipality by the County in writing. Any notice shall be given not less than thirty (30) days prior to the date on which the records are to be destroyed or discarded. The County shall at its sole cost and expense have the right to make copies of any documents or records pertinent to the claim for Stimulus Funds and the Municipality shall provide the County with reasonable access to the documents and records.

8. *Allocation to Municipality.* The County has an allocation of the Stimulus Funds for the benefit of the Municipality (the "Allocation"). The Allocation is based upon the amount of eligible reimbursable eligible expenditures the Municipality has incurred by an application process since March 1, 2020 and what has been expended for the period

ending on December 30, 2020. However, the Municipality understands that the Allocation is not a guaranty of the receipt of a reimbursement to the Municipality from the Allocation. The Municipality understands that each of the other affected Municipalities will also apply for an Allocation. Any reimbursement will be subject to the claim being eligible for reimbursement as per the Guidelines.

The County will accept three (3) separate reimbursement applications from each Municipality which will cover expenditures for the following periods of time:

Application No.1: March 1, 2020 - May 31, 2020

Application No. 2: June 1, 2020 - September 30, 2020

Application No. 3: October 1, 2020 - December 30, 2020

The County shall review the application for a request of an Allocation and make an adjustment to the Allocation dependent upon the claims for reimbursement made by and paid to date to the Municipality and the other eligible Municipalities in the ensuing time period for each of the application time periods. Each application will be reviewed by the County in order to develop a final reimbursement amount certified by the County's CFO. The Municipality understands that the decision by the County as to any adjustment to the Allocation shall take into consideration the needs of the County, the other affected Municipalities and the Municipality; the amounts of reimbursements made to the County, the other affected Municipalities and the Municipality to date; and the remaining balance contained in the Stimulus Funds.

In the event funding is granted to an eligible Municipality, the Municipality will use the Certification to perform a Chapter 159 budget amendment in order to receive the reimbursement into their annual budget and use the newly created budget appropriation as a vehicle for reimbursement. Applications, guidelines for accepted expenditures and submission deadlines for each application period will be forwarded to municipalities in the near future.

Subsequent Funds. Should the County be in receipt of any additional funds provided by the Government of the United States to combat the Coronavirus which the Municipality shall be eligible to receive payment, then in the event the Municipality files a claim for those funds the terms and provisions of this Agreement shall apply to the disposition and processing of those claims.

1. Applicable Law and Attorney Fees. Any action for the enforcement of any term or provision of this Agreement shall be governed by the law of the State of New Jersey and shall be filed in the Superior Court of the State of New Jersey having a venue in Middlesex County. In addition to any other relief which a party may receive, the prevailing party shall receive an award of reasonable attorney fees and court costs against the non-prevailing party.
2. Duration of Agreement. This Agreement shall begin on the date first written and shall continue until either party terminates it upon thirty (30) days written notice or the depletion of the Stimulus Funds, whichever event occurs sooner.
3. Approval. By signing below the individual signing this Agreement represents that this Agreement has been approved and ratified by the governing body of the party signing it or that the party has been advised by its counsel that the approval is not legally necessary.

IN WITNESS WHEREOF, the parties have signed and sealed this Agreement on the date set forth above.

ATTEST:

COUNTY OF MIDDLESEX

Amy R. Petrocelli, Clerk
Board of Chosen Freeholders

Ronald G. Rios, Freeholder Director
Board of Chosen Freeholders

ATTEST:

BOROUGH OF JAMESBURG

Susan Boulogne, Municipal Clerk

Marlene M. Lowande, Mayor

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas			X			
Council Member Rampacek	X		X			
Council Member Rutsky			X			
Council Member Shaughnessy			X			
Council Member Sussman		X	X			
Council President Czarneski			X			
Mayor Lowande						

SCHEDULE A

Coronavirus Relief Fund Guidance for State,
Territorial, Local, and Tribal Governments
Eff. April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The CARES Act established the Coronavirus Relief Fund (the "Fund") and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury's interpretation of these limitations on the permissible use of Fund payments.

Necessary Expenditures Incurred Due To The Public Health Emergency

The requirement that expenditures be incurred "due to" the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions

due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act. range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be "necessary." The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs Not Accounted For In The Budget Most Recently Approved As Of March 27,

2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The "most recently approved" budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs Incurred During The Period That Begins On March 1, 2020. And Ends On December 30, 2020

A cost is "incurred" when the responsible unit of government has expended funds to cover the cost.

Nonexclusive Examples Of Eligible Expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:

- COVID-19-related expenses of public hospitals, clinics, and similar facilities.

Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.

costs of providing COVID-19 testing, including serological testing.

Emergency medical response expenses, including emergency medical transportation, related to COVID-19.

Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.

2. Public health expenses such as:

- Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
- Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.

Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.

- Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
- Expenses for public safety measures undertaken in response to COVID-19
- Expenses for quarantining individuals

3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:

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- Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
- Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
- Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
- COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social

distancing measures, to enable compliance with COVID-19 public health precautions.

- Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.

5. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund 's eligibility criteria.

Nonexclusive Examples Of Ineligible Expenditures ²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID- 19 public health emergency.
4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal Settlements.

²In addition, pursuant to section 5001 (b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life- endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

² See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306

*Mayor Lowande explained the Borough will get reimbursed for expenses put out due to COVID 19 pandemic. Councilmember Rutsky asked if overtime is included and are, we saving anywhere? Administrator Frueh explained we saved due to classes and training being canceled. We will receive 3 payment from the county to reimburse us.

RESOLUTION #082-06-17-20

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AUTHORIZE NEW JERSEY HISTORIC SITE MANAGEMENT 2020 GRANT APPLICATION

WHEREAS, the Borough of Jamesburg has a historic landmark in the Buckelew Mansion; and

WHEREAS, the Borough of Jamesburg strives to save tax dollars, while preserving the Mansion; and

WHEREAS, one of the purposes of the New Jersey Historic Preservation Fund provides resources to municipalities to make repairs to historic sites, and they have created a grant called the Historic Site Management Grant.

THEREFORE, BE IT RESOLVED, that the borough of Jamesburg Council, Middlesex County, State of New Jersey, authorizes the submission of the aforementioned Historic Site Management Grant for 2020.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas	X		X			
Council Member Rampacek		X	X			
Council Member Rutsky			X			
Council Member Shaughnessy			X			
Council Member Sussman			X			
Council President Czarneski			X			
Mayor Lowande						

- Coiuncilmember Rutsky is excited for this Grant. She thanked administrator Frueh for taking care of this.

RESOLUTION #087-06-17-20

AUTHORIZE REFUND OF SPECIAL EVENT PERMIT

WHEREAS, payment has been received by the Municipal Clerk in the aggregate amount of fifty dollars (\$50.00); and

WHEREAS, the monies were received for a Special Event Permit

WHEREAS, the event was canceled due to the COVID19 pandemic

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg that the Chief Financial Officer be and is hereby authorized to make such refunds and the 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 Ludas	X		X			
Council Member Rampacek			X			
Council Member Rutsky			X			
Council Member Shaughnessy		X	X			
Council member Sussman			X			
Council President Czarneski			X			
Mayor Lowande						

RESOLUTION #089-06-17-20

AUTHORIZE REFUND OF TAX OVERPAYMENT

WHEREAS, overpayment of tax has been received by the Tax Collector’s office resulting from an overpayment in the aggregate amount of one thousand five hundred fifty-one dollars and ninety-four cents (\$1,551.91):

WHEREAS, the payment has been certified by the Tax Collector as overpayment on 2nd Quarter Tax for the year 2020;

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 make such refunds and the Chief Financial Officer is hereby directed to issue such check in accordance with the certification(s) attached hereto.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Ludas	X		X			
Council Member Rampacek			X			
Council Member Rutsky			X			
Council Member Shaughnessy			X			
Council Member Sussman		X	X			
Council President Czarneski			X			
Mayor Lowande						

COUNCILMATIC COMMITTEE REPORTS:

- FINANCE COMMITTEE
Council Member Rampacek

Councilmember Rampacek reported:

Finance Report – The bank has lowered our interest rate to .75%. Scott said that this happened later than he thought, so we will still make more than what was budgeted. We will be doing estimated tax bills for the 3rd quarter. This is being done because of the impact of coronavirus has had on the state budget as well as guidance from DLGS recommending that municipalities prepare estimated bills. We will be applying for the CARES act to hopefully reimburse money to counteract COVID 19 expenses.

Library Report – The library is beginning to phase their reopening. They are following guidance from the state.

Public Events – A decision regarding the Fall Festival has not been made yet. A discussion was had at the meeting that the festival would be canceled this year. Councilmembers Rampacek and Rutsky will be meeting with mayor Lowande to discuss another alternative. Councilmember Ludas suggested possibly having an event to “celebrate the downtown.”

- EDUCATION COMMITTEE
Council Member Shaughnessy

Councilmember Shaughnessy reported he is sad to see events being canceled. The end of the strangest school year on record is upon us, and our schools are doing the best possible job of finding a satisfying end for our students. Today, the school’s 5th grade moving up parade made it s way through town celebrating all the students who have finished JFK and are now on their way to GMB. For our 8th graders, there will no longer be an online graduation. Instead, there will be an in-person, socially distanced outdoor ceremony. Be ready to be there Thursday, August 13th at 6:30pm on the field at GMB.

The school board has hired an interim superintendent. Dennis Fillipone specializes as an interim superintendent; he has taken this position in the past. He comes to us from Brick, NJ. He understands the unique needs of school districts in this uncertain time, and he is already working with Mr. Betze to form plans for every possibility for the start of school in September.

The board now turns its attention to the interim B.A. search, followed by the permanent superintendent search and the permanent B.A. search. These will continue throughout the summer, and likely go into the school year. There I still no certain answer about what to expect and what to plan for in terms of schools opening in September.

The school saw its state aid reduced by \$680,000. Business Administrator Nick Mackres has been creative in offsetting this loss. The district will not lose any programs, nor any staff as a result of the funding re-calculation. This has been accomplished through moving some projects forward, such as paving the JFK parking lot and replacing the gym floor. The school also purchased devices to disinfect the air. Four of these devices are

now owned by the district, 2 for each school. The districts food distribution program is now feeding 220-250 students per day. This is state subsidized and it is open to not only Jamesburg residents but to all of Middlesex County.

Monroe high School will have a virtual graduation one week from today on June 24th. The senior class of 2020, all 590 graduates will have in-person ceremonies. The class is split into 4 groups and the graduation will be on the football field on July 6th, 8th, 9th and 10th.

We enter the summer under a cloud of uncertainty and concern, but guided by the sole purpose of doing what is best for our students and community.

- **POLICE COMMITTEE**
Council Member Sussman

Councilmember Sussman reported he videotaped the 5th grade parade today. On Tuesday, June 23rd at 7pm the Jamesburg Police department will be driving down every street within the borough flashing their lights to salute the graduates of Jamesburg. Our Police Officers have been tremendous. In the last 10 days we had 2 events in town that put our officers in very scary situations.

- **PERSONNEL COMMITTEE**
Council President Czarneski

Council President Czarneski reported the Jamesburg BOE is doing a great job! Thank you to the Police Chief, Fire Department, EMS and Borough Personnel for pushing through these tough times.

- **PUBLIC WORKS COMMITTEE**
Council Member Rutsky

Councilmember Rutsky reported DPW continues to maintain the recycling yard within state mandated guidelines and continues tasks of regular maintenance. As stated in past meetings, Jamesburg DPW has continued to support & maintain business's store fronts along East and West Railroad Ave. As more of our businesses come back to the "new normal" we urge that they regularly maintain and clean their store fronts and clear garbage, litter and invasive weeds. This benefits not only their business but residents and clientele in Jamesburg. Regretfully we have had to cancel many of our cleanup initiatives in town. However, we look forward to rescheduling them and helping keeping Jamesburg's Pride going.

- Mayor Lowande reported herself and Zoning officer Maresca are working on a letter to send to businesses regarding keeping their store fronts maintained.

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- **ENVIRONMENT/ GREEN COMMITTEE:**
Council Member Ludas

Councilmember Ludas reported there will be a meeting with Rutgers sometime next week at GMB School on the proposed Rain Garden at the site. The grant Rutgers received to do this project will expire on August 31st, so we have to proceed. The Green team would like to expand the community herb Garden at the Buckelew House and donate the herbs to the Jamesburg restaurants. I would also like to thank DPW for providing free mulch to residents.

- **ADMINISTRATOR'S REPORT**
Scott Frueh

Administrator Frueh thanked the Mayor and Council for all the confidence they have in him.

- PUBLIC SAFETY COMMITTEE / RECREATION / COMMUNITY EVENTS:
Mayor Marlene Lowande

Mayor Lowande reported she was a part of the 3rd grade Zoom meeting and it was a fun event with the kids. Unfortunately, we had another death in town which brings our number up to 3. I urge everyone to protect yourselves and wear a mask. Thank you to everyone for staying in touch and reaching out. The PTA party last night was a fun time with raffles and prizes to kids and their families.

MOTION TO ADJOURN:

Proposed By: Ludas

Seconded By: Rampacek

TIME OF ADJOURNMENT: 7:59 PM

Susan Boulogne
Registered Municipal Clerk
Borough of Jamesburg

