

TOWNSHIP OF OXFORD
TOWNSHIP MEETING
JUNE 21, 2006

The regular scheduled meeting of the Mayor and Township Committee of Oxford Township was held on June 21, 2006 in the Township Municipal Building, 11 Green Street, Oxford, New Jersey.

In attendance were Angelo Accetturo, Alex Lazorisak, Bonnie Riley, Bill Gleda, Joe Nalio, Mike Lavery, and Peggy Housman.

Mayor Accetturo called the meeting to order at 7:30 PM and announced that the meeting had been properly advertised in accordance with the Open Public Meeting Act of 1975.

The mayor asked everyone to stand for the flag salute.

The Mayor announced that the Sewer-Tax Collector and the Treasurer's reports are available for public review for the month of May 2006.

Mayor Accetturo introduced Chris Danis, Planner and Jeff LaJarva, Staff Attorney from The Highlands Council.

Chris Danis gave a short overview and history of the current status of the grant programs and the next steps the Committee must do for completion. One of the grants presented to Oxford in the fall of 2005 was the Municipal Partnership Planning Pilot Grant Program. Oxford was one of ten towns selected for the MP3 grant, which has two phases. The grant total was \$65,000. At this time Oxford Township is fifty percent administratively complete and vouchers were supplied to Finelli Consulting this week with back-up invoices to be submitted to the Committee, moving from fifty percent to one hundred percent on the grant requires technical completeness. The HDSRF application needs to be revised on the cost and budget proposal in accordance with time and materials in accordance with the HDSRF grant rules. This must be submitted to DEP and deemed complete by DEP and this would complete the process.

Mayor Accetturo has talked to Maser Consulting and was told that the HDSRF application was complete and done. Ms. Danis stated that she would have seen this application and as of today she has not. Mayor stated that any work Finelli Consulting they can do on this project, to go ahead and complete it so everyone could get paid for the work that is done.

Mr. LaJarva stated that Oxford Township is entitled to half of the grant amount since everything is administratively complete and when the voucher is submitted, the Township would be entitled to \$32,500, half the amount of the grant. Mayor Accetturo asked when the Township could expect a check; Ms. Danis stated that once the voucher is submitted, the money should be received within four weeks.

Joan Mulligan asked if this is one peculiar sight in the Highlands and if so what area of the Highlands? Mayor Accetturo stated that the Coach light property is the main property and two things are going on, the property is an exemption in the Highlands because it is contaminated site, so we must go through a process called HAD to receive grant money to clean-up the site.

Ms. Danis said that any specific questions about the grant and completing the HDSRF reach out to Frank Pinto or Len Romeno; they are the experts on the grant at DEP.

Mayor Accetturo asked what the new scheduled date for the Regional Master plan. Mr. LaJarva answered that the draft should be released to the public in early to mid October and final adoption by the end of the year.

The Committee thanked Chris Danis and Jeff LaJarva for attending the meeting and answering questions from everyone.

On motion by Mr. Lazorisak, seconded by Mrs. Riley, and passed unanimously on roll call vote, the minutes of May 16 and 17 were approved.

ORDINANCE 2006-08 To Amend a Portion of the Land Development Ordinance, Chapter 95 Planned Active Adult Development Overlay District was read by title only and Mayor Accetturo opened the floor to the public. Mr. Lavery explained that this ordinance keeps the present zoning the same but it establishes an additional option to the zoning, thus it is called an overlay zone. Mayor stated that the property covers fifty-two acres and the Township received this property in the early nineties. The property will be put out for bid for development of approximately ninety to one hundred additional condos to be placed on this site and the maximum height would be two and half stories. This property has sewer, water, and gas, is in the planning area of the Highlands and is near an existing development. The Committee felt it is a good idea with a lot of positives that would benefit the town. At this time, there are no other properties that the Township is looking at to develop. Mr. Lavery stated that the Township would have to go through the entire Land Use Board process to satisfy all the Health, Welfare and Safety concerns before this project even gets approved. This project may not even happen. The public comment was closed.

On motion by Mrs. Riley, seconded by Mr. Lazorisak and passed unanimously on roll call, **Ordinance 2006-08** was adopted.

ORDINANCE 2006-09 was tabled until next Township Meeting to be held on July 19, 2006 at 7:30 PM.

ORDINANCE 2006-10 Establish Sewer Usage Charges Fees was read by title only and Mayor Accetturo opened the meeting to public comment. Mayor Accetturo explained that the rates were increased because PRMUA billed the Township for an increase flow in the sewer lines. Mayor Accetturo stated that anyone using sump pumps is putting water into the sewer lines, and this affects the rate. The public comment period

was closed and on motion by Mrs. Riley, seconded by Mr. Lazorisak and passed unanimously on roll call vote, Ordinance 2006-10 was adopted.

ORDINANCE 2006-11 Bond Ordinance Appropriating \$120,000 for Kent Street Improvements was introduced on motion Mr. Lazorisak, seconded by Mr. Accetturo and passed unanimously on roll call vote.

ORDINANCE 2006-11
BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$120,000 FOR IMPROVEMENTS TO KENT STREET FOR AND BY THE TOWNSHIP OF OXFORD IN THE COUNTY OF WARREN, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$47,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OXFORD, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of Oxford, New Jersey (the “Township”) as general improvements. For the said Improvement there is hereby appropriated the amount of \$120,000, such sum includes the sum of (a) \$70,000 expected to be received from the New Jersey Department of Transportation and (b) \$2,500 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by the application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$47,500 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$47,500 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for improvements to Kent Street by the reconstruction thereof, including all work and materials necessary therefore and incidental thereto, and as shown on and in accordance with the plans and specifications on file with the Township Acting Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$47,500.

(c) The estimated cost of the Improvements is \$120,000 which amount represents the initial appropriation made by the Township.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Committee of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

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

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvements, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Acting Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$47,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefore by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with

respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$47,500.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Oxford, in the County of Warren, State of New Jersey, on June 21, 2006. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at 11 Green Street in the Township of Oxford, on July 19, 2006 at 7:30 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Township Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$120,000 For Improvements To Kent Street For And By The Township Of Oxford In The County Of Warren, New Jersey And, Authorizing The Issuance Of \$47,500 Bonds Or Notes Of The Township For Financing Part Of The Appropriation

Purpose(s): Improvements to Kent Street by the reconstruction thereof.

Appropriation: \$120,000

Bonds/Notes Authorized: \$47,500

Grants (if any) Appropriated: \$70,000 from the New Jersey Department of Transportation

Section 20 Costs: \$25,000

Useful Life: 20 Years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

ORDINANCE 2006-12 Appropriating \$200,000 from Capital Improvement Fund was introduced on first reading on motion by Mr. Lazorisak, seconded by Mrs. Riley and passed unanimously on roll call vote.

TOWNSHIP OF OXFORD
ORDINANCE 2006-12

**AN ORDINANCE APPROPRIATING \$200,000.00 FROM THE
RESERVE FOR RECREATION FIELDS OF THE TOWNSHIP OF OXFORD
COUNTY OF WARREN, NEW JERSEY**

**BE IT ORDAINED BY THE COMMITTEE OF THE TOWNSHIP OF OXFORD,
COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:**

1. The sum of \$200,000.00 is hereby appropriated from the Reserve for Recreation Fields:
 - (a) For the improvement of Recreational Facilities for the Township of Oxford.
2. The following additional matters are hereby determined, declared, recited and stated:
 - (a) The said purpose described in 1 of this ordinance is not a current expense and is a property or improvement, which the Township may lawfully acquire or make as a general improvement.
 - (b) The period of usefulness of said purpose, within the limitations of said Local Bond Law, according to the reasonable life thereof, is ten (10) years.
 - (c) A supplemental debt statement is not required by said Law.
3. The Capital Budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.
4. The ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by law.

ORDINANCE 2006-15 Accessory Structure Ordinance was tabled to the next Township Meeting to be held on July 19, 2006 at 7:30 PM.

On motion by Mr. Lazorisak, seconded by Mr. Accetturo and passed unanimously on roll call vote **RESOLUTION 2006-39** was approved.

RESOLUTION 2006-39
DEDICATION BY RIDER

WHEREAS, N.J.S.A. 40A:4-39 authorizes a municipality to request approval of the Director of the Division of Local Government Services for the dedication of funds not anticipated during the fiscal year by way of a rider to the local municipal budget; and

WHEREAS, the Township of Oxford is holding a Oxford Furnace Summer Festival; and

WHEREAS, the Township of Oxford will receive donations from various sources on behalf and for this Festival; and

WHEREAS, the Township is required to keep an accounting of such receipts; and

WHEREAS, these receipts are earmarked for a specific purpose, namely the Oxford Furnace Summer Festival; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Committee of the Township of Oxford that such receipts by the municipality be placed in a specific trust fund and such funds shall be considered “Dedicated by Rider” to the budget of the Township of Oxford pursuant to N.J.S.A. 40A:4-39 for the sole purpose mentioned.

Maureen Kelly distributed fliers and a poster to the Township Committee advertising the Summer Festival to be held on August 12, 2006 from 10:00 AM to 9:00 PM.

RESOLUTION 2006-40 Special Item of Revenue \$60,000 from PCFA was approved on motion by Mr. Lazorisak, seconded by Mrs. Riley and passed unanimously on roll call vote.

RESOLUTION 2006-40

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

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township has received \$60,000.00 from the Pollution Control Financing Authority (PCFAWC) and wishes to amend its 2006 Budget to include a portion of this amount as revenue

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Oxford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item in the budget of the year 2006 in the sum of \$60,000.00 which is now available as a revenue from:

Miscellaneous Revenues
Section F: Special Items of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services- Public and
Private Revenues Offset with Appropriations:
PCFAWC Emergency Services Grant \$ 60,000.00

BE IT FURTHER RESOLVED that a like sum of \$60,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:
(a) Operations Excluded from CAPS – Public and Private Programs
Offset by Revenues:
PCFAWC Emergency Services Grant \$ 60,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 2006-41 Special Item of Revenue-Clean Communities Grant \$4,026.22 was approved on motion by Mr. Lazorisak, seconded by Mr. Accetturo and passed unanimously on roll call vote.

RESOLUTION 2006-41

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

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township has received \$4,026.22 from the State of New Jersey – Clean Communities and wishes to amend its 2006 Budget to include a portion of this amount as revenue

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Oxford hereby requests the Director of the Division of Local

Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$4,026.22 which is now available as a revenue from:

Miscellaneous Revenues

Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services- Public and Private Revenues Offset with Appropriations:

Clean Communities Grant \$ 4,026.22

BE IT FURTHER RESOLVED that a like sum of \$4,026.22 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS – Public and Private Programs

Offset by Revenues:

Clean Communities Grant \$ 4,026.22

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 2006-43 Special Item of Revenue \$5,000 from PCFA was approved on motion by Mrs. Riley, seconded by Mr. Accetturo and passed unanimously n roll call vote.

RESOLUTION 2006-43

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

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Township has received \$5,000.00 from the Pollution Control Financing Authority (PCFAWC) and wishes to amend its 2006 Budget to include a portion of this amount as revenue

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Committee of the Township of Oxford hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$5,000.00 which is now available as a revenue from:

Miscellaneous Revenues

Section F: Special Items of General Revenue Anticipated with Prior Written

Consent of the Director of Local Government Services- Public and
Private Revenues Offset with Appropriations:
PCFAWC Grant \$ 5,000.00

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS – Public and Private Programs
Offset by Revenues:
PCFAWC Grant \$ 5,000.00

BE IT FURTHER RESOLVED, that the Township Clerk forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 2006-44 **Liquor License Renewals** will be reviewed at a special meeting to be held on June 25, 2006 at 5:00 PM in the Oxford Municipal Building.

The Township Committee and Betty Wysocki, Animal Control Officer discussed the quote from FRA Technologies for \$1,920.00- Municipal Animal Control System. This is a program to put all animal licenses that are purchased for the current year on the Clerk's computer. Betty stated that this would make it easy for her to access dog licenses and owners to check if they are licensing their dogs. Mrs. Wysocki suggested that a dog census should be done since one has not been done in years. The Committee agreed to do research and see if any other programs were available that would be cheaper.

RESOLUTION 2006-50 **Performance Bond Release-Gerald Gruener - \$2,146.65** was tabled. Bill Gleda stated that the work is completed but the maintenance bond and resolution has different amounts.

RESOLUTION 2006-51 **Mount Pisgah NJDOT Grant Application** was approved on motion by Mr. Lazorisak, seconded by Mrs. Riley and passed unanimously on roll call vote.

RESOLUTION 2006-51

**New Jersey Department of Transportation
Resolution, Application, and Agreement for
State Aid to Counties and Municipalities**

Name of Sponsor: **Oxford Township**
Mailing Address: **11 Green Street, PO Box 119**
Oxford, New Jersey 07863
E-mail Address **townclerk@oxfordnj.org**

Federal Tax Identification Number 22-601-4226
(Must be inserted by Sponsor)

Program (only check one): County Aid Discretionary Aid
 Municipal Aid Bikeway
 Centers of Place Safe Streets to Sch
 Other (Specify) _____ Bridge Bond Act

Sponsor Priority No. 1 (Prioritized by Program) Total Center Line Municipal Road
Mileage 12.7 mi.

BE IT RESOLVED, that application is hereby made to the Commissioner of
Transportation for an allotment of aid for the improvement of:

Mount Pisgah Avenue Reconstruction
(Project Name)

From: **Belvidere Avenue, County Route 624**

To: **Oxford Quarry Road**

in the Municipality of **Oxford Township** County of **Warren**

State of New Jersey for a distance of **0.80** miles or such portion thereof as may be
approved by the Commissioner of Transportation. The total cost estimate for this
improvement is **\$223,704.00**. The Sponsor requests **\$170,000.00** in State funds and
anticipates contributing **\$53,704.00**, AND BE IT RESOLVED that any aid received as a
result of this application will only be used for eligible costs for the project.

Type of Improvement (Check only major type of work)

Resurfacing _____
Culvert (Less than 20 foot span) _____
 Roadway Reconstruction _____
Bridge (20 foot span or greater) _____
 Surface Treatment _____
Safety Improvement _____
 Traffic Signal Installation _____
Safe Streets to Schools _____
 Intersection Improvement
Other (Describe Below) _____
 Bikeway _____

Drainage Improvements

Scope of Work (Provide a detailed written description of the project - use
additional sheets if necessary)

See attached.

[SUBMIT 3 ORIGINALS OF THIS FORM ALONG WITH 3 LOCATION MAPS AND FOR CENTERS OF PLACE SUBMIT 6 ORIGINALS OF THIS FORM ALONG WITH 6 LOCATION MAPS TO THE DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT]

Total Estimated Cost of Improvement (Attach a detailed cost estimate)

Construction Cost (From attached estimate)

\$223,700

Design Engineering (List only if eligible for Urban Aid or as a Depressed Rural Center)

Right-of-Way (List only if eligible for Urban Aid or as a Depressed Rural Center)

Construction Inspection and Material Testing if requesting (15% of the final allowable construction cost maximum)

Total Estimated Cost

\$223,700

Project Information

Is utility work planned within the project limits over the next five (5) years? – Yes _____

No

Is the purchase of right-of-way required before the start of project construction? – Yes

_____ No

Does the project intersect a State Highway? – Yes _____ No If yes, which highway? _____

If Yes, is the intersection signalized? – Yes _____ No _____

Is there a railroad crossing within the project limits? – Yes _____ No

Is there a railroad crossing 100 feet outside of the project limits? - Yes _____ No

Will the construction impact traffic across a railroad crossing outside the project limits? – Yes _____ No

**ADDITIONAL FORMS OR DOCUMENTS REQUIRED -
ATTACH ONLY THOSE FORMS APPLICABLE TO THE
PROJECT**

Traffic Signal and/or Channelization - Attach a copy of the "Authorization to Design or Install"

Roadway Project – Attach a copy of "Appendix RD"

Bridge Project – Attach a copy of "Appendix BR" and Appendix RD"

Bikeway Project – Attach a copy of "Appendix BW"

Safe Streets to Schools Project – Attach a copy of "Appendix SS"

Location map - 8 ½” x 11” only, showing project limits (all information must be clear and legible with street names labeled)

NOTE For projects located within right-of-way or on property owned by other jurisdictions, proof of permission to construct this project must be attached to this form or the project will not be considered for possible funding.

AND BE IT FURTHER RESOLVED that if this application is approved and accepted by the New Jersey Department of Transportation (“the Department”), the Sponsor agrees that:

- a. It shall arrange for financing of the total cost of the project provided for in this Agreement.
- b. It recognizes and agrees that continuation of funding under this Agreement is expressly dependent upon the availability to the Department of funds appropriated by the State Legislature from State revenues or such other funding sources as may be applicable. The Department shall not be held liable for any breach of this Agreement because of the absence of available appropriation.
- c. In the event that the Department approves funds in an amount less than requested, the Sponsor, at its option, 1) may either rescind this Agreement or 2) continue with the project and assume the entire difference between the total cost of the project and the allotment of State funds or 3) reevaluate the project limits or scope and submit a letter of justification to the Department for approval. In the event the Sponsor rescinds the Agreement, the allotted funds shall revert to the source of the funding.
- d. The Sponsor must notify the Department of its rescission of this Agreement within thirty (30) days of the expiration of the agreement or subsequent extensions. Not meeting this requirement will result in future grants being provided on a reimbursement basis until such time as the municipality demonstrates satisfactory performance in awarding construction contracts. This does not apply to the County Aid Program.
- e. Any purported transfer or assignment of the written obligations of the Sponsor contained herein without prior approval of the Department shall be void.
- f. New Jersey Office of Management and Budget, Circular Letter 05-12, Grant Agreements – Agency Contracts and any supplemental compliance statements by the Department, must be complied with by the Sponsor.
- g. The work to be performed by the Sponsor under this Agreement shall include but not be limited to the following:
 1. Preparation of contract drawings and supplementary specifications.
 2. The acquisition of all necessary right-of-way, easements, slope rights and permits.
 3. Construction of the above referenced improvement.
 4. Monitoring and supervising compliance with all provisions of this Agreement.

- h. It shall defend, indemnify, protect and save harmless the State and its officers, agents, servants, and employees from and against any and all suits, claims, demands or damages of whatsoever kind and nature arising out of, or claimed to arise out of, any act, error or omission of the Sponsor, its consultants, contractors, agents, servants and employees in the performance of the work of the project including, but not limited to, expenditures for and costs of investigations, hiring of expert witnesses, court cost, counsel fees, settlements, and judgments.
- i. It shall engage a Professional Engineer, registered in the State of New Jersey, for design services on the project. In its agreement for professional services, the Sponsor shall require the provision of professional liability insurance or errors and omissions insurance sufficient to protect against liabilities arising out of the professional obligations performed pursuant to the agreements.
- j. In its agreements for professional and non-professional services, the Sponsor shall require the provisions of public liability insurance and every such policy shall include the Sponsor and State as additional named insureds.
- k. All design work shall conform to the applicable American Association of State Highway and Transportation Officials (AASHTO) design criteria and the Department's Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines. The design of traffic barriers and drainage systems shall conform to the Department's Roadway Design Manual. No deviation shall be allowed without the knowledge of the Department. If there is deviation from those standards, the Sponsor shall accept any and all responsibility for any injury or damage by such deviation to any person or property and shall indemnify the State as outlined in this Agreement. All design shall also conform to the current "Manual on Uniform Traffic Control Devices" published by Federal Highway Administration. Design Exception reports will be prepared for all controlling substandard design elements in accordance with the Department's Design Exception Manual. Design Exception reports shall be certified by a New Jersey licensed professional engineer.
- l. It shall provide maps, reports, detailed plans, supplementary specification and contract documents required by the Department.
- m. All workmanship and materials shall conform to current "New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction" as amended for State Aid.
- n. It is the responsible authority, without recourse to the State, regarding the settlement and satisfaction of all contractual and administrative issues arising out of the procurement entered in support of this funding.
- o. Prior to advertising for bids, the Sponsor shall notify the Department if it intends to substantially change the scope of the project proposed in the Resolution, Application, and Agreement. No substantial change shall be included in the project unless it has been approved by the Department.
- p. Any changes in work after the award of contract shall be documented with a Department approved change order.
- q. Fifteen (15) calendar days prior to advertisement, the Sponsor shall submit the following to the Division of Local Aid and Economic Development:
 - 1. One (1) copy of the contract plans, specifications, engineer's estimate, and engineer's design certification.
 - 2. Other documents as required.

- r. It shall advertise and award the contract in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40 A:11-1 et. seq.
- s. It shall comply with all applicable Federal, State and Local laws, rules, ordinances and regulations.
- t. Within thirty (30) calendar days of construction bids, unless the Department grants an extension of this time, the Sponsor shall submit the following to the Division of Local Aid and Economic Development.
 - 1. Two (2) copies of the summary of construction bids.
 - 2. A resolution awarding the contract to the lowest responsible bidder submitting a responsive bid, subject to the approval of the Department.
- u. For municipal grants, the municipality shall award a construction contract for the grant project within eighteen (18) months of approval of this Resolution, Application, and Agreement by the Department. The Department in its sole discretion may provide one six (6) month extension after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the grant agreement. The Department in its sole discretion may provide a second six (6) month extension under extraordinary circumstances as defined by NJAC 16:20B1.3 after receiving an adopted resolution and justification from the Sponsor at least thirty (30) days prior to the expiration of the first six month extension. The Department may cancel the grant agreement if the Sponsor does not award the construction contract by the specified time or if an extension is not requested at least thirty (30) days prior to the expiration of the grant agreement or subsequent extensions; or if an extension of time is not granted.
- v. Cancellation of the grant agreement because a construction contract was not awarded within the time requirements or because an extension of time was not properly requested thirty (30) days prior to grant agreement expiration or subsequent extensions will result in future grant funds being provided on a reimbursement basis until such time as the Sponsor demonstrates it can award a construction contract within the specified timeframes.
- w. Sponsors may voluntarily cancel the grant agreement with written notice thirty (30) days prior to the expiration of the grant agreement or subsequent extensions. Voluntarily canceling the grant agreement with proper notification will result in no penalties on future grants.
- x. Upon prior approval of the Department, it may elect to undertake the work through the use of its own forces when it is deemed applicable and appropriate.
- y. Neither design costs, the costs for acquisition of all necessary right-of-way, easements, slope rights, and permits nor utility costs shall be considered costs of the project for purposes of computation of the allotment of State Aid funds under this Agreement except in special cases approved by the Department.
- z. State participation in the cost of the project shall not exceed the lesser of either 100 percent of the cost of the completed construction work including eligible construction supervision, inspection and material testing, or the original allotment. State participation in inspection and material testing costs combined shall be limited to 15 percent of the eligible construction work cost. The State shall not participate in costs that the Department determines to be beyond the scope of the purposes of the allotment, excessive or otherwise unallowable. The Sponsor shall be afforded an opportunity to challenge this determination at an informal hearing.

- aa. At the discretion of the Commissioner of Transportation, payment of the allotted funds may be made to the project Sponsor in the form of a grant. Grant payments shall be made as follows:
1. For programs administered by the Division of Local Aid and Economic Development, a specified percentage, of the lesser of the eligible award amount or allotment amount shall be paid at the time of concurrence in the award of contract by the Department or the full amount of the allotment shall be paid upon approval of this agreement as determined by the Commissioner. The remaining percentage or balance of funds shall be paid upon submission of a final voucher with supporting information as required by the Department. The final voucher must be submitted to the Department within six (6) months of project acceptance. The Department reserves the right to inspect the work associated with the grant as per N.J.A.C 16:20B-3.2.
 2. For County Aid and the Local Bridge Bond Act, the full amount of the annual allotment amount shall be paid upon approval of the Annual Transportation Plan (ATP) and the execution of this Agreement unless the County has demonstrated unsatisfactory performance, whereby funds will be provided similar to municipal grants.
 3. If the Sponsor requests, progress payments shall be on a reimbursement basis. It shall request reimbursement from the Department by submitting vouchers supplied by the Department with supporting information as required by the Department. Progress payments of not less than \$50,000 may be made.
- bb. The Sponsor hereby certifies that all allotted funds shall only be spent on eligible costs for the approved project(s) as described in this Agreement.
- cc. In the event allotted funds remain after completion of the work, the remaining funds shall revert to the source of the funding and shall be reallocated by the Department in a manner determined solely by the Commissioner of Transportation.
- dd. In the event that the Department determines that it has reimbursed the Sponsor in an amount in excess of the funds actually due under this Agreement, the Sponsor shall, upon notice from the Department, make timely repayments to the State. Upon failure of the Sponsor to timely repay such funds, the State is hereby authorized by this Agreement to deduct those funds from any monies due the Sponsor under the terms of any agreement between the State, its Departments and Agencies and the Sponsor or to gain reimbursement through any other remedies available at law or equity.
- ee. It shall provide cost certification and maintain financial records relating to all costs for the project in accordance with N.J.A.C. 16:20A or 16:20B, as applicable, and comply with State of New Jersey audit requirements specified therein.
- ff. It shall maintain complete documentation of the project for a period of three (3) years after receiving final reimbursement or payment by the State.
- gg. It shall maintain the completed project in a manner satisfactory to the Department.
- hh. It will comply with Title VI of the 1964 Civil Rights Act.
- ii. Failure to comply with all provisions contained in this Resolution, Application and Agreement may result in the suspension and/or termination of funding.
- jj. Approval as to Form by Certification Process.

AND BE IT FURTHER RESOLVED that the **Mayor** and Clerk are hereby authorized to execute and attest this Resolution, Application and Agreement.

"Appendix RD"

Roadway Data Sheet

Project – Mount Pisgah Avenue Reconstruction

From: - Belvidere Avenue, County Route 624 To: - Oxford Quarry Road

Municipality - Oxford Township County - Warren

Existing Road Conditions

Current ADT – 1,900 % Truck Traffic over 5 Tons - 10 Legal Speed Limit - 35

Commuter Bus Route - Yes _____ No X

Right of Way Width – 33'

Pavement Width – 26' Type - Bituminous Base Depth – 0''

Surface Depth – 2''

Shoulder Width - None Type – N/A Depth – N/A
(If different for each side or varying, provide minimum width for each side)

Curbing - One Side - None Both Sides - None

Sidewalk - One Side - None Both Sides - None

Parking Restrictions - None

Existing Bridge being replaced or repaired - Yes _____ No X

If Yes, and is part of project, complete Appendix BR

Proposed Improvements

Right of Way Width – 33'

Pavement Width – 26' Type - Bituminous Base Depth – 4''

Surface Depth – 2''

Shoulder Width - None Type – N/A Depth – N/A
(If different for each side or varying, provide minimum width for each side)

Curbing - One Side - None Both Sides - None

Sidewalk - One Side - None Both Sides - None

Parking Restrictions - None

Will the project meet AASHTO standards? – Yes X No _____ If No, list

Design Exceptions below

Attorney's Report All items are Executive Session.

Engineer's Report

Bill Gleda of Finelli's office announced that the Kent Street project has been put out to bid and bid openings will be July 13, 2006 at 9:30 PM in the Oxford Municipal Building and can be awarded at the July 19, 2006 Township Meeting.

On the parking lot downtown a request was made for the cost share between Skylands Bank and the Township. Broken down, approximately overall for 55 spaces estimated price of \$105,000 excluding Stormwater Management. The contribution on Lot 9 would be approximately \$20,500; contribution on Lot 10, would be about \$8,500; \$29,000 would be the prorated share for the number of parking spaces which would be 19 parking spaces located on the Skylands property.

Mr. Gleda gave the Committee the final update of the three recreational fields.

Finelli's office still have not received answers from all the residents in the Spring Meadow area in reply to the letters that was sent out for illegal sump pumps being emptied into the sewer lines. Twenty-four letters were mailed and twelve residents have replied. Mr. Lavery will research the statue and report back to the Committee next month of the procedure to be taken against the owners of the property.

Mr. Lazorisak asked Mr. Lavery about the order to show cause regarding COAH. Mr. Lavery spoke to Mr. Garoflao and asked if the Township would have to appear at the COAH meeting and he stated no. Mr. Lazorisak asked why the monitoring reports were not filed and as per COAH letter, half of the Municipalities in New Jersey have not filed to date. Mr. Garoflao is in the process to find how why these reports have not been filed.

On motion by Mr. Lazorisak, seconded by Mr. Accetturo and passed unanimously on roll call vote to release cash bond to cover paving of driveway for \$1,500. for Block 19, Lot 3 -Scranton Parkway.

On motion by Mr. Lazorisak, seconded by Mr. Accetturo and passed unanimously on roll call vote to pay Tilcon in the amount of \$1,590.04.

EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meeting Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

1. The public shall be excluded from the discussion of any action upon the hereinafter specific subject matter.
2. The general nature of the subject matter to be discussed is pending litigation matter with the minutes made available at such time the Township Committee determines there is no danger to the Township by disclosing those minutes.
3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of the litigation. The motion carried with the following roll call vote.

At 10:10 PM, Mr. Accetturo made a motion, seconded by Mr. Lazorisak to enter into Executive Session to discuss potential litigation.

Mike Lavery announced at 10:50 PM, the Committee entered into open session and three litigation matters, one potential litigation matter and one contractual matter was discussed and no official action was taken.

On motion by Mr. Accetturo, seconded by Mr. Lazorisak and passed unanimously to authorize Mr. Lavery to settle the McDonald matter for up to the amount that was discussed in Executive Session.

Mr. Lavery advised the Committee to appoint Special Labor Council to have on board if the Township would ever need specialty in labor law. On motion by Mr. Accetturo, seconded by Mr. Lazorisak and passed unanimously on roll call vote, the Committee hired Mike Shadiack of Connell Foley LLP.

Mayor Accetturo stated that any correspondence between the Oxford Police and the New Jersey State Police be sent through the Township Committee. Mayor Accetturo authorized Mr. Lavery to write a letter to Lt. Lilly asking if the State Police have been in contact with him and if so, the details of the conversation. Mayor Accetturo would like a representative from the New Jersey State Police to attend one of the Township meetings to answer any questions.

On motion by Mr. Lazorisak, seconded by Mr. Accetturo and passed unanimously on roll call vote to adjourn the meeting at 11:00 PM.

Sheila L. Oberly, RMC
Township Clerk