



BOROUGH OF WATCHUNG

15 MOUNTAIN BOULEVARD
WATCHUNG, NEW JERSEY 07069

MAYOR & COUNCIL MEETING AGENDA

THURSDAY, MAY 16, 2024

7:30 P.M.

MAYOR

Ronald Jubin, Ph.D.

COUNCIL

Christine B. Ead, President

Curt S. Dahl

Paul Fischer

Paolo Marano

Sonia Abi-Habib

Robert Gibbs

James J. Damato
Business Administrator

Edith G. Gil
Borough Clerk

Joseph Sordillo, Esq.
Borough Attorney

THIS MEETING AND ALL BUSINESS SHALL BE CONDUCTED IN-PERSON, INCLUDING THE ACCEPTANCE OF PUBLIC COMMENT. No public comment shall be allowed to be made virtually or accepted in writing and read into the record. All writings received shall be acknowledged and accepted by the Council as regular correspondence. The Borough may broadcast its meetings virtually for public viewing as a courtesy.

VIEWING INSTRUCTIONS: To listen to the meeting via phone, dial 1 (646) 558-8656. It will prompt you for a meeting ID. Type **99501390087#**. You do not need a participating ID, just press # | To view the meeting using a smart phone or computer, download the free **ZOOM** app. Type in the **meeting ID 99501390087** or click on <https://zoom.us/j/99501390087>. **Agenda items can also be requested by emailing egil@watchungnj.gov**

**BOROUGH OF WATCHUNG
MAYOR & COUNCIL MEETING AGENDA**

May 16, 2024 - 7:30 P.M.

MAYOR’S STATEMENT: This meeting is being held in compliance with the Open Public Meetings Act. Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice to the Courier News, Echoes Sentinel, the Star Ledger, posted at Borough Hall and on the Borough’s website.

SALUTE TO THE FLAG and MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD

ROLL CALL

PROCLAMATIONS

- ❖ Building Safety Month
- ❖ Honoring Mayor Ellis

PUBLIC PORTION / AGENDA ITEMS ONLY

*A public portion is held prior to Council action for comments of agenda items only. Individuals commenting are limited to **3 minutes** per person, and will not be permitted to speak again until everyone has had an opportunity to speak. If a group is represented by an attorney, the attorney will be given 5 minutes to make the presentation for the group.*

NEW BUSINESS

REPORTS & CORRESPONDENCE:

Acknowledging Receipt of the following Borough Reports:

Animal Control Solutions Monthly Report	April 2024
Board of Adjustment Meeting Minutes	April 11, 2024
Construction Code Monthly Report	April 2024
Fire Prevention Report	April 2024
Mayor and Council Regular Meeting Minutes	March 7, 2024 May 2, 2024
Mayor and Council Executive Session Minutes	May 2, 2024
Police Activity Report	April 2024

#8: Notice of Resignation from C. Zaikov to Recreation Commission, recv’d 5/1/24, cc: M&C

#9: Letter from NJDEP re: SC Septic Management Plan, recv’d 5/14/2024, cc: M&C, BOH, Zoning

**BOROUGH OF WATCHUNG
MAYOR & COUNCIL MEETING AGENDA**

May 16, 2024 - 7:30 P.M.

CONSENT ITEMS

The resolutions listed below were submitted to the Governing Body for review and will be adopted by one motion.

R1: Authorizing Appointments of Summer Camp Staff

R2: Authorizing a Field and Facility Permit Application for Movie Night Held by the Watchung PTO

R3: Authorizing Raffle Licenses #681 & #682 to Father's Club of Mount Saint Mary Academy High School

R4: Authorizing Appointments of Volunteers to the Recreation Commission and the Green Team

R5: Supporting the Swift Passage of S-2930/A-4045 Calling for the Modernization of the Open Public Records Act

R6: Authorizing Purchases Over Allowed Threshold – Jesco, Inc. (PW - backhoe loader)

NON-CONSENT ITEMS

R7: Authorizing Appointment of Deputy Emergency Management Coordinators

R8: Awarding a Contract to MTM Metro Corp for the Removal and Disposal of Asbestos Containing Material

PUBLIC PORTION - GENERAL DISCUSSION

Individuals commenting are limited to 3 minutes per person. An Attorney will be given 5 minutes to present on behalf of a group.

EXECUTIVE SESSION

R9: Authorizing an Executive Session for Contract Negotiation and Attorney-Client Privilege Matters

The Borough Council may take official action on those items discussed in executive session upon return to open session

ADJOURNMENT

The next meeting of the Mayor and Council will be Thursday, June 6, 2024 at 7:30 P.M.



#9
5/16/24

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WATERSHED PROTECTION & RESTORATION

Bureau of NJPDES Stormwater Permitting & Water Quality Management

P.O. Box 420, 501 East State Street

Mail Code 501-02A

Trenton, New Jersey 08625-0420

Tel. (609) 633-7021 • Fax (609) 984-6505

<https://www.nj.gov/dep/wqmp>

SHAWN M. LATOURETTE
Commissioner

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

Email Only
May 14, 2024

Walter C. Lane, Director
Office of Planning, Policy and Economic Development
Somerset County Office of the County Administrator
20 Grove Street P.O. Box 3000
Somerville, NJ 08876-1262

RE: Somerset County Septic Management Plan
Proposed Amendment to the Northeast, Upper Raritan, and Lower Raritan/Middlesex
County Water Quality Management (WQM) Plans
Program Interest No. 435442, Activity No. AMD200004; Program Interest No. 435434,
Activity No. 200007; Program Interest No. 435463, Activity No. AMD200001
Preliminary Notice and Request for Consents

Dear Mr. Lane:

The New Jersey Department of Environmental Protection (Department) received an application for an amendment to the Northeast, Upper Raritan, and Lower Raritan/Middlesex County WQM Plans for the above referenced project on February 7, 2020. The proposed amendment identified as the "Somerset County Septic Management Plan" would adopt the Septic Management Plan component of the Somerset County Wastewater Management Plan (WMP). In Somerset County the responsibility for septic management programs rests with the municipal health departments. Although implementation of septic maintenance programs is primarily carried out by local authorities as the WMP entity, the county is responsible for development of the WMP, of which the SMP is one component. The SMP is a compilation and assessment of septic management programs within the fifteen municipalities in the county which have septic systems. Based on the information provided in the amendment application, the Department has determined that the proposed amendment is compliant with the regulatory criteria at N.J.A.C. 7:15-3.5 and 4, as described below.

The Department will be publishing a public notice in the New Jersey Register proposing the amendment for public review and comment. We anticipate the notice will be published in the New Jersey Register on June 17, 2024 . If we are unable to publish on that day, we will notify you. A copy of the public notice is enclosed with this letter.

Pursuant to N.J.A.C. 7:15-3.5(g)6, you must request written statements of consent for the proposed amendment from the following entities: Bedminster Township, Bernards Township, Bernardsville Borough, Bound Brook Borough, Branchburg Township, Bridgewater Township, Far Hills Borough, Franklin Township, Green Brook Township, Hillsborough Township, Millstone Borough, Montgomery Township, Peapack & Gladstone Borough, Warren Township, and Watchung Borough. A statement of consent from a governmental entity must be in the form of a resolution adopted by the entity's governing body. Any entities objecting to the proposed amendment must submit their reasons for the objection in writing.

Requests for written statements of consent from the entities identified above must be transmitted by a letter sent via certified mail (return receipt requested) within 15 days of the date of this correspondence. The request letter must include a copy of the enclosed public notice for the proposed amendment, along with any other supporting documentation you deem relevant, and must request that written statements of consent be provided to you within 60 days. A sample request letter and resolution are enclosed. Please promptly forward to this office copies of the request letters with their received dated and signed return receipts and all correspondence received in response to your requests.

Middlesex County, as a Designated Planning Agency, has its own plan amendment procedures. These procedures require publication of the amendment proposal in two local newspapers and the holding of a public hearing. It is the responsibility of the applicant to publish the notice in the newspapers. Please arrange to have the enclosed notice published on the same date as the publication in the New Jersey Register. For this area, the newspapers are: The Home News Tribune and The Star Ledger. Please contact the Middlesex County Department of Planning for additional information regarding the County requirements and process. Additionally, a resolution from the Middlesex County Board of County Commissioners approving of the proposed amendment is required.

Please note that sewer service is not guaranteed should this amendment be adopted since the amendment represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA resulting from adoption of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any federal, state, county or municipal review agency with jurisdiction over this project/activity.

Please include the program interest and activity numbers provided above on all written correspondence to the Department regarding this amendment. If you have any questions about this amendment, please contact Matthew LaMarca at (609)-633-7021 or Matthew.LaMarca@dep.nj.gov.



Sincerely,



Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
New Jersey Department of Environmental Protection

Enclosures: Preliminary Notice
Sample Statement of Consent Request Letter & Resolution

c:

Nicholas Tufaro, Principal Planner, Middlesex County Office of Planning
Robin Ray, Municipal Clerk, Bedminster Township
Christine Kieffer, Municipal Clerk, Bernards Township
Anthony Suriano, Municipal Clerk, Bernardsville Borough
Jasmine D. McCoy, Municipal Clerk, Bound Brook Borough
Maggie Schmitt, Municipal Clerk, Branchburg Township
Linda Doyle, Municipal Clerk, Bridgewater Township
Dorothy S. Hicks, Municipal Clerk, Far Hills Borough
Barbara Freijomil, Municipal Clerk, Franklin Township
Kelly G. Cupit, Municipal Clerk, Green Brook Township
Sarah Brake, Municipal Clerk, Hillsborough Township
Gian-Paolo Caminiti, Municipal Clerk, Manville Borough
Kathleen Hart, Municipal Clerk, Millstone Borough
Lisa Fania, Municipal Clerk, Montgomery Township
Michele Garry, Municipal Clerk, North Plainfield Borough
Nancy Bretzger, Municipal Clerk, Peapack & Gladstone Borough
Eric M. Colvin, Municipal Clerk, Raritan Borough
Joanne Doary, Municipal Clerk, Rocky Hill Borough
Kevin Sluka, Municipal Clerk, Somerville Borough
Christina Fischer, Municipal Clerk, South Bound Brook Borough
Cathy Reese, Municipal Clerk, Warren Township
Edith G. Gil, Municipal Clerk, Watchung Borough
Ben Spinelli, Executive Director, New Jersey Highlands Council
John Hutchison, Executive Director, Delaware and Raritan Canal Commission



DRAFT



NOTE: THIS IS A COURTESY COPY OF THIS PLAN AMENDMENT PROPOSAL. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE JUNE 17, 2024, NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE AMENDMENT, THE OFFICIAL VERSION WILL GOVERN.

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

WATERSHED AND LAND MANAGEMENT

DIVISION OF WATERSHED PROTECTION AND RESTORATION

Proposed Amendment to the Northeast, Upper Raritan and Lower Raritan/Middlesex County Water Quality Management Plans

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Northeast, Upper Raritan and Lower Raritan/Middlesex County Water Quality Management (WQM) Plans in accordance with the New Jersey Water Quality Planning Act, N.J.S.A. 58:11-1 et seq., and the Water Quality Management Planning rules, N.J.A.C. 7:15. The proposed amendment, identified as the “Somerset County Septic Management Plan” (Program Interest No. 435442, Activity No. AMD200004; Program Interest No. 435434, Activity No.200007; Program Interest No. 435463, Activity No. AMD200001) prepared by the Somerset County Department of Planning and submitted on behalf of the Somerset County Board of County Commissioners, would adopt the Septic Management Plan component of the Somerset County Wastewater Management Plan (WMP). In Somerset County the responsibility for the review and permitting of septic systems as well as septic management oversight consistent with the requirements of N.J.A.C. 7:9A rests with the municipal health departments. Although implementation of septic maintenance programs is primarily carried out by local authorities, as the WMP entity, the county is responsible for development of the WMP, of which the SMP

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is one component. The Somerset County Department of Planning, in coordination with Somerset County Health Officers Association and municipalities, developed the County SMP. The SMP is comprised of individual municipal chapters for each Somerset County municipality with facilities served by individual subsurface sewerage disposal systems (ISSDS). The SMP consists of an inventory of existing ISSDS, current septic management practices that promote care and maintenance of septic systems, and proposed improvements to the current septic management practices and future refinement of the ISSDS inventory.

This notice represents the Department's determination that the amendment is in compliance with the regulatory criteria at N.J.A.C. 7:15.

This notice is to inform the public that a plan amendment has been proposed for the Northeast, Upper Raritan and Lower Raritan/Middlesex County WQM Plans. All information related to the proposed amendment is located at:

Middlesex County Department of Planning

75 Bayard Street, 5th Floor

New Brunswick, New Jersey 08901

AND

New Jersey Department of Environmental Protection

Division of Watershed Protection & Restoration

Bureau of NJPDES Stormwater Permitting and Water Quality Management

Water Quality Management Planning Program

PO Box 420, Mail Code 501-02A

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501 East State Street

Trenton, New Jersey 08625-0420

AND

Somerset County Office of Planning, Policy and Economic Development

Office of the County Administrator

P.O. Box 3000

20 Grove Street

Somerville, NJ 08876-1262

The Department's file is available for inspection between 9:00 A.M. and 4:00 P.M., Monday through Friday, upon request. An appointment to inspect the file must be arranged by calling the Bureau of NJPDES Stormwater Permitting & Water Quality Management at (609) 633-7021.

The Middlesex County Board of County Commissioners, as the designated planning agency for the portion of Somerset County that is within the Lower Raritan/Middlesex County WQM planning area, requires that a public hearing be held for all WQM plan amendments under its jurisdiction. A public hearing will be held by the Middlesex County Commissioners on the proposed WQM Plan amendment. The public hearing will be held on July 17, 2024 at 5:30 p.m. in the Middlesex County Commissioners Public Meeting Room, 1st Floor, of the Middlesex County Administration Building at 75 Bayard Street, New Brunswick, New Jersey. For additional information, please see the Middlesex County web page at:

<https://middlesexcountynj.primegov.com/public/portal?fromiframe=true&&committee=47>

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Interested persons may submit written comments on the proposed amendment to the Department at the address cited above or at the email: wqmp.publiccomments@dep.nj.gov and to Middlesex County at the following address:

Mr. Nicholas Tufaro
Middlesex County Department of Planning
75 Bayard Street – 5th Floor
New Brunswick, New Jersey 08901

AND

Mr. Walter Lane, Director
Somerset County Office of Planning, Policy and Economic Development
Office of the County Administrator
P.O. Box 3000
20 Grove Street
Somerville, NJ 08876-1262

Comments should reference Program Interest No. 435442, Activity No. AMD200004; Program Interest No. 435434, Activity No.200007; Program Interest No. 435463, Activity No. AMD200001 and must be submitted within 15 days after the public hearing.

Interested persons may request in writing that the Department hold a nonadversarial public hearing on the amendment or extend the public comment period specified in this notice. Such requests

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should reference Program Interest No. 435442, Activity No. AMD200004; Program Interest No. 435434, Activity No.200007; Program Interest No. 435463, Activity No. AMD200001 and must demonstrate sufficient public interest for the public hearing or extension of the comment period, as defined at N.J.A.C. 7:1D-5.2(d). The request must be submitted within 30 days of the date of this notice to the Department address cited above. Should the Department decide to hold a public hearing, additional notice will be published in a future issue of the New Jersey Register and the comment period will be extended to 15 days after the Department's public hearing. All comments submitted prior to the close of the comment period shall be considered by Middlesex County and the Department before making a final decision on the proposed amendment.

Sewer service is not guaranteed should this amendment be adopted as it represents only one part of the permit process and other issues may need to be addressed. Inclusion in the SSA as a result of the approval of this amendment does not eliminate the need to obtain all necessary permits, approvals or certifications required by any Federal, State, county or municipal review agency with jurisdiction over this project/activity.

4/5/2024

Date



Gabriel Mahon, Bureau Chief
Bureau of NJPDES Stormwater Permitting and Water Quality Management
Division of Watershed Protection and Restoration
NJ Department of Environmental Protection

**BOROUGH OF WATCHUNG
RESOLUTION: R1**

NOW THEREFORE BE IT, RESOLVED that the Mayor and Council of the Borough of Watchung in the County of Somerset do hereby appoint the following temporary personnel for the 2024 Summer Camp Program as follows:

	<u>Hourly Rate</u>
Camp Director: Desire Sommerville	\$30.00
Camp Assistant Director: Kristine Dang	\$25.00

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: MAY 16, 2024
INDEX: APPOINTMENTS, RECREATION
C: E. HORSFALL, D. GRAY

**BOROUGH OF WATCHUNG
RESOLUTION: R2**

WHEREAS, the Borough of Watchung has received a Field and Facility Permit Application which has been reviewed by Borough Officials; and

WHEREAS, the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey wishes to authorize said application.

NOW THEREFORE BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung that the use of Phillips Field is authorized for the intended use as noted below and is hereby approved:

1. Watchung PTO to hold movie night from 7:00 PM to 12:00 AM on May 31, 2024.
2. All approvals are subject to having appropriate insurance coverage, applicable departmental approvals, and receipt of appropriate fees, if applicable.

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: MAY 16, 2024
INDEX: RECREATION
C: DQG, PD,



FIELD AND FACILITY PERMIT APPLICATION

GOVERNMENT BODY APPROVAL REQUIRED - PLEASE SUBMIT ONE MONTH BEFORE EVENT

Applicant Name: Watchung PTO - Victoria Ghlen

Address: 113 Baubering Lane Watchung NJ 07069

Phone: [Redacted] Email: [Redacted]

Name of Organization, Team, Club, etc. Watchung PTO

Profit Entity Non-Profit Entity

FACILITY USE

FEES

Pavilion Rental at Mobus Field

Resident

\$50.00 Per Event

Non-Resident / Commercial

\$100.00 Per Event

Port-A-John Rental

\$150.00 (Includes Delivery)

Mobus Field Phillips Field Best Lake

Sport and Organized Programs

\$15.00 Per Person/Week

Events (Non-Profit) - Resident

\$50.00 Per Event

Events (Non-Profit) - Non-Resident

\$150.00 Per Event

Gazebo at Watchung Lake

Resident

\$50.00 Per Event

Non-Resident

\$100.00 Per Event

Seniors Room

Residents/Non-Profit

No Charge

Profit Organizations

\$25.00 Per Hour / \$100.00 Minimum

Police Security

\$107/hour per Officer

All Watchung Based Non-Profit Sports Programs, Government or School Based Events and Non-Profit Fund-Raising Events: Free of Charge except as required by the Borough Administrator to cover out-of-pocket costs for any applicable expenses. All fees include removal of bagged garbage and access to electricity, if needed.

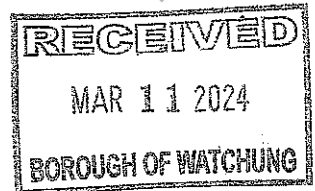
Location Requested and Detailed Description of Event: PTO Sponsored movie night

Phillips Field

Dates: 5/31/24

Times: 8-12a

Main Date to be scheduled / N/A



**BOROUGH OF WATCHUNG
RESOLUTON: R3**

WHEREAS, the Father’s Club of Mount Saint Mary Academy High School has made application to the Borough of Watchung, County of Somerset, for two (2) Licenses; and

WHEREAS, said applications have been presented as required for Findings and Determinations; and

WHEREAS, the Borough Clerk has reported the proper fees have been paid and therefore recommends its approval.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey that the Borough Clerk is hereby instructed to issue the two (2) Raffle Licenses as follows:

**NAME AND ADDRESS
OF ORGANIZATION**

The Fathers Club of Mount
Saint Mary Academy
1645 Route 22 East
Watchung, NJ 07069

DATE OF RAFFLE

RL#681-10/07/2024
On Premise Merchandise Draw Raffle

RL#682 – 10/07/2024
Off Premise Merchandise Draw Raffle

Christine Ead, Council President

Ronald Jubin, Ph. D., Mayor

ADOPTED: MAY 16, 2024
INDEX: LICENSES
C: R. ANGELO

FINDINGS AND DETERMINATION

APPLICATION NO. RA 681

IDENTIFICATION NO. 528-5-33839
 (Complete 2 copies)

APPLICATION FOR RAFFLE LICENSE

Insert name of Municipality BOROUGH OF WATCHUNG

Name of Applicant FATHERS CLUB OF MT. ST. MARY ACADEMY

(Mark appropriate answers to ALL questions)

1. Applicant (is <input checked="" type="checkbox"/>) (is not <input type="checkbox"/>) qualified.	6. There (is <input checked="" type="checkbox"/>) (is not <input type="checkbox"/>) satisfactory proof that no payment will be made for conducting the games or assisting therein except to the extent allowed by law.
2. Members designated to conduct games (are <input checked="" type="checkbox"/>) (are not <input type="checkbox"/>) bona-fide active members.	7. There (is <input checked="" type="checkbox"/>) (is not <input type="checkbox"/>) satisfactory proof that the prizes are of the nature and amount allowed by the Act.
3. Members designated to conduct games (are <input checked="" type="checkbox"/>) (are not <input type="checkbox"/>) of good moral character and have never been convicted of a crime.	8. The rental to be paid for raffles equipment (does <input checked="" type="checkbox"/>) (does not <input type="checkbox"/>) conform to the schedule of authorized rentals prescribed by the rules of the Control Commission and the raffles equipment leaser (has <input checked="" type="checkbox"/>) (has not <input type="checkbox"/>) been approved by the Control Commission.
4. The games (will <input checked="" type="checkbox"/>) (will not <input type="checkbox"/>) be conducted according to the Act and the Rules and Regulations.	9. Other:
5. The entire net proceeds (are <input checked="" type="checkbox"/>) (are not <input type="checkbox"/>) to be disposed of for a purpose permitted by this Act.	10. License is (granted <input checked="" type="checkbox"/>) (denied <input type="checkbox"/>)

May 16, 2024
 (Date)

 (SIGNATURE OF VERIFYING OFFICIAL)

Mayor, Borough of Watchung
 (TITLE)

(Send one copy to the Control Commission)

FINDINGS AND DETERMINATION

APPLICATION NO. RA 682

IDENTIFICATION NO. 528-5-33839
(Complete 2 copies)

APPLICATION FOR RAFFLE LICENSE

Insert name of Municipality BOROUGH OF WATCHUNG

Name of Applicant FATHERS CLUB OF MT. ST. MARY ACADEMY

(Mark appropriate answers to ALL questions)

1. Applicant (is <input checked="" type="checkbox"/>) (is not <input type="checkbox"/>) qualified.	6. There (is <input checked="" type="checkbox"/>) (is not <input type="checkbox"/>) satisfactory proof that no payment will be made for conducting the games or assisting therein except to the extent allowed by law.
2. Members designated to conduct games (are <input checked="" type="checkbox"/>) (are not <input type="checkbox"/>) bona-fide active members.	7. There (is <input checked="" type="checkbox"/>) (is not <input type="checkbox"/>) satisfactory proof that the prizes are of the nature and amount allowed by the Act.
3. Members designated to conduct games (are <input checked="" type="checkbox"/>) (are not <input type="checkbox"/>) of good moral character and have never been convicted of a crime.	8. The rental to be paid for raffles equipment (does <input checked="" type="checkbox"/>) (does not <input type="checkbox"/>) conform to the schedule of authorized rentals prescribed by the rules of the Control Commission and the raffles equipment leaser (has <input checked="" type="checkbox"/>) (has not <input type="checkbox"/>) been approved by the Control Commission.
4. The games (will <input checked="" type="checkbox"/>) (will not <input type="checkbox"/>) be conducted according to the Act and the Rules and Regulations.	9. Other:
5. The entire net proceeds (are <input checked="" type="checkbox"/>) (are not <input type="checkbox"/>) to be disposed of for a purpose permitted by this Act.	10. License is (granted <input checked="" type="checkbox"/>) (denied <input type="checkbox"/>)

May 16, 2024
(Date)

(SIGNATURE OF VERIFYING OFFICIAL)

Mayor, Borough of Watchung
(TITLE)

(Send one copy to the Control Commission)

**BOROUGH OF WATCHUNG
RESOLUTION: R4**

WHEREAS, Mayor Ronald Jubin has recommended the appointment of the individuals for the terms as listed below.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Watchung, County of Somerset, State of New Jersey that the following appointments are hereby confirmed:

**GREEN TEAM ADVISORY
COMMITTEE**

Mimansa Kumar

TERM

Ending on May 15, 2027

RECREATION COMMISSION

Pierce Jubin, Regular Member

TERM

Ending on January 20, 2026
Filling Unexpired Term

Robert Weck, Alternate #2

Ending on December 31, 2024
Filling Unexpired Term

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: MAY 16, 2024
INDEX: APPOINTMENTS
C: D.GRAY

**BOROUGH OF WATCHUNG
RESOLUTION: R5**

**CALLING FOR THE MODERNAZATION OF THE OPEN PUBLIC RECORDS ACT
(OPRA) AND THE SWIFT PASSAGE OF S-2930/A-4045**

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, as local leaders we reaffirm our support and commitment to open and transparent government and public access to records, at the same time, we strongly support necessary reforms; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS, municipal staff and budgets are increasingly utilized to accommodate the requestors and commercial entities who inundate municipalities with public records requests to the extent that in some instances, additional personnel are hired primarily to handle such requests; and

WHEREAS, OPRA has become broadly construed in favor of access and the requestor who prevails in any proceeding in appealing a denial of access of records is permitted to collect exorbitant attorney’s fees, which impacts the taxpayers and municipalities who must pay these fees; and

WHEREAS, municipalities have seen outside businesses and interests who abuse OPRA for marketing and commercial gains while utilizing municipal employees paid by the taxpayers for this benefit; and

WHEREAS, due to court decisions over the years, reasonable expectations of privacy have been diminished when it comes to the balance of transparency and OPRA perpetuates for-profit data-mining, unsolicited marketing, and uncontrolled publications of records on internet search engines specifically designed to circumvent and bypass what few protective measures currently exist under OPRA, all while allowing the requestor to remain cloaked in anonymity, should they choose to exercise that option; and

WHEREAS, when commercial entities are constantly emailing OPRA requests looking for the latest lists of dogs licensed that month, inground pool permits issued, solar roof permits issued, etc., it causes our residents to not want to license their dogs, comply with permits, or interact with the municipality because they don’t want to lose their privacy and/or have their information tracked and monetized for commercial purposes; and

WHEREAS, reforms to modernize OPRA are long overdue, among them: the need to address requests by commercial entities that utilize public records and the services of local government employees to generate profits, mandatory prevailing attorney fees, which created a cottage industry, and to add language so that such fees are based on facts and circumstances and not an automatic granting; and

WHEREAS, Senators Sarlo and Bucco and Assemblyman Danielsen and Assemblywoman Flynn have introduced S-2930/A-4045, which makes commonsense reforms that do not hinder residents or journalists from using OPRA to access public records, but will protect citizens' personal information from disclosure, addresses the burdensome commercial requests and provide discretion when awarding prevailing attorney fees;

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Watchung in the County of Somerset respectfully request the adoption of much-needed reforms to modernize and strengthen the legislative intent of the Open Public Records Act (OPRA) and urges the swift passage of S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records but at the same time, we strongly support necessary reforms; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Bramnick, Assembly Members Matsikoudis and Muñoz, Governor Murphy, and the New Jersey League of Municipalities.

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: MAY 16, 2024
INDEX: MISC,
C: NJLM, NJ LEG.,

[First Reprint]

SENATE, No. 2930

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MARCH 4, 2024

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator ANTHONY M. BUCCO

District 25 (Morris and Passaic)

SYNOPSIS

Makes various changes to process for access to government records; appropriates \$8 million.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on March 11, 2024, with amendments.



(Sponsorship Updated As Of: 4/8/2024)

1 AN ACT concerning access to government records, amending and
2 supplementing various parts of the statutory law, and making an
3 appropriation.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. Section 1 of P.L.1963, c.73 (C.47:1A-1) is amended to read
9 as follows:

10 1. The Legislature finds and declares it to be the public policy
11 of this State that:

12 government records shall be readily accessible for inspection,
13 copying, or examination by the citizens of this State, with certain
14 exceptions, for the protection of the public interest, and any
15 limitations on the right of access accorded by P.L.1963, c.73
16 (C.47:1A-1 et seq.) as amended and supplemented, shall be
17 construed in favor of the public's right of access;

18 all government records shall be subject to public access unless
19 exempt from such access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as
20 amended and supplemented; any other statute; resolution of either
21 or both houses of the Legislature; regulation promulgated under the
22 authority of any statute or Executive Order of the Governor;
23 Executive Order of the Governor; Rules of Court; any federal law,
24 federal regulation, or federal order;

25 a public agency has a responsibility and an obligation to
26 safeguard from public access a citizen's personal information with
27 which it has been entrusted, or information that might reasonably
28 lead to disclosure of a person's personal information, when
29 disclosure thereof would violate the citizen's reasonable expectation
30 of privacy, or when the public agency has reason to believe that
31 disclosure of such personal information may result in harassment,
32 unwanted solicitation, identity theft, or opportunities for other
33 criminal acts; and

34 nothing contained in P.L.1963, c.73 (C.47:1A-1 et seq.), as
35 amended and supplemented, shall be construed as affecting in any
36 way the common law right of access to any record, including but
37 not limited to criminal investigatory records of a law enforcement
38 agency.

39 (cf: P.L.2001, c.404, s.1)

40

41 2. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to
42 read as follows:

43 1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and
44 supplemented:

45 "Biotechnology" means any technique that uses living
46 organisms, or parts of living organisms, to make or modify

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted March 11, 2024.

1 products, to improve plants or animals, or to develop micro-
2 organisms for specific uses; including the industrial use of
3 recombinant DNA, cell fusion, and novel bioprocessing techniques.

4 "Child protective investigator in the Division of Child Protection
5 and Permanency" means an employee of the Division of Child
6 Protection and Permanency in the Department of Children and
7 Families whose primary duty is to investigate reports of child abuse
8 and neglect, or any other employee of the Department of Children
9 and Families whose duties include investigation, response to, or
10 review of allegations of child abuse and neglect.

11 "Commercial purpose" means the direct or indirect use of any
12 part of a government record for sale, resale, solicitation, rent or
13 lease of a service, or any use by which the user expects a profit
14 either through commission, salary, or fee. "Commercial purpose"
15 shall not include using, distributing, gathering, procuring,
16 transmitting, compiling, editing, disseminating, or publishing of
17 information or data by the news media, or any parent company,
18 subsidiary, or affiliate of any news media, as defined by section 2 of
19 P.L.1977, c.253 (C.2A:84A-21a), or by any news, journalistic,
20 educational, scientific, scholarly, or governmental organization, or
21 by any person authorized to act on behalf of a candidate committee,
22 joint candidate committee, political committee, continuing political
23 committee, political party committee, or legislative leadership
24 committee, as defined by section 3 of P.L.1973, c.83 (C.19:44A-3),
25 registered with the New Jersey Election Law Enforcement
26 Commission.

27 "Constituent" means any State resident or other person
28 communicating with a member of the Legislature.

29 "Criminal investigatory record" means a record which is not
30 required by law to be made, maintained or kept on file that is held
31 by a law enforcement agency which pertains to any criminal
32 investigation or related civil enforcement proceeding.

33 "Custodian of a government record" or "custodian" means in the
34 case of a municipality, the municipal clerk and in the case of any
35 other public agency, the officer officially designated by formal
36 action of that agency's director or governing body, as the case may
37 be.

38 "Data broker" means a business that knowingly collects and sells
39 to third parties the personal information of a consumer with whom
40 the business does not have a direct relationship.

41 "Government record" or "record" means any paper, written or
42 printed book, document, drawing, map, plan, photograph,
43 microfilm, data processed or image processed document,
44 information stored or maintained electronically or by sound-
45 recording or in a similar device, or any copy thereof, that has been
46 made, maintained or kept on file in the course of his or its official
47 business by any officer, commission, agency or authority of the
48 State or of any political subdivision thereof, including subordinate
49 boards thereof, or that has been received in the course of his or its

1 official business by any such officer, commission, agency, or
2 authority of the State or of any political subdivision thereof,
3 including subordinate boards thereof. The terms shall not include
4 inter-agency or intra-agency advisory, consultative, **[or]**
5 deliberative, or draft material, including notes generated and used to
6 prepare final reports, documents, or records.

7 A government record shall not include the following information
8 which is deemed to be confidential for the purposes of P.L.1963,
9 c.73 (C.47:1A-1 et seq.) as amended and supplemented:

10 information received by a member of the Legislature from a
11 constituent or information held by a member of the Legislature
12 concerning a constituent, including, but not limited to, information
13 in written form or contained in any e-mail or computer data base, or
14 in any telephone record whatsoever, unless it is information the
15 constituent is required by law to transmit;

16 any memorandum, correspondence, notes, report or other
17 communication prepared by, or for, the specific use of a member of
18 the Legislature in the course of the member's official duties, except
19 that this provision shall not apply to an otherwise publicly-
20 accessible report which is required by law to be submitted to the
21 Legislature or its members;

22 any copy, reproduction or facsimile of any photograph, negative
23 or print, including instant photographs and videotapes of the body,
24 or any portion of the body, of a deceased person, taken by or for the
25 medical examiner at the scene of death or in the course of a post
26 mortem examination or autopsy made by or caused to be made by
27 the medical examiner except:

28 when used in a criminal action or proceeding in this State which
29 relates to the death of that person,

30 for the use as a court of this State permits, by order after good
31 cause has been shown and after written notification of the request
32 for the court order has been served at least five days before the
33 order is made upon the county prosecutor for the county in which
34 the post mortem examination or autopsy occurred,

35 for use in the field of forensic pathology or for use in medical or
36 scientific education or research, or

37 for use by any law enforcement agency in this State or any other
38 state or federal law enforcement agency;

39 criminal investigatory records;

40 the portion of any criminal record concerning a person's
41 detection, apprehension, arrest, detention, trial or disposition for
42 unlawful manufacturing, distributing, or dispensing, or possessing
43 or having under control with intent to manufacture, distribute, or
44 dispense, marijuana or hashish in violation of paragraph (11) of
45 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or
46 hashish in violation of paragraph (12) of subsection b. of that
47 section, or a violation of either of those paragraphs and a violation
48 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or
49 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for

1 distributing, dispensing, or possessing, or having under control with
2 intent to distribute or dispense, on or within 1,000 feet of any
3 school property, or on or within 500 feet of the real property
4 comprising a public housing facility, public park, or public
5 building, or for obtaining, possessing, using, being under the
6 influence of, or failing to make lawful disposition of marijuana or
7 hashish in violation of paragraph (3) or (4) of subsection a., or
8 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation
9 of any of those provisions and a violation of N.J.S.2C:36-2 for
10 using or possessing with intent to use drug paraphernalia with that
11 marijuana or hashish;

12 victims' records, except that a victim of a crime shall have access
13 to the victim's own records;

14 any written request by a crime victim for a record to which the
15 victim is entitled to access as provided in this section, including,
16 but not limited to, any law enforcement agency report, domestic
17 violence offense report, and temporary or permanent restraining
18 order;

19 personal firearms records, except for use by any person
20 authorized by law to have access to these records or for use by any
21 government agency, including any court or law enforcement
22 agency, for purposes of the administration of justice;

23 personal identifying information received by the Division of Fish
24 and Wildlife in the Department of Environmental Protection in
25 connection with the issuance of any license authorizing hunting
26 with a firearm~~].~~ For the purposes of this paragraph, personal
27 identifying information shall include, but not be limited to, identity,
28 name, address, social security number, telephone number, fax
29 number, driver's license number, email address, or social media
30 address of any applicant or licensee~~];~~

31 trade secrets and proprietary commercial or financial information
32 obtained from any source. For the purposes of this paragraph, trade
33 secrets shall include ~~[data processing] software, applications, and~~
34 ~~code~~ obtained by a public body under a licensing agreement which
35 prohibits its disclosure;

36 any record within the attorney-client privilege. This paragraph
37 shall not be construed as exempting from access attorney or
38 consultant bills or invoices except that such bills or invoices may be
39 redacted to remove any information protected by the attorney-client
40 privilege;

41 administrative or technical information regarding computer
42 hardware, ~~tablets, telephones, and devices, or~~ software,
43 ~~applications,~~ and networks ~~[which, if disclosed, would jeopardize~~
44 ~~computer security] , or related technologies;~~

45 emergency or security information or procedures for any
46 buildings or facility which, if disclosed, would jeopardize security
47 of the building or facility or persons therein;

1 security measures and surveillance techniques which, if
2 disclosed, would create a risk to the safety of persons, property,
3 electronic data or software;

4 security alarm system activity and access reports, including
5 video footage, for any public building, facility, or grounds unless
6 the request identifies a specific incident that occurred, a specific
7 date, and a limited time period at a particular public building,
8 facility, or grounds;

9 information which, if disclosed, would give an advantage to
10 competitors or bidders, including detailed or itemized cost estimates
11 prior to bid opening;

12 information generated by or on behalf of public employers or
13 public employees in connection with any sexual harassment
14 complaint filed with a public employer or with any grievance filed
15 by or against an individual or in connection with collective
16 negotiations, including documents and statements of strategy or
17 negotiating position;

18 information related to strategies or negotiating positions that
19 would unfairly prejudice or impair contract negotiations;

20 information which is a communication between a public agency
21 and its insurance carrier, administrative service organization or risk
22 management office;

23 information which is to be kept confidential pursuant to court
24 order;

25 any copy of form DD-214, NGB-22, or that form, issued by the
26 United States Government, or any other certificate of honorable
27 discharge, or copy thereof, from active service or the reserves of a
28 branch of the Armed Forces of the United States, or from service in
29 the organized militia of the State, that has been filed by an
30 individual with a public agency, except that a veteran or the
31 veteran's spouse or surviving spouse shall have access to the
32 veteran's own records;

33 any copy of an oath of allegiance, oath of office or any
34 affirmation taken upon assuming the duties of any public office, or
35 that oath or affirmation, taken by a current or former officer or
36 employee in any public office or position in this State or in any
37 county or municipality of this State, including members of the
38 Legislative Branch, Executive Branch, Judicial Branch, and all law
39 enforcement entities, except that the full name, title, and oath date
40 of that person contained therein shall not be deemed confidential;

41 that portion of any document which discloses the social security
42 number, credit card number, **[unlisted]** debit card number, bank
43 account information, month and day of birth, email address, any
44 telephone number, or driver license number of any person, or, in
45 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), that
46 portion of any document which discloses the home address, whether
47 a primary or secondary residence, of any active, formerly active, or
48 retired judicial officer, law enforcement officer, child protective
49 investigator in the Division of Child Protection and Permanency, or

1 prosecutor, or, as defined in section 1 of P.L.2021, c.371 (C.47:1B-
2 1), any immediate family member thereof; except for use by any
3 government agency, including any court or law enforcement
4 agency, in carrying out its functions, or any private person or entity
5 acting on behalf thereof, or any private person or entity seeking to
6 enforce payment of court-ordered child support; except with respect
7 to the disclosure of driver information by the New Jersey Motor
8 Vehicle Commission as permitted by section 2 of P.L.1997, c.188
9 (C.39:2-3.4); except with respect to the disclosure of information
10 included in records and documents maintained by the Department of
11 the Treasury in connection with the State's business registry
12 programs; and except that a social security number contained in a
13 record required by law to be made, maintained or kept on file by a
14 public agency shall be disclosed when access to the document or
15 disclosure of that information is not otherwise prohibited by State
16 or federal law, regulation or order or by State statute, resolution of
17 either or both houses of the Legislature, Executive Order of the
18 Governor, rule of court or regulation promulgated under the
19 authority of any statute or executive order of the Governor;

20 that portion of any document that discloses the personal
21 identifying information of any person provided to a public agency
22 for the sole purpose of receiving official notifications;

23 a list of persons identifying themselves as being in need of
24 special assistance in the event of an emergency maintained by a
25 municipality for public safety purposes pursuant to section 1 of
26 P.L.2017, c.266 (C.40:48-2.67), and their personal identifying
27 information; [and]

28 a list of persons identifying themselves as being in need of
29 special assistance in the event of an emergency maintained by a
30 county for public safety purposes pursuant to section 6 of P.L.2011,
31 c.178 (C.App.A:9-43.13), and their personal identifying
32 information;

33 that portion of any document that requires and would disclose
34 personal identifying information of persons under the age of 18
35 years, including names, except with respect to the disclosure of
36 driver information by the New Jersey Motor Vehicle Commission
37 as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4) or the
38 disclosure of driver information to any insurer or insurance support
39 organization, or a self-insured entity, or its agents, employees, or
40 contractors, for use in connection with claims investigation
41 activities, antifraud activities, rating, or underwriting, and except
42 with respect to the disclosure of voter information on voter and
43 election records pursuant to section 11 of P.L. , c. (C.) (pending
44 before the Legislature as this bill);

45 personal identifying information disclosed on domestic animal
46 permits, licenses, and registration;

47 structured reference data that helps to sort and identify attributes
48 of the information it describes, referred to as metadata, or any
49 extrapolation or compilation thereof;

1 New Jersey State Firemen's Association financial relief
2 applications;
3 owner and maintenance manuals;
4 data classified under the "Health Insurance Portability and
5 Accountability Act of 1996," Pub.L.104-191;
6 logs of telephone calls, emails, or texts; and
7 electronic or paper calendars for individuals.

8 A government record shall not include, with regard to any public
9 institution of higher education, the following information which is
10 deemed to be privileged and confidential:

11 pedagogical, scholarly and/or academic research records and/or
12 the specific details of any research project conducted under the
13 auspices of a public higher education institution in New Jersey,
14 including, but not limited to, research, development information,
15 testing procedures, or information regarding test participants,
16 related to the development or testing of any pharmaceutical or
17 pharmaceutical delivery system, except that a custodian may not
18 deny inspection of a government record or part thereof that gives
19 the name, title, expenditures, source and amounts of funding and
20 date when the final project summary of any research will be
21 available;

22 test questions, scoring keys and other examination data
23 pertaining to the administration of an examination for employment
24 or academic examination;

25 records of pursuit of charitable contributions or records
26 containing the identity of a donor of a gift if the donor requires non-
27 disclosure of the donor's identity as a condition of making the gift
28 provided that the donor has not received any benefits of or from the
29 institution of higher education in connection with such gift other
30 than a request for memorialization or dedication;

31 valuable or rare collections of books or documents obtained by
32 gift, grant, bequest or devise conditioned upon limited public
33 access;

34 information contained on individual admission applications; and
35 information concerning student records or grievance or
36 disciplinary proceedings against a student to the extent disclosure
37 would reveal the identity of the student.

38 "Judicial officer" means any active, formerly active, or retired
39 federal, state, county, or municipal judge, including a judge of the
40 Tax Court and any other court of limited jurisdiction established,
41 altered, or abolished by law, a judge of the Office of Administrative
42 Law, a judge of the Division of Workers' Compensation, and any
43 other judge established by law who serves in the executive branch.

44 "Law enforcement agency" means a public agency, or part
45 thereof, determined by the Attorney General to have law
46 enforcement responsibilities.

47 "Law enforcement officer" means a person whose public duties
48 include the power to act as an officer for the detection,

1 apprehension, arrest, and conviction of offenders against the laws of
2 this State.

3 "Member of the Legislature" means any person elected or
4 selected to serve in the New Jersey Senate or General Assembly.

5 "Personal firearms record" means any information contained in a
6 background investigation conducted by the chief of police, the
7 county prosecutor, or the Superintendent of State Police, of any
8 applicant for a permit to purchase a handgun, firearms identification
9 card license, or firearms registration; any application for a permit to
10 purchase a handgun, firearms identification card license, or firearms
11 registration; any document reflecting the issuance or denial of a
12 permit to purchase a handgun, firearms identification card license,
13 or firearms registration; and any permit to purchase a handgun,
14 firearms identification card license, or any firearms license,
15 certification, certificate, form of register, or registration statement.
16 For the purposes of this paragraph, information contained in a
17 background investigation shall include, but not be limited to,
18 identity, name, address, social security number, [phone] telephone
19 number, fax number, driver's license number, email address, or
20 social media address of any applicant, licensee, registrant or permit
21 holder.

22 "Personal identifying information" means information that may
23 be used, alone or in conjunction with any other information, to
24 identify a specific individual. For purposes of this act, personal
25 identifying information shall include, but shall not be limited to, the
26 following data elements: name, social security number, credit card
27 number, debit card number, bank account information, month and
28 day of birth, email address, any telephone number, the street
29 address portion of any person's primary or secondary home address,
30 or driver license number of any person.

31 "Public agency" or "agency" means any of the principal
32 departments in the Executive Branch of State Government, and any
33 division, board, bureau, office, commission or other instrumentality
34 within or created by such department; the Legislature of the State
35 and any office, board, bureau or commission within or created by
36 the Legislative Branch; and any independent State authority,
37 commission, instrumentality or agency. The terms also mean any
38 political subdivision of the State or combination of political
39 subdivisions, and any division, board, bureau, office, commission or
40 other instrumentality within or created by a political subdivision of
41 the State or combination of political subdivisions, and any
42 independent authority, commission, instrumentality or agency
43 created by a political subdivision or combination of political
44 subdivisions.

45 "Victim of a crime" means a person who has suffered personal or
46 psychological injury or death or incurs loss of or injury to personal
47 or real property as a result of a crime, or if such a person is
48 deceased or incapacitated, a member of that person's immediate
49 family.

1 "Victim's record" means an individually identifiable file or
2 document held by a victims' rights agency which pertains directly to
3 a victim of a crime except that a victim of a crime shall have access
4 to the victim's own records.

5 "Victims' rights agency" means a public agency, or part thereof,
6 the primary responsibility of which is providing services, including,
7 but not limited to, food, shelter, or clothing, medical, psychiatric,
8 psychological or legal services or referrals, information and referral
9 services, counseling and support services, or financial services to
10 victims of crimes, including victims of sexual assault, domestic
11 violence, violent crime, child endangerment, child abuse or child
12 neglect, and the Victims of Crime Compensation Board, established
13 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
14 the Victims of Crime Compensation Office pursuant to P.L.2007,
15 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
16 (cf: P.L.2023, c.113, s.1)

17
18 3. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read as
19 follows:

20 6. a. The custodian of a government record shall permit the record
21 to be inspected, examined, and copied by any person during regular
22 business hours; or in the case of a municipality having a population of
23 5,000 or fewer according to the most recent federal decennial census, a
24 board of education having a total district enrollment of 500 or fewer,
25 or a public authority having less than \$10 million in assets, during not
26 less than six regular business hours over not less than three business
27 days per week or the entity's regularly-scheduled business hours,
28 whichever is less; unless a government record is exempt from public
29 access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and
30 supplemented; any other statute; resolution of either or both houses of
31 the Legislature; regulation promulgated under the authority of any
32 statute or Executive Order of the Governor; Executive Order of the
33 Governor; Rules of Court; any federal law; federal regulation; or
34 federal order. Prior to allowing access to any government record, the
35 custodian thereof shall redact from that record any information which
36 discloses the social security number, credit card number, **[unlisted]**
37 telephone number, or driver license number of any person, or, in
38 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), the home
39 address, whether a primary or secondary residence, of any active,
40 formerly active, or retired judicial officer, prosecutor, law enforcement
41 officer, or child protective investigator in the Division of Child
42 Protection and Permanency, or, as defined in section 1 of P.L.2021,
43 c.371 (C.47:1B-1), any immediate family member thereof; except for
44 use by any government agency, including any court or law
45 enforcement agency, in carrying out its functions, or any private
46 person or entity acting on behalf thereof, or any private person or
47 entity seeking to enforce payment of court-ordered child support;
48 except with respect to the disclosure of driver information by the New
49 Jersey Motor Vehicle Commission as permitted by section 2 of

1 P.L.1997, c.188 (C.39:2-3.4); and except that a social security number
2 contained in a record required by law to be made, maintained or kept
3 on file by a public agency shall be disclosed when access to the
4 document or disclosure of that information is not otherwise prohibited
5 by State or federal law, regulation or order or by State statute,
6 resolution of either or both houses of the Legislature, Executive Order
7 of the Governor, rule of court or regulation promulgated under the
8 authority of any statute or executive order of the Governor. Prior to
9 allowing access to any government record, the custodian shall redact
10 from that record any information which discloses, or which might
11 reasonably lead to disclosure of the telephone number, email address,
12 or any medical, financial, or personal information of a member of the
13 public when the disclosure thereof would violate the citizen's
14 reasonable expectation of privacy or when the public agency has a
15 reason to believe that disclosure of such personal information may
16 result in harassment, unwanted solicitation, identity theft, or
17 opportunities for other criminal acts. Except where an agency can
18 demonstrate an emergent need, a regulation that limits access to
19 government records shall not be retroactive in effect or applied to deny
20 a request for access to a government record that is pending before the
21 agency, the council or a court at the time of the adoption of the
22 regulation.

23 b. (1) A copy or copies of a government record may be purchased
24 by any person upon payment of the fee prescribed by law or
25 regulation.

26 Except as otherwise provided by law or regulation and except as
27 provided in paragraph (2) of this subsection, the fee assessed for the
28 duplication of a government record embodied in the form of printed
29 matter shall be \$0.05 per letter size page or smaller, and \$0.07 per
30 legal size page or larger. **【**If a public agency can demonstrate that its
31 actual costs for duplication of a government record exceed the
32 foregoing rates, the public agency shall be permitted to charge the
33 actual cost of duplicating the record. The actual cost of duplicating the
34 record, upon which all copy fees are based, shall be the cost of
35 materials and supplies used to make a copy of the record, but shall not
36 include the cost of labor or other overhead expenses associated with
37 making the copy except as provided for in subsection c. of this
38 section.**】** Access to electronic records and non-printed materials shall
39 be provided free of charge , but the public agency may charge for the
40 actual costs of any needed supplies such as computer discs. No fee
41 shall be charged if the request is completed by directing the requestor
42 to the requested government record that is available on the public
43 agency's website or the website of another public agency.

44 (2) No fee shall be charged to a victim of a crime for a copy or
45 copies of a record to which the crime victim is entitled to access, as
46 provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

47 c. Whenever the nature, format, manner of collation, or volume of
48 a government record embodied in the form of printed matter to be
49 inspected, examined, or copied pursuant to this section is such that the

1 record cannot be reproduced by ordinary document copying equipment
2 in ordinary business size or involves an extraordinary expenditure of
3 time and effort to accommodate the request, the public agency may
4 charge, in addition to the actual cost of duplicating the record, a
5 special service charge that **[shall be reasonable and]** shall be based
6 upon the actual direct cost of providing the copy or copies **;** provided,
7 however, that in the case of a municipality, rates for the duplication of
8 particular records when the actual cost of copying exceeds the
9 foregoing rates shall be established in advance by ordinance**], and**
10 such special service charge shall be presumed to be reasonable.

11 The requestor shall have the opportunity to review and object to
12 **[the]** any fee or charge prior to it being incurred.

13 d. A custodian shall permit access to a government record and
14 provide a copy thereof in the medium or format requested if the public
15 agency maintains the record in that medium or format. If the public
16 agency does not maintain the record in the medium or format
17 requested, the custodian **[shall]**, at the custodian's discretion, may
18 either convert the record to the medium or format requested or provide
19 a copy in some other meaningful medium or format. **[If a request is**
20 **for a record: (1) in a medium not routinely used by the agency; (2) not**
21 **routinely developed or maintained by an agency; or (3) requiring a**
22 **substantial amount of manipulation or programming of information**
23 **technology, the agency may charge, in addition to the actual cost of**
24 **duplication, a special charge that shall be reasonable and shall be**
25 **based on the cost for any extensive use of information technology, or**
26 **for the labor cost of personnel providing the service, that is actually**
27 **incurred by the agency or attributable to the agency for the**
28 **programming, clerical, and supervisory assistance required, or both.]**
29 If the public agency does not maintain the record in the electronic
30 medium or format requested, the custodian shall be under no
31 obligation to convert the record to the electronic medium or format
32 requested but shall, at a minimum, provide a copy in the format
33 maintained by the public agency.

34 e. Immediate access ordinarily shall be granted to budgets, bills,
35 vouchers, contracts, including collective negotiations agreements and
36 individual employment contracts, and public employee salary and
37 overtime information. Immediate access to government records shall
38 not be required to be granted for documents over 12 months old.

39 Government records shall be made available to the public on a
40 publicly available website to the extent feasible. A public agency may
41 enter into shared services agreements for providing certain government
42 records electronically.

43 If the government record is readily available on a public agency's
44 website, the custodian may require the requestor to obtain the record
45 from the website, which shall contain a search bar feature on its home
46 page. The custodian shall provide the requestor with directions to
47 assist in finding the record on the website, including providing the
48 website URL address and the location on the website of the search bar,

1 menu button, tab, link, landing page or equivalent, which contains the
2 requested record. ¹ [The request shall be deemed fulfilled upon
3 notification by the custodian to the requestor of the availability and
4 location on the website of the requested information.] If the requestor
5 does not respond to the custodian within seven days of the custodian
6 providing information about a record on the public agency's website,
7 the request shall be deemed fulfilled. If, after the custodian has
8 provided instructions on how to find a record on a public agency's
9 website, the requestor is unable to find the record upon making a good
10 faith effort to locate the record on the website, the requestor shall
11 notify the custodian within seven days of the custodian providing the
12 information. Upon receiving such a request for assistance from a
13 requestor, the custodian shall make a reasonable attempt to assist the
14 requestor in finding the record on the website within seven days of the
15 requestor notifying the custodian.¹

16 f. The custodian of a public agency shall adopt a form for the use
17 of any person who requests access to a government record held or
18 controlled by the public agency. The form shall provide space for the
19 name, address, email address and **[phone]** telephone number of the
20 requestor and a brief description of the government record sought. A
21 request shall be submitted by a requestor in the form adopted by the
22 custodian and the custodian may deny a request that is not submitted in
23 the form adopted by the custodian. A request may be submitted
24 anonymously provided, however, that anonymous requestors shall not
25 be permitted to institute proceedings pursuant to section 7 of P.L.2001,
26 c.404 (C.47:1A-6).

27 The form also shall include space for a requestor to certify whether
28 the government record will be used by that requestor or another person
29 for a commercial purpose, and the requestor shall be required to
30 provide this information for the request to be fulfilled.

31 All requests by a data broker or a requestor who is making a
32 request on behalf of and for the use of a data broker shall be denied.
33 The form also shall include space for a requestor to certify that the
34 requestor is not a data broker or is not making the request on behalf of
35 or for the use of a data broker, and the requestor shall be required to
36 provide this information for the request to be fulfilled.

37 Data obtained through a records request shall not be sold.

38 The form shall include space for the custodian to indicate which
39 record will be made available, when the record will be available, and
40 the fees to be charged. The form shall also include the following: (1)
41 specific directions and procedures for requesting a record; (2) a
42 statement as to whether prepayment of fees or a deposit is required; (3)
43 the time period within which the public agency is required by
44 P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented, to
45 make the record available; (4) a statement of the requestor's right to
46 challenge a decision by the public agency to deny access and the
47 procedure for filing an appeal; (5) space for the custodian to list
48 reasons if a request is denied in whole or in part; (6) space for the

1 requestor to sign and date the form; (7) space for the custodian to sign
2 and date the form if the request is fulfilled or denied. The custodian
3 may require a deposit against costs for reproducing documents sought
4 through an anonymous a request whenever the custodian anticipates
5 that the information thus requested will cost in excess of \$5 to
6 reproduce.

7 Custodians shall provide directions on how to submit requests for
8 government records, including any required forms, on the public
9 agency's website.

10 Custodians shall be permitted to provide an electronic response to
11 any electronic records request if government records are available
12 electronically.

13 g. A request for access to a government record shall be in writing
14 and hand-delivered, mailed, transmitted electronically, or otherwise
15 conveyed to the appropriate custodian. A public agency may make
16 available to the public on its website an online form, portal, or
17 software for transmitting requests electronically. A custodian shall
18 promptly comply with a request to inspect, examine, copy, or provide
19 a copy of a government record. If the custodian is unable to comply
20 with a request for access, the custodian shall indicate the specific basis
21 therefor on the request form and promptly return it to the requestor.
22 The custodian shall sign and date the form and provide the requestor
23 with a copy thereof. If the custodian of a government record asserts
24 that part of a particular record is exempt from public access pursuant
25 to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented,
26 the custodian shall delete or excise from a copy of the record that
27 portion which the custodian asserts is exempt from access and shall
28 promptly permit access to the remainder of the record. **【If the**
29 **government record requested is temporarily unavailable because it is**
30 **in use or in storage, the custodian shall so advise the requestor and**
31 **shall make arrangements to promptly make available a copy of the**
32 **record.】** If a request for access to a government record would
33 substantially disrupt agency operations, the custodian may deny access
34 to the record after attempting to reach a reasonable solution with the
35 requestor that accommodates the interests of the requestor and the
36 agency.

37 A party to a legal proceeding may not request a government record
38 if the record sought is the subject of a court order in the legal
39 proceeding or if compliance would otherwise be unreasonable,
40 oppressive, or duplicative of already pending discovery request made
41 in that legal proceeding, and a custodian shall not be required to
42 complete such a request. The requestor shall be required to certify
43 whether the government record is being sought in connection with a
44 legal proceeding and identify the proceeding for the request to be
45 fulfilled. For purposes of this provision, a party to a legal proceeding
46 shall include a party in interest, any attorney representing that party,
47 and any person acting as an agent for or on behalf of that party.

48 A custodian shall not be required to complete a request including
49 for, but not limited to, mail, email, text messages, correspondence, or

1 social media postings and messages, if the request does not identify
2 specific individuals or accounts to be searched and is not confined to a
3 discrete and limited time period and a specific subject matter, or if the
4 custodian determines that the request would require research and the
5 collection of information from the contents of government records and
6 the creation of new government records setting forth that research and
7 information.

8 h. Any officer or employee of a public agency who receives a
9 request for access to a government record shall forward the request to
10 the custodian of the record or direct the requestor to the custodian of
11 the record. The request shall not be considered submitted until it is
12 received by the custodian of records.

13 i. (1) Unless a shorter time period is otherwise provided by
14 statute, regulation, or executive order, a custodian of a government
15 record shall grant access to a government record or deny a request for
16 access to a government record as soon as possible, but not later than
17 seven business days after receiving the request, or 14 business days if
18 the request is for a commercial purpose or if the records have to be
19 reviewed by the public agency for the purpose of the agency's
20 compliance with P.L.2020, c.125 (C.47:1B-1 et seq.), but the custodian
21 shall notify the requestor of the additional response time within seven
22 business days, provided that the record is currently available and not in
23 storage or archived. The response time periods of seven or 14
24 business days, as established in this subsection, shall be an additional
25 seven business days longer if the public agency is a fire district which
26 employs one or fewer full-time employees who serve as custodians.

27 In the event a records custodian is unable to fulfill a records
28 request due to unforeseen circumstances or circumstances that
29 otherwise reasonably necessitate additional time to fulfill the records
30 request, the custodian shall be entitled to a reasonable extension of any
31 response deadline and shall notify the requestor of the time extension
32 within seven business days after receiving the request.

33 In the event a custodian fails to respond within seven business days
34 or 14 business days, as appropriate, after receiving a request, the
35 failure to respond shall be deemed a denial of the request, unless the
36 requestor has elected not to accurately identify themselves or to
37 provide [a name,] an accurate address, email address, or telephone
38 number [, or other means of contacting the requestor]. If the
39 requestor has elected not to accurately identify themselves or to
40 provide [a name,] an accurate address, email address, or telephone
41 number, [or other means of contacting the requestor,] the custodian
42 shall not be required to respond until the requestor [reappears before]
43 contacts the custodian seeking a response to the original request.

44 If the government record is in storage or archived, the requestor
45 shall be so advised within seven or 14 business days, as appropriate,
46 after the custodian receives the request. The requestor shall be advised
47 by the custodian when the record can be made available, which shall
48 be no more than 21 business days from the date the requestor is so

1 advised. If the record is not made available by that time, access shall
2 be deemed denied.

3 A public agency shall not be considered to be in possession of a
4 public record that is created or maintained by another public agency
5 and made available to the public agency either by remote access to a
6 computer network or by distribution as a courtesy copy. A records
7 custodian of a public agency that receives a request for such a record,
8 shall not be obligated to provide the record to the requestor and shall
9 direct the requestor within seven business days to the public agency
10 that, to the best of their knowledge, created or maintains the requested
11 record, at which time the request shall be considered completed.

12 The custodian shall not be required to complete an identical
13 request for access to a government record from the same requestor if
14 the information has not changed.

15 A requestor shall have 14 business days to retrieve the government
16 records following notice from the custodian that the request has been
17 completed and the records are available.

18 (2) During a period declared pursuant to the laws of this State as a
19 state of emergency, public health emergency, or state of local disaster
20 emergency, the deadlines by which to respond to a request for, or grant
21 or deny access to, a government record under paragraph (1) of this
22 subsection or subsection e. of this section shall not apply, provided,
23 however, that the custodian of a government record shall make a
24 reasonable effort, as the circumstances permit, to respond to a request
25 for access to a government record within seven business days or 14
26 business days, as appropriate, or as soon as possible thereafter.

27 j. A custodian shall **post prominently in public view in the part**
28 **or parts of the office or offices of the custodian that are open to or**
29 **frequented by the public a statement that sets forth in clear, concise**
30 **and specific terms the** include information on the public agency's
31 website and public records request form regarding a requestor's right
32 to appeal a denial of, or failure to provide, access to a government
33 record [by any person for inspection, examination, or copying or for
34 purchase of copies thereof] and the procedure by which an appeal may
35 be filed, which shall include the website address and toll-free
36 information line phone number of the Government Records Council.

37 k. The files maintained by the Office of the Public Defender that
38 relate to the handling of any case shall be considered confidential and
39 shall not be open to inspection by any person unless authorized by law,
40 court order, or the State Public Defender.

41 (cf: P.L.2023, c.113, s.2)

42

43 4. Section 7 of P.L.2001, c.404 (C.47:1A-6) is amended to read as
44 follows:

45 7. A person who is denied access to a government record by the
46 custodian of the record, at the option of the requestor who is accurately
47 identified by name, may, within 45 days of the date of denial:

1 institute a proceeding to challenge the custodian's decision by
2 filing an action in Superior Court which shall be heard in the vicinage
3 where it is filed by a Superior Court Judge who has been designated to
4 hear such cases because of that judge's knowledge and expertise in
5 matters relating to access to government records; or

6 in lieu of filing an action in Superior Court, file a complaint with
7 the Government Records Council established pursuant to section 8 of
8 P.L.2001, c.404 (C.47:1A-7).

9 The right to institute any proceeding under this section shall be
10 solely that of the requestor. Any such proceeding shall proceed in a
11 summary or expedited manner. The public agency shall have the
12 burden of proving that the denial of access is authorized by law. If it is
13 determined that access has been improperly denied, the court or
14 **[agency head]** Government Records Council shall order that access be
15 allowed. A requestor who prevails in any proceeding **[shall]** may be
16 entitled to a reasonable attorney's fee. In determining whether to
17 award attorney's fees, the court or the Government Records Council
18 may consider whether the public agency is found to have knowingly
19 and willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.), or to have
20 unreasonably denied access.

21 If the records sought are produced by the public agency within
22 seven business days of service of an action in Superior Court or a
23 complaint before the Government Records Council, ¹upon notification
24 to the Superior Court or the Government Records Council,¹ the matter
25 shall be dismissed without prejudice and the requestor may be entitled
26 to a reasonable attorney's fee if the custodian knew or should have
27 known that the denial of access violated P.L.1963, c.73 (C.47:1A-1 et
28 seq.).

29 (cf: P.L.2001, c.404, s.7)

30
31 5. Section 8 of P.L.2001, c.404 (C.47:1A-7) is amended to read as
32 follows:

33 8. a. (1) There is established in the Department of Community
34 Affairs a Government Records Council. The council shall consist of
35 the Commissioner of Community Affairs or the commissioner's
36 designee, **[the Commissioner of Education or the commissioner's**
37 designee, and three public members appointed by the Governor, with
38 the advice and consent of the Senate, not more than two of whom shall
39 be of the same political party. The three public members shall serve
40 during the term of the Governor making the appointment and until the
41 appointment of a successor] who shall serve as Chair, and eight
42 public members appointed as follows: four appointed by the Governor
43 with the advice and consent of the Senate ¹, no more than two of
44 whom shall be members of the same political party¹ ; two directly
45 appointed by the Governor from persons recommended by the
46 President of the Senate ¹, no more than one of whom shall be a
47 member of the same political party¹ ; and two directly appointed by
48 the Governor from persons recommended by the Speaker of the

1 General Assembly ¹, no more than one of whom shall be a member of
2 the same political party¹. Each public member shall serve for a term
3 of five years and until a successor is appointed and qualified.

4 (2) Notwithstanding ¹any provision of subsection a. (1) of this
5 section ¹the provisions of paragraph (1) of this subsection ¹, or any
6 other law, rule, or regulation to the contrary, within 90 days following
7 the enactment date of P.L. , c. (pending before the Legislature as
8 this bill), the Governor shall directly appoint eight public members to
9 the council, each of whom shall serve for a term of three years and
10 until a successor is appointed and qualified, as follows: two from
11 persons recommended by the President of the Senate, ¹no more than
12 one of whom shall be a member of the same political party; ¹two from
13 persons recommended by the Speaker of the General Assembly, ¹no
14 more than one of whom shall be a member of the same political party; ¹
15 and four appointed at the sole discretion of the Governor ¹, no more
16 than two of whom shall be members of the same political party¹. The
17 terms of office of the members of the council serving on the date of
18 enactment of P.L. , c (pending before the Legislature as this
19 bill), shall expire upon the Governor's direct appointment of the new
20 members pursuant to this subsection.

21 (3) A public member shall not hold any other State or local elected
22 or appointed office or employment while serving as a member of
23 the council. A public member shall not receive a salary for service
24 on the council but shall be reimbursed for reasonable and necessary
25 expenses associated with serving on the council and may receive such
26 per diem payment as may be provided in the annual appropriations
27 act receive a salary equivalent to that provided by law for a public
28 member of the Local Finance Board of the Division of Local
29 Government Services in the Department of Community Affairs. A
30 member may be removed by the Governor for cause. Vacancies
31 among the public members shall be filled in the same manner in
32 which the original appointment was made. The members of the
33 council shall choose one of the public members to serve as the
34 council's chair.] by appointment by the Governor, according to the
35 provisions of subsection a. of this section, and for the remainder of the
36 unexpired term. The council may employ an executive director and
37 such professional and clerical staff as it deems necessary and may call
38 upon the Department of Community Affairs for such assistance as it
39 deems necessary and may be available to it.

40 b. The Government Records Council shall:

41 establish an informal mediation program to facilitate the resolution
42 of disputes regarding access to government records;

43 receive, hear, review and adjudicate a complaint filed by any
44 person concerning a denial of access to a government record by a
45 records custodian;

1 issue advisory opinions, on its own initiative, as to whether a
2 particular type of record is a government record which is accessible to
3 the public;

4 prepare guidelines and an informational pamphlet for use by
5 records custodians in complying with the law governing access to
6 public records;

7 prepare an informational pamphlet explaining the public's right of
8 access to government records and the methods for resolving disputes
9 regarding access, which records custodians shall make available to
10 persons requesting access to a government record;

11 prepare lists for use by records custodians of the types of records in
12 the possession of public agencies which are government records;

13 make training opportunities available for records custodians and
14 other public officers and employees which explain the law governing
15 access to public records; and

16 operate an informational website and a toll-free helpline staffed by
17 knowledgeable employees of the council during regular business hours
18 which shall enable any person, including records custodians, to call for
19 information regarding the law governing access to public records and
20 allow any person to request mediation or to file a complaint with the
21 council when access has been denied[;] .

22 In implementing the provisions of [subsections d. and e. of] this
23 section, the council shall: act, to the maximum extent possible, at the
24 convenience of the parties; utilize video conferencing,
25 teleconferencing, faxing of documents, e-mail and similar forms of
26 modern communication; conduct virtual meetings and hearings, when
27 practical and at the discretion of the council; and when in-person
28 meetings are necessary, send representatives to meet with the parties at
29 a location convenient to the parties.

30 The council shall periodically review the information and format
31 of its website and make such adjustments as shall be deemed necessary
32 to ensure that the information is clearly presented, accessible, and
33 useful for the general public. The council shall conduct such an initial
34 review within six months following the effective date of P.L. , c.
35 (pending before the Legislature as this bill).

36 c. At the request of the council, a public agency shall produce
37 documents and ensure the attendance of witnesses with respect to the
38 council's investigation of any complaint or the holding of any hearing.

39 d. Upon receipt of a written complaint signed by any person
40 alleging that a custodian of a government record has improperly
41 denied that person access to a government record, the council shall
42 offer the parties the opportunity to resolve the dispute through
43 mediation. Mediation shall enable a person who has been denied
44 access to a government record and the public agency that employs the
45 records custodian who denied or failed to provide access thereto to
46 attempt to mediate the dispute through a process whereby a neutral
47 mediator, who shall be trained in mediation selected by the council,
48 acts to encourage and facilitate the resolution of the dispute.
49 Mediation shall be an informal, nonadversarial process having the

1 objective of helping the parties reach a mutually acceptable, voluntary
2 agreement. The mediator shall assist the parties in identifying issues,
3 foster joint problem solving, and explore settlement alternatives.

4 e. If any party declines mediation or if mediation fails to resolve
5 the matter to the satisfaction of all parties, the council shall initiate an
6 investigation concerning the facts and circumstances set forth in the
7 complaint. The council shall make a determination as to whether the
8 complaint is within its jurisdiction or frivolous or without any
9 reasonable factual basis. The council may assign staff attorneys to
10 conduct the investigation, present findings, and make
11 recommendations to the council. If the council shall conclude that the
12 complaint is outside its jurisdiction, frivolous, or without factual basis,
13 it shall reduce that conclusion to writing and transmit a copy thereof to
14 the complainant and to the public agency that employs the records
15 custodian against whom the complaint was filed. Otherwise, the
16 council shall notify the public agency that employs the records
17 custodian against whom the complaint was filed of the nature of the
18 complaint and the facts and circumstances set forth therein. The
19 public agency that employs the records custodian shall have the
20 opportunity to present the board with any statement or information
21 concerning the complaint which the [custodian] agency wishes. If the
22 council is able to make a determination as to a record's accessibility
23 based upon the complaint and the [custodian's] agency's response
24 thereto, it shall reduce that conclusion to writing and transmit a copy
25 thereof to the complainant and to the public agency that employs the
26 records custodian against whom the complaint was filed. If the
27 council is unable to make a determination as to a record's accessibility
28 based upon the complaint and the [custodian's] agency's response
29 thereto, the council shall conduct a hearing on the matter in conformity
30 with the rules and regulations provided for hearings by a State agency
31 in contested cases under the "Administrative Procedure Act,"
32 P.L.1968, c.410 (C.52:14B-1 et seq.), insofar as they may be
33 applicable and practicable. The council shall, by a majority vote of its
34 members, render a decision as to whether the record which is the
35 subject of the complaint is a government record which must be made
36 available for public access pursuant to P.L.1963, c.73 (C.47:1A-1 et
37 seq.) as amended and supplemented. If the council determines, by a
38 majority vote of its members, that a custodian [has] is found to have
39 knowingly and willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.),
40 as amended and supplemented, and [is found] to have unreasonably
41 denied access under the totality of the circumstances, the council may
42 impose the penalties provided for in section 12 of P.L.2001, c.404
43 (C.47:1A-11) on the public agency that employs the custodian. A
44 decision of the council may be appealed to the Appellate Division of
45 the Superior Court. Such appeals shall be filed within 30 days from
46 the date the council renders a decision. A decision of the council shall
47 not have value as a precedent for any case initiated in Superior Court
48 pursuant to section 7 of P.L.2001, c.404 (C.47:1A-6). All proceedings

1 of the council pursuant to this subsection shall be conducted as
2 expeditiously as possible.

3 Beginning 18 months following the effective date of
4 P.L. , c. (pending before the Legislature as this bill), the council
5 shall adjudicate all complaints that come before it within 90 days of
6 the complaint's filing, with the ability to extend for 30 days for good
7 cause, exclusive of any time period during which the parties are
8 engaged in a mediation process pursuant to this section. The council
9 shall make such organizational adjustments and modify its procedures
10 as it deems necessary to ensure that complaints are adjudicated in such
11 a timeframe.

12 f. The council shall not charge any party a fee in regard to actions
13 filed with the council. The council shall be subject to the provisions of
14 the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6), except
15 that the council may go into closed session during that portion of any
16 proceeding during which the contents of a contested record would be
17 disclosed. **【A requestor who prevails in any proceeding shall be**
18 **entitled to a reasonable attorney's fee.】**

19 g. The council shall not have jurisdiction over the Judicial or
20 Legislative Branches of State Government or any agency, officer, or
21 employee of those branches.
22 (cf: P.L.2001, c.404, s.8)

23
24 6. Section 12 of P.L.2001, c.404 (C.47:1A-11) is amended to
25 read as follows:

26 12. a. **【A】** If a public official, officer, employee, or custodian
27 **【who】** is found to have knowingly and willfully 【violates】 violated
28 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented,
29 and 【is found】 to have unreasonably denied access under the
30 totality of the circumstances, the public agency that employs the
31 custodian, officer, employee, or official shall be subject to a civil
32 penalty of \$1,000 for an initial violation, \$2,500 for a second
33 violation that occurs within 10 years of an initial violation, and
34 \$5,000 for a third violation that occurs within 10 years of an initial
35 violation. 【This penalty】 The penalties authorized pursuant to this
36 subsection may be imposed by the courts or by the Government
37 Records Council.

38 b. A requestor who is found to have sold the data obtained by a
39 records request, who is found to have intentionally failed to certify
40 that a records request is for a commercial purpose, who is a data
41 broker, or who is making the request on behalf of and for the use of
42 a data broker, and is found to have intentionally certified that the
43 requestor is not a data broker or is not making the request on behalf
44 of and for the use of a data broker, shall be subject to a civil penalty
45 of \$1,000 for the first offense, \$2,500 for the second offense, and
46 \$5,000 for each subsequent offense. The penalties may be imposed
47 by the courts.

1 c. These penalties shall be collected and enforced in
2 proceedings in accordance with the "Penalty Enforcement Law of
3 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and the rules of court
4 governing actions for the collection of civil penalties. The Superior
5 Court shall have jurisdiction of proceedings for the collection and
6 enforcement of the penalty imposed by this section.

7 d. Appropriate disciplinary proceedings may be initiated
8 against a public official, officer, employee or custodian against
9 whom a penalty has been imposed.

10 (cf: P.L.2001, c.404, s.12)

11
12 7. Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended to read
13 as follows:

14 2. a. An authorized person seeking the redaction or
15 nondisclosure of the home address of any covered person from
16 certain records and Internet postings consistent with section 2 of
17 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
18 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
19 request in accordance with section 1 of P.L.2021, c.371 (C.47:1B-1)
20 to the Office of Information Privacy through the secure portal
21 established by the office. The address shall only be subject to
22 redaction or nondisclosure if a request is submitted to and approved
23 by the Director of the Office of Information Privacy.

24 b. (1) A public agency shall redact or cease to disclose, in
25 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and
26 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home
27 address of a covered person approved by the Office of Information
28 Privacy not later than 30 days following the approval. A public
29 agency shall also discontinue the redaction or nondisclosure of the
30 home address of any covered person for whom a revocation request
31 has been approved not later than 30 days following the approval.

32 (2) A custodian of a public agency who makes a reasonable
33 effort to comply with this subsection shall be presumed to have
34 acted without willful, purposeful, or reckless disregard of the law.

35 c. An immediate family member who has sought and received
36 approval under subsection a. of this section and who no longer
37 resides with the active, formerly active, or retired judicial officer,
38 law enforcement officer, child protective investigator in the
39 Division of Child Protection and Permanency, or prosecutor shall
40 submit through the portal a revocation request not later than 30 days
41 from the date on which the immediate family member no longer
42 resided with the judicial officer, law enforcement officer, child
43 protective investigator in the Division of Child Protection and
44 Permanency, or prosecutor.

45 d. A person submitting a request pursuant to subsection a. of
46 this section shall affirm in writing that the person understands that
47 certain rights, duties, and obligations are affected as a result of the
48 request, including:

1 (1) the receipt of certain notices from non-governmental entities
2 as would otherwise be required pursuant to the "Municipal Land
3 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

4 (2) the signing of petitions related to the nomination or election
5 of a candidate to public office or related to any public question;

6 (3) the eligibility or requirements related to seeking or accepting
7 the nomination for election or election to public office, or the
8 appointment to any public position;

9 (4) the sale or purchase of a home or other property, recordation
10 of a judgment, lien or other encumbrance on real or other property,
11 and any relief granted based thereon;

12 (5) the ability to be notified of any class action suit or
13 settlement; and

14 (6) any other legal, promotional, or official notice which would
15 otherwise be provided to the person but for the redaction or
16 nondisclosure of such person's home address pursuant to subsection
17 a. of this section.

18 (cf: P.L.2023, c.113, s.4)

19

20 8. (New section) a. Notwithstanding any other law or rule or
21 regulation to the contrary, whenever there is filed a verified
22 complaint to the Superior Court of the county in which the request
23 for access to government records was made under P.L.1963, c.73
24 (C.47:1A-1 et seq.) alleging that a requestor has sought records
25 thereunder for the purpose to harass a public agency, or to
26 substantially interrupt government function, the court may issue a
27 protective order limiting the number and scope of requests the
28 requestor may make or order such other relief as it deems
29 appropriate, including referral of the matter to mediation. The court
30 may issue the protective order if it finds that the requestor has
31 sought records under P.L.1963, c.73 (C.47:1A-1 et seq.) for the
32 purpose of harassing the public agency, or to substantially interrupt
33 government function, as the term harass is defined in N.J.S.2C:33-
34 4. The complaint shall be accompanied by a declaration of facts by
35 the public agency withholding the records demonstrating that it has
36 complied with P.L.1963, c.73 (C.47:1A-1 et seq.) and has made a
37 good faith effort to reach an informal resolution of the issues
38 relating to the records requests.

39 The requestor shall have notice and an opportunity to answer the
40 allegations set forth in the petition submitted by the public agency.

41 The public agency shall have the burden of proof by clear and
42 convincing evidence.

43 The court's consideration of a public agency's complaint for
44 relief shall proceed in a summary or expedited manner.

45 b. The order specified in subsection a. of this section may limit,
46 or, in appropriate circumstances, eliminate the public agency's duty
47 to respond to government records requests from the requestor in the
48 future.

1 9. (New section) a. A data broker business entity conducting
2 business in this State shall register with the Division of Revenue
3 and Enterprise Services in the Department of the Treasury. The
4 division shall impose an annual fee of \$250 for each registration.
5 The fee shall be deposited into the fund created pursuant to
6 subsection c. of this section. For the purpose of this section, "data
7 broker" shall have the same meaning as in section 1 of P.L.1995,
8 c.23 (C.47:1A-1.1).

9 b. The Department of the Treasury may issue rules and
10 regulations necessary to effectuate the purpose of this section. The
11 rules and regulations shall be effective immediately upon filing
12 with the Office of Administrative Law for a period not to exceed
13 one year and may, thereafter, be amended, adopted, or readopted in
14 accordance with the "Administrative Procedure Act," P.L.1968,
15 c.410 (C.52:14B-1 et seq.).

16 c. There shall be created in the Department of the Treasury a
17 dedicated, non-lapsing fund for providing grants to political
18 subdivisions of the State for the purpose of providing access to
19 government records electronically, including through the use of
20 shared services agreements. The fund shall be administered by the
21 State Treasurer. Monies in the fund shall be appropriated annually
22 solely for this purpose.

23
24 10. (New section) The Attorney General shall establish a Police
25 Record Access Improvement Task Force to investigate the existing
26 statutes governing public access to police records and develop
27 recommendations for necessary changes to the law.

28 The members of the Police Record Access Improvement Task
29 Force shall be comprised of 12 members. The membership of the
30 task force shall be as follows:

31 The Attorney General, or the Attorney's General designee, who
32 shall serve ex officio, as Chair;

33 Seven public members, appointed by the Governor, one who is a
34 member of law enforcement, one who is a county or municipal
35 prosecutor, one who is a criminal defense attorney or public
36 defender, one who is a member of a social justice advocacy
37 organization, one who is a member of the New Jersey Press
38 Association, one who is a member of the New Jersey League of
39 Municipalities, and one who is a member of the New Jersey
40 Association of Counties;

41 Two public members, appointed by the Governor upon the
42 recommendation of the President of the Senate; and

43 Two public members, appointed by the Governor upon the
44 recommendation of the Speaker of the General Assembly.

45 The task force shall submit to the Governor and to the
46 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
47 19.1), recommendations for changes to the law.

48 The Department of Law and Public Safety shall provide
49 stenographic, clerical, and other administrative assistance and

1 professional staff as the task force requires to carry out its work.
2 The task force shall be entitled to call to its assistance and avail
3 itself of the services of the employees of any State, county, or
4 municipal department, board, bureau, commission, or agency as it
5 may require and as may be available for its purposes.

6 The public members of the task force shall serve without
7 compensation, but may be reimbursed for necessary and actual
8 expenses incurred in the performance of their duties to the extent
9 that funds are made available for that purpose.

10

11 11. (New section) a. The provisions of this section shall apply
12 only to the New Jersey Division of Elections, the New Jersey
13 Election Law Enforcement Commission, County Boards of
14 Elections, County Superintendents of Elections, County Clerks,
15 Municipal Clerks, Fire District Board Clerks, School District
16 Business Administrators, and School District Board Secretaries,
17 hereafter referred to as an “election agency” or “election agencies.”
18 Except as otherwise provided for in this section, all provisions of
19 this act, P.L. , c. (pending before the Legislature as this bill),
20 shall apply to all election agencies. Nothing herein shall be
21 construed to mean that an election agency is required to provide a
22 record in response to a request for records, unless it has made or
23 received and maintains said requested record pursuant to law or
24 regulation.

25 b. Notwithstanding any other law, rule, or regulation to the
26 contrary, except as otherwise provided in sections 2 and 3 of
27 P.L.2021, c.371 (C.47:1B-1 et seq.), subsection b. of section 1 of
28 P.L.1994, c.148 (C.19:31-3.2), or in any rules or regulations
29 promulgated by the Secretary of State pursuant to subsection f. of
30 this section, the following shall be records for which the provided
31 information shall not be redacted by an election agency except for
32 voter signatures, Social Security numbers, driver license numbers,
33 and non-driver identification numbers:

34 (1) Voter registration forms and forms changing the provided
35 information thereof;

36 (2) Party affiliation forms and forms changing the provided
37 information thereof;

38 (3) Applications for a vote-by-mail ballot, except as otherwise
39 provided in sections 3 and 13 of P.L.2020, c.70 (C.19:63-1 et seq.);

40 (4) Forms or reports submitted to the Election Law Enforcement
41 Commission;

42 (5) Nominating petitions for any candidate for any elected
43 office, which shall be provided in a manner that includes voter
44 signatures on such petitions;

45 (6) Petitions to recall an elected official, which shall be
46 provided in a manner that includes voter signatures on such
47 petitions;

1 (7) Petitions or submissions for any public question or referenda
2 to be considered by voters, which shall be provided in a manner that
3 includes voter signatures on such petitions;

4 (8) Any submissions, responses, objections, or challenges
5 pertaining to a record referred to in this subsection; and

6 (9) Any addendums, amendments, corrections, withdrawals, or
7 accompanying forms or submissions pertaining to a record referred
8 to in this subsection.

9 c. Notwithstanding any other law, rule, or regulation to the
10 contrary, the following shall be records and information that an
11 election agency shall make available to requestors for immediate
12 access and transmission via email as soon as possible, but not later
13 than two business days after receipt of the request, provided the
14 request is not for a commercial purpose, for which a fee shall not be
15 charged nor collected:

16 (1) Nominating petitions for any candidate for any elected office
17 filed with the election agency within the preceding 90 days of the
18 date the request is received;

19 (2) Petitions to recall an elected official filed with the election
20 agency within the preceding 90 days of the date the request is
21 received;

22 (3) Petitions or submissions for any public question or referenda
23 to be considered by voters filed with the election agency within the
24 preceding 90 days of the date the request is received;

25 (4) Any submissions, responses, objections, or challenges filed
26 with the election agency within the preceding 90 days pertaining to
27 a record referred to in this subsection;

28 (5) Any addendums, amendments, corrections, withdrawals, or
29 accompanying forms or submissions filed with the election agency
30 within the preceding 90 days pertaining to a record referred to in
31 this subsection; and

32 (6) The inspection and transmission deadline requirements of
33 this subsection shall be deemed satisfied if an election agency posts
34 on its website the records and information referred to in this
35 subsection.

36 d. Notwithstanding any other law, rule, or regulation to the
37 contrary, the following in paragraphs (1) through (4) of this
38 subsection shall be records and information that an election agency
39 shall make available to requestors for immediate access and
40 transmission via email as soon as possible, provided the request
41 pertains only to an election to be held within 16 days after the date
42 of the request and is not for a commercial purpose. The
43 transmission shall be not later than two business days after receipt
44 of the request when said request is made between one and 15 days
45 before the date of the election pertaining to the request. For any
46 request submitted the day before an election by noon, the request
47 shall be completed by noon the day of the election. A fee shall not
48 be charged nor collected. This subsection shall apply to:

1 (1) Lists, in a format capable of being sorted by the requestor, of
2 registered voters, including their name, address, party affiliation,
3 and municipal voting ward and district, who have requested, been
4 mailed, or returned a vote-by-mail ballot, including the dates the
5 ballot was requested by the voter, mailed to the voter, and received
6 by the appropriate election agency;

7 (2) Lists, in a format capable of being sorted by the requestor, of
8 registered voters, including their name, address, party affiliation,
9 and municipal voting ward and district, who have cast a vote during
10 the early voting period, including the date and polling location the
11 vote was cast;

12 (3) The inspection and transmission deadline requirements of this
13 subsection shall be deemed satisfied if an election agency posts on
14 its website the records and information referred to in this
15 subsection; and

16 (4) Whenever the requirements of this subsection would cause a
17 voter's privacy to be violated, the information shall be provided in a
18 manner that maintains the privacy of the voter.

19 e. The following records or information shall not be subject to
20 disclosure pursuant to a request for public records:

21 (1) Ballots marked by a voter, vote tabulations, or election
22 results for any election prior to the time of the closing of the polls
23 on the date of the election, except as otherwise provided for by law,
24 rule, or regulation; and

25 (2) Manuals instructions, specifications, technical information,
26 or programming code of computers, software, applications,
27 networks, tablets, voting machines, printers, scanners, and any other
28 equipment, systems, policies or plans used for the conduct of
29 elections, the disclosure of which, could have the potential to
30 jeopardize the security, integrity or accuracy of the conduct of
31 elections, tabulation of votes, or determination of election results,
32 except as otherwise provided for by law, rule, or regulation, or in
33 response to a subpoena or order of a court or tribunal of competent
34 jurisdiction.

35 f. The Secretary of State may adopt regulations necessary to
36 effectuate the purposes of this act, which regulations shall be
37 effective immediately upon filing with the Office of Administrative
38 Law for a period not to exceed 18 months, and may, thereafter, be
39 amended, adopted or readopted in accordance with the provisions of
40 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
41 seq.).

42
43 12. (New section) a. The provisions of section 1 of P.L.1963,
44 c.73 (C.47:1A-1), section 1 of P.L.1995, c.23 (C.47:1A-1.1),
45 sections 6, 7, and 8 of P.L.2001, c.404 (C.47:1A-5 through 47:1A-
46 7), and section 2 of P.L.2021, c.371 (C.47:1B-2), as amended by
47 sections 1 through 5 and section 7 of P.L. , c. (pending before
48 the Legislature as this bill), shall apply retroactively to all
49 complaints and appeals pending before the Government Records

1 Council, the Superior Court or the Supreme Court of New Jersey
2 filed prior to the effective date of P.L. , c. (pending before the
3 Legislature as this bill), provided, however, that nothing in this
4 section shall be construed as to retroactively reduce the statute of
5 limitations governing any complaint or appeal pending before the
6 Government Records Council, the Superior Court or the Supreme
7 Court of New Jersey.

8 b. All complaints and appeals pending before the Government
9 Records Council or the Superior Court filed prior to the effective
10 date of P.L. , c. (pending before the Legislature as this bill),
11 either anonymously or using a fictitious name or identity, may be
12 dismissed with prejudice upon a motion by the public agency,
13 unless the complainant files an amendment to their complaint that
14 accurately identifies their name and mailing address within 90 days
15 of the effective date of P.L. , c. (pending before the Legislature
16 as this bill).

17 c. The parties to any complaint or appeal pending before the
18 Government Records Council, the Superior Court or the Supreme
19 Court of New Jersey filed prior to the effective date of
20 P.L. , c. (pending before the Legislature as this bill), shall be
21 permitted to file an amendment to their respective complaints and
22 answers within 90 days of the effective date of P.L. , c. (pending
23 before the Legislature as this bill).

24
25 13. a. There is hereby appropriated \$4,000,000 from the State
26 General Fund to the Department of Community Affairs to provide
27 grants to political subdivisions of the State for the purpose of
28 making government records that are accessible under P.L.1963, c.73
29 (C.47:1A-1 et seq.) available electronically, including through the
30 use of shared services agreements.

31 b. There is hereby appropriated \$4,000,000 from the State
32 General Fund to the Department of Community Affairs for the
33 Government Records Council.

34
35 14. This act shall take effect 30 days following the date of
36 enactment, except as otherwise provided for in this act, and except
37 that section 9 and section 11 shall take effect eight months
38 following the date of enactment. The Attorney General,
39 Department of Community Affairs, the Government Records
40 Council, the Department of the Treasury, and the Department of
41 State may take any anticipatory administrative action in advance as
42 shall be necessary for the implementation of this act.

**BOROUGH OF WATCHUNG
RESOLUTION: R6**

WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than the authorized bid threshold be awarded by a resolution of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: Jesco, Inc., 1260 Centennial Avenue, Piscataway, NJ 08854
Item: PW – John Deere Backhoe loader 320 p-tier
Total Price: \$143667.79
Charged to: C-02-244-A12

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: MAY 16, 2024
INDEX: PURCHASING
C: B. HANCE

BOROUGH OF WATCHUNG
 15 Mountain Boulevard
 Watchung, NJ 07069
 TEL (908)756-0080 FAX (908)757-7027

PURCHASE ORDER	
THIS NUMBER MUST APPEAR ON ALL INVOICES, PACKING LISTS, CORRESPONDENCE, ETC.	
NO.	24-00575

SHIP TO	WATCHUNG MUNICIPAL BUILDING 15 MOUNTAIN BLVD. WATCHUNG, NJ 07069-6399
	VENDOR #: JESCO JESCO, INC. 1260 CENTENNIAL AVENUE PISCATAWAY, NJ 08854 Phone: (908)753-8080 Fax: (908)821-1418

ORDER DATE: 05/14/24
 REQUISITION NO:
 DELIVERY DATE:
 STATE CONTRACT:
 ACCOUNT NUM:

PAYMENT RECORD	
CHECK NO.	
DATE PAID	

NOTICE: TAX ID #22-6002382 - TAX EXEMPT

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	John Deere Backhoe loader 320	C-02- -244-A12	143,667.7900	143,667.79
	Sourcewell contract 011723-JDC			
			TOTAL	143,667.79

CLAIMANT'S CERTIFICATION & DECLARATION	OFFICER'S CERTIFICATION	APPROVAL TO PURCHASE
<p>I do solemnly declare and certify under penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.</p> <p>X</p> <p>_____ VENDOR SIGN HERE</p> <p>_____ OFFICIAL POSITION DATE</p> <p>_____ TAX ID NO. OR SOCIAL SECURITY NO.</p>	<p>I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.</p> <p>_____ DEPT. HEAD DATE</p> <p>VENDOR MUST SIGN CERTIFICATION STATEMENT ON THIS VOUCHER. MAIL VOUCHER & ITEMIZED BILLS TO: BOROUGH OF WATCHUNG 15 Mountain Boulevard Watchung, NJ 07069</p>	<p>DO NOT ACCEPT THIS ORDER UNLESS IT IS SIGNED BELOW.</p> <p><i>William J. Annce</i> _____ CFO/QPA</p> <p>_____ COUNCIL APPROVAL CAN BE SEEN</p> <p>_____ ON BILL LIST RESOLUTION</p>

**BOROUGH OF WATCHUNG
RESOLUTION: R7**

WHEREAS, the Borough's Emergency Management Coordinator has recommended and requested that certain staff be appointed to participate on emergency management operations and to be authorized to work in the Emergency Operations Center when the Center must be activated; and

WHEREAS, these Emergency Management Staff members will assist Watchung's Emergency Management Coordinator in all phases of emergency management when requested.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the following Borough employees are hereby designated as Deputy Emergency Management Coordinator(s) for the Borough and will serve in this capacity with no additional compensation:

- 1) Sherif Zaiton, Captain / 1st Deputy Coordinator
- 2) Charles Pivnichny / 2nd Deputy Coordinator
- 3) Brennen Gaiser, Police Dispatcher / 3rd Deputy Coordinator

Curt S. Dahl, Council Member

Ronald Jubin, Ph.D., Mayor

ADOPTED: MAY 16, 2024
INDEX: APPOINTMENTS, PERSONNEL,
C: C. SOLON, S. ANDERLE

**BOROUGH OF WATCHUNG
RESOLUTION: R8**

***AUTHORIZING THE AWARD OF CONTRACT TO MTM METRO CORP FOR THE
REMOVAL & DISPOSAL OF ASBESTOS CONTAINING MATERIAL AT THE
WATCHUNG LIBRARY***

WHEREAS, on May 10, 2024, sealed bids were opened on behalf of the Borough of Watchung for the 2024 removal and disposal of asbestos containing material at Watchung Library; and

WHEREAS, on May 10, 2024, the Borough opened eight (8) bids and the bid tabulation is attached hereto; and

WHEREAS, the Borough Administrator and Purchasing Agent, reviewed all of the bid proposals and found the lowest responsible bidder to be MTM Metro Corp. 135-137 McBride Avenue, Paterson, NJ, 07501, and recommend same for award; and

WHEREAS, the Chief Financial Officer has certified the sufficiency of funds for the award as set forth herein, in bond ordinance: 2024/04

William J. Hance, CFO/ QPA

NOW, THEREFORE, BE IT RESOLVED by Council of the Borough of Watchung, County of Somerset, State of New Jersey that pursuant to *N.J.S.A. 40A:11-1, et seq.*, MTM Metro Corp. is the lowest responsive responsible bidder for the 2024 removal and disposal of asbestos containing material with a total bid in the amount of \$89,000.000.

BE IT FURTHER RESOLVED by the Council that it hereby awards a contract to MTM Metro Corp., 135-137 McBride Avenue, Paterson, NJ 07501 in a total amount not to exceed \$89,000.00.

BE IT FURTHER RESOLVED by the Council that it hereby authorizes the Mayor and all Borough Officials and employees, to take all necessary action to effectuate the within Resolution, including but not limited to the Mayor and Borough Clerk's execution of the contract awarded herein

**BOROUGH OF WATCHUNG
RESOLUTION: R8**

and the implementation thereof consistent with the terms of this Resolution and executed contract;
and

BE IT FURTHER RESOLVED, that upon receipt of a fully executed contract, the Borough Clerk is hereby authorized and directed to return the bid bonds of all unsuccessful bidders.

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: MAY 16, 2024
INDEX: AWARDS, PROPERTIES,
C: B. HANCE, ENG.,

DRAFT

Watchung Library Asbestos Removal Bids
5/10/2024 11:00

<u>Bidder</u>		<u>Amount</u>
MTM Metro Corp.	\$	89,000.00
BL Contracting Inc	\$	124,000.00
Unicorn Contracting Corp.	\$	130,135.00
Shade Environmental, Inc.	\$	132,950.00
B & G Restoration, Inc.	\$	167,000.00
Plymouth Environmental Co., Inc.	\$	174,000.00
Teal Management	\$	184,000.00
Two Brothers Contracting Inc.	\$	237,200.00

DRAFT

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL
BID DOCUMENT SUBMISSION CHECKLIST**

To: Borough of Watchung

Failure to submit the following documents is a mandatory cause for the bid to be rejected.

Required With Submission of Bid

Initial Each Item Submitted With Bid
(Bidder's Initials)

Required With Submission of Bid	Initial Each Item Submitted With Bid (Bidder's Initials)
<input checked="" type="checkbox"/> Bid Proposal	
<input checked="" type="checkbox"/> Bid Bond	
<input checked="" type="checkbox"/> Consent of Surety	
Subcontractor Identification Form	
Bidder's and all Listed (or Named) Subcontractor's Certificate(s) of Certificate Of Public Works Contractor Registration	
<input checked="" type="checkbox"/> Equipment Certification	
<input checked="" type="checkbox"/> Stockholder Disclosure Certification / Statement of Ownership	
<input checked="" type="checkbox"/> Affirmative Action Acknowledgement	
<input checked="" type="checkbox"/> Non-Collusion Affidavit (this form must be Notarized)	
<input checked="" type="checkbox"/> Americans With Disabilities Act Acknowledgement	
<input checked="" type="checkbox"/> Bidder's acknowledgement of receipt of any notice(s) or revision(s) or addenda to an advertisement, specifications or bid document(s)	
<input checked="" type="checkbox"/> Bidder Corporate Resolution (this form must be notarized)	
<input checked="" type="checkbox"/> Bidder Qualification Form	
Insurance Certificate (for General Liability policy only)	
<input checked="" type="checkbox"/> Disclosure of Investment Activities in Iran	
Pay to Play Certification	
Bidder's and all Listed (or Named) Subcontractor's Business Registration Certificate	
<input checked="" type="checkbox"/> Prevailing Wage Declaration	

SIGNATURE: The undersigned hereby acknowledge and has submitted the above listed requirements.

Name of Bidder: MTM Metro Corp
 By Authorized Representative: _____
 Signature: [Signature]
 Printed Name and Title: Mike Danevski
 Date: 5/9/24

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**PROPOSAL FOR
REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL**

Contract Amount – Base Bid- lump sum

89,000 100
(Amount in Numbers)

Eighty ~~800~~^{nine} thousand dollars 100
(Amount in Words)


In witness whereof, the bidder has executed this bid and proposal and agrees to perform the work in accordance with the terms and conditions of the Contract Documents if awarded this contract.

Company name: MTM Metro Corp.
135-137 McBride Av
Paterson, NJ 07501

Address: _____

Date: 5/9/24 Telephone Number: 973 742 5030

Print Name: Mina DAMEVSKI

Signature: 

AFFIRMATIVE ACTION ACKNOWLEDGEMENT

BOROUGH OF WATCHUNG SOMERSET COUNTY, NEW JERSEY

REMOVAL & DISPOSAL OF ASBESTOS CONTAINING MATERIAL

REQUIRED EVIDENCE

AFFIRMATIVE ACTION REGULATIONS PL. 1975 CHAPTER 127 (N.J.A.C.17:27)

If awarded a contract, the Successful Contractor will be required to comply with the requirements of PL. 1975, Chapter 127 N.J.A.C. 17:27. Within five (5) days after receipt of the notification of intent to award the contract, the Successful Contractor shall present one of the following:

- 1) Appropriate evidence that the Contractor is operating under and existing federally approved or sanctioned affirmative action program; or
- 2) A Certificate of Employee Information Report Approval issued in accordance with N.J.A.C. 17:24-4; or
- 3) An initial Employee Information Report consisting of forms provided by the Affirmative Action Office and completed by Contractor in accordance with N.J.A.C. 17:27-4.

The Successful Contractor must submit no later than three (3) days after the signing of the Contract an Initial Project Manning Table Consisting of Forms provided by the Affirmative Action Office and Completed by Contractor in accordance with N.J.A.C. 17:27-7.

Contractors are referred to Paragraph 23 of Section B of the Contract Documents for a further description of the above requirements.

**NO FIRM MAY BE ISSUED A CONTRACT UNLESS THEY COMPLY WITH THE
AFFIRMATIVE ACTION REGULATIONS OF PL. 1975, CHAPTER 127.**

AFFIRMATIVE ACTION ACKNOWLEDGEMENT

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF ASBESTOS
CONTAINING MATERIAL**

Contractor acknowledges that his firm is an Affirmative Action Employer and certifies compliance with all requirements:

MTM Metro Corp.
135-137 McBride Av
Paterson, NJ 07501

(Name of Firm)



(Signature)

PRESIDENT

(Title)

MTM Metro Corp.
135-137 McBride Av
Paterson, NJ 07501

(Address of Firm)

5/9/24

(Date)

AFFIRMATIVE ACTION ACKNOWLEDGEMENT

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF ASBESTOS
CONTAINING MATERIAL**

The following questions must be answered by all Contractors:

- 1) Do you have a Federally-approved or sectioned Affirmative Action Program?

Yes _____ No _____

If yes, please submit a photocopy of such approval.


- 2) Do you have a State Certificate of Employee Information Report approval?

Yes No _____

If yes, please submit a photocopy of such certificate.

The undersigned contractor certifies that he is aware of the commitment to comply with the requirements of PL. 1975, Chapter 127 and agrees to furnish the required documentation pursuant to the law.

COMPANY: MTM Metro Corp

SIGNATURE: 

NAME/TITLE: MIKE DAMERSKI - PRESIDENT

NOTE: A contractor's proposal must be rejected as non-responsive if a contractor fails to comply with requirements of PL. 1975, Chapter 127, within the time frame stipulated.

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS
During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with Good faith efforts to meet targeted Borough employment goals established in accordance with N.J.A.C. 17:27-5.2, or Good faith efforts to meet targeted borough employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval Certificate of Employee Information Report
Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL**

NON-COLLUSION AFFIDAVIT

To: Borough of Watchung

STATE OF NEW JERSEY

ss:

COUNTY OF PASSAIC

I, MILU DAMERSWI [Name] am PRESIDENT
[Official Position] of MTH METCO Corp [Bidder], the Bidder making the
bid for this project.

UPON MY OATH, I DEPOSE AND SAY:

1. That I executed the said proposal with full authority so to do;
2. That this proposer has not, directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of fair and open competition in connection with this engagement;
3. That all statements contained in said proposal and in this affidavit are true and correct, and made with full knowledge that Watchung Borough relies upon the truth of the statements contained in said proposal and in the statements contained in this affidavit in awarding the contract for the said engagement; and
4. That no person or selling agency has been employed to solicit or secure this engagement agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial of selling agencies of the proposer. (N.J.S.A. 52: 34-25).


MILU DAMERSWI

(Type or print name of Affiant under signature)

Subscribed and sworn to before me this 9th day of MAY, 2024

ELIZAVETA MASLANKOVA
Notary public in and for the STATE OF NEW JERSEY
My Commission expires 12/18/24
MY COMMISSION EXPIRES DEC. 18, 2024

**BOROUGH OF WATCHUNG SOMERSET COUNTY,
NEW JERSEY**

**REMOVAL & DISPOSAL OF ASBESTOS
CONTAINING MATERIAL**

**STATEMENT OF OWNERSHIP
STOCKHOLDER DISCLOSURE CERTIFICATION N.J.S.A.
52:25-24.2 (P.L. 1977 c.33)
FAILURE OF THE BIDDER/RESPONDENT TO SUBMIT THE
REQUIRED INFORMATION IS CAUSE FOR AUTOMATIC
REJECTION**

CHECK ONE:

- I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.
- I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

Check which business entity applies:

- | | | |
|--|--|--|
| <input type="checkbox"/> Partnership | <input type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietorship |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Limited Liability Corporation |
| <input checked="" type="checkbox"/> Subchapter S Corporation | <input type="checkbox"/> Other _____ | |

Complete if the bidder/respondent is one of the 3 types of Corporations:

Date Incorporated: 2003 Where incorporated: NJ

Business Address:


MTM Metro Corp.
135-137 McBride Av
Paterson, NJ 07501

Street Address	City	State	Zip
<u>973 742 5030</u>	<u>973 742 5036</u>	<u>MTM Metro Corporation</u>	<u>6441 - com</u>
Telephone #	Fax#	Email	

Listed below are the names and addresses of all stockholders, partners or individuals who own 10% or more of its stock of any classes, or who own 10% or greater interest therein.


Name	Home Address
Name	Home Address
Name	Home Address

CONTINUE ON ADDITIONAL SHEETS IF NECESSARY Yes No

Signature:  Date: 5/9/24

Printed Name and Title: Mike Danerski President

Sworn and
subscribed before
me this 11 day of May,
STATE OF NEW JERSEY
MY COMMISSION EXPIRES DEC. 18, 2024



AMERICANS WITH DISABILITIES ACT

Equal Opportunities for Individuals with Disabilities

The Contractor and Watchung Borough do hereby agree that the provision of Title II of the Americans With Disabilities Act of 1990 (the "ADA") (42 U.S.C. Section 12101 et seq.), which prohibits discrimination on the basis of disability by public entities in all services, programs and activities provided or made available by public entities, and the rules and regulations promulgated pursuant thereto, are made a part of this contract. In providing any aid, benefit or service on behalf of the Borough pursuant to this contract, the Contractor agrees that the performance shall be in strict compliance with the ADA. In the event that the Contractor, its agents, servants, employees or subcontractors violate or are alleged to have violated the ADA during the performance of this contract, the Contractor shall defend the Borough in any action or administrative proceeding commenced pursuant to this ADA. The Contractor shall indemnify, protect and save harmless the Borough, its agents, servants and employees from and against any and all suits, claims, losses, demands or damages of whatever kind or nature arising out of or claimed to arise out of the alleged violation. The Contractor shall, at its own expense, appear, defend and pay any and all charges for legal services and any and all costs and other expenses arising from such action or administrative proceeding or incurred in connection therewith. In any and all complaints brought pursuant to the Borough grievance procedure, the Contractor agrees to abide by any decision of the Borough which is rendered pursuant to said grievance procedure. If any action or administrative proceeding results in an award of damages against the Borough or if the Borough incurs any expense to cure a violation of the ADA which has been brought pursuant to its grievance procedure, the Contractor shall satisfy and discharge the same at its own expense.

The Borough shall, as soon as practicable after a claim has been made against it, give written notice thereof to the Contractor along with full and complete particulars of the claim. If any action or administrative proceeding is brought against the Borough or any of its agents, servants, and employees, the Borough shall expeditiously forward or have forwarded to the Contractor every demand, complaint, notice, summons, pleading or other process received by the Borough or its representatives.

It is expressly agreed and understood that any approval by the Borough of the services provided by the Contractor pursuant to this contract will not relieve the Contractor of the obligation to comply with the ADA and to defend, indemnify, protect, and save harmless the Borough pursuant to this paragraph.

It is further agreed and understood that the Borough assumes no obligation to indemnify or save harmless the Contractor, its agents, servants, employees and subcontractors for any claim which may arise out of their performance of this agreement. Furthermore, the Contractor expressly understands and agrees that the provisions of this indemnification clause shall in no way limit the Contractor's obligations assumed in this agreement, nor shall they be construed to relieve the Contractor from any liability, nor preclude the Borough from taking any other actions available to it under any other provisions of this agreement or otherwise by law.

Name of Bidder: MTM Metro Corp Date: 5/9/24
(Person, Firm or Corporation)

By: MIKE DAMERSKI PRESIDENT
(NAME) (Title)

DRAFT

DISCLOSURE OF INVESTMENT ACTIVITIES IN RUSSIA-BELARUS AND IRAN

RFP Title: Watchung Library Proposer: MTH Metals Corp

PART 1: CERTIFICATION

Pursuant to Public Law 2022, c. 3, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that the person or entity, or one of the person or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the New Jersey Department of the Treasury as a person or entity engaging in investment activities in Russia-Belarus and Iran. If the Department of Treasury finds person or entity to be in violation of the principles which are the subject of this law, action shall be taken as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the person or entity. Failure to complete the certification will render a respondent's proposal as non-responsive.

I certify, pursuant to Public Law 2022, c. 3, that the person or entity listed above, for which I am authorized to submit a proposal, nor any of the proposer's parents, subsidiaries, or affiliates (check each box if appropriate):

is not providing goods or services of \$20,000,000 or more in the energy sector of Russia-Belarus and Iran, including a person or entities that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran, AND

is not a financial institution that extends \$20,000,000 or more in credit to another person or entity, for 45 days or more, if that person or entity will use the credit to provide goods or services in the energy sector in Iran.

In the event that a person or entity is unable to make the above certification because it or one of its parents, subsidiaries, or affiliates has engaged in the above-referenced activities, a detailed, accurate and precise description of the activities must be provided in Part 2 below to Watchung Borough under penalty of perjury. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN RUSSIA-BELARUS AND IRAN

Where appropriate, provide a detailed, accurate and precise description of the activities of the proposer, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below. Please provide thorough answers to each question. Provide an attachment if you need to make additional entries.

Name: _____ Relationship to Proposer: _____


Description of Activities: _____

Duration of Engagement: _____ Anticipated Cessation Date: _____

Proposer Contact Name: _____ Contact Phone Number: _____

PART 3: CERTIFICATION

I, being duly sworn upon my oath, hereby represent and state that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I attest that I am authorized to execute this certification on behalf of the above-referenced person or entity. I acknowledge that Watchung Borough is relying on the information contained herein and thereby acknowledge that I am under a continuing obligation from the date of this certification through the completion of any contracts with the Borough to notify the Borough in writing of any changes to the answers of information contained herein. I acknowledge that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I recognize that I am subject to criminal prosecution under the law and that it will also constitute a material breach of my agreement(s) with Watchung Borough and that the Borough at its option may declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print): MILWA DZHEVUSKI Signature: 

Title: PRESIDENT Date: 5/9/24

DRAFT

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL**

BUSINESS REGISTRATION COMPLIANCE

N.J.S.A. 52:32-44 imposes the following requirements on contractors and all subcontractors that **knowingly** provide goods or perform services for a contractor fulfilling this contract:

- 1) the contractor shall provide written notice to its subcontractors and suppliers to submit proof of business registration to the contractor;
- 2) subcontractors through all tiers of a project must provide written notice to their subcontractors and suppliers to submit proof of business registration and subcontractors shall collect such proofs of business registration and maintain them on file;
- 3) prior to receipt of final payment from a contracting agency, a contractor must submit to the contacting agency an accurate list of all subcontractors and suppliers* or attest that none was used; and,
- 4) during the term of this contract, the contractor and its affiliates shall collect and remit, and shall notify all subcontractors and their affiliates that they must collect and remit to the Director, New Jersey Division of Taxation, the use tax due pursuant to the Sales and Use Tax Act, (N.J.S.A. 54:32B-1 et seq.) on all sales of tangible personal property delivered into this State.

A contractor, subcontractor or supplier who fails to provide proof of business registration or provides false business registration information shall be liable to a penalty of \$25 for each day of violation, not to exceed \$50,000 for each business registration not properly provided or maintained under a contract with a contracting agency. Information on the law and its requirements is available by calling (609) 292-9292.

**ALERT
FAILURE TO INCLUDE A COPY OF YOUR
NEW JERSEY BUSINESS REGISTRATION CERTIFICATE
IS CAUSE FOR MANDATORY REJECTION OF YOUR PROPOSAL**

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL**

**CERTIFICATE OF PUBLIC WORKS
CONTRACTOR REGISTRATION
(P.L. 1999, c.238)**

I. Pursuant to P.L. 1999, c.238, et al., specifically as amended in P.L. 2003, c. 91, N.J.S.A. 34:11-56.51, all Bidders are required to be registered by the New Jersey Department of Labor at the time bids are received by the Project Owner pursuant to the Public Works Contractor Registration Act.*

II. No bidder will list a subcontractor in a Bid Proposal for the contract unless the subcontractor is also registered pursuant to P.L. 1999, c. 238 at the time the bid is made.

III. No contractor or subcontractor will engage in the performance of any public work subject to the contract, unless the contractor or subcontractor is registered pursuant to the Act.

IV. Each contractor must, along with the bid submission, submit to the Project Owner the certificates of registration for the bidder and all subcontractors listed in the Bid Proposal.

* Any bidder who is not registered pursuant to the Act at the time bids are received must be automatically disqualified and the bid must be rejected.

The undersigned is an (individual) (partnership) (corporation) under the Laws of the State of NJ
having principal offices at: 135 McBride Ave Paterson, NJ 07501

BIDDER: MTH METRO Corp
SIGNATURE: [Signature]
NAME: MILO DAMERSEI
TITLE: PRESIDENT
DATE: 5/9/24

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL**

**PREVAILING WAGE COMPLIANCE
DECLARATION**

The Contractor hereby agrees to comply in all respect with the New Jersey Prevailing Wage Act, Chapter 150, P.L. 1963 as amended. A copy of the prevailing wage rates pertaining to the work and issued by the New Jersey Department of Labor and Industry entitled, "Prevailing Wage Rate Determination," is on file in the Engineer's office, included herein, and may be obtained directly from the New Jersey Department of Labor and Industry. Workers must be paid not less than the prevailing wage rate. In the event it is found that any worker employed by the Contractor or any Subcontractor covered by the contract herein has been paid a rate of wages less than the prevailing rate required to be paid by such contract, the Owner may terminate the Contractor's or Subcontractor's right to proceed with the work or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The Contractor and his sureties must be liable to the Owner for any excess costs occasioned thereby. Before final payment is made by or on behalf of the Owner of any sum or sums due to the work, the Contractor or Subcontractor must file with the Owner, written statements in form satisfactory to the commissioner of Labor and Industry certifying to the amounts then due and owing from such contractor or subcontractor filing such statement to any and all workmen for wages due on account of the work, setting forth therein the names of the persons whose wages are unpaid and the amount due to each respectively which statement must be certified by the oath of the Contractor or Subcontractor as the case may be in accordance with the said New Jersey Prevailing Wage Act.

The prevailing wage rate must be determined by the Commissioner of Labor and Industry or his duly authorized deputy or representative.

The undersigned is an (individual) (partnership) (corporation) under the Laws of the State of having principal offices at: _____

MTM Metro Corp.
135-137 McBride Av
Paterson, NJ 07501

BIDDER: _____

SIGNATURE: _____

NAME: MIKE DANESUJI

TITLE: PRESIDENT

DATE: 5/9/24

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL**

**EQUIPMENT CERTIFICATION
(N.J.S.A. 40A:11-20)**

INSTRUCTIONS FOR COMPLETING THE EQUIPMENT CERTIFICATION

If the Bidder owns, leases or controls all the necessary equipment required to complete the Project, the Bidder must complete Part 1.

If the Bidder does not own, lease or control all of the equipment necessary to complete the Project, the Bidder must complete Part 2.

PART 1

"This is to certify that I, the Bidder, signing and submitting the attached Bid and other Contract Documents, owns, leases or control all of the necessary equipment required to complete the work shown and described in the Contract Documents, Drawings and Specifications."

Signature of Bidder's Authorized Representative: _____

Title: _____

Date: _____

[Handwritten Signature]

President

5/9/24

PART 2

"This is to certify that I, the undersigned, own or control the equipment required to complete the Project noted below and definitely grant or will grant the Bidder the control of said equipment during such time as may be required for that portion of the work described in the Contract Documents, Drawings and Specifications for which said equipment is necessary."

DATE _____

By: _____

Name: _____

Title: _____

Company Name: _____

Company Address: _____

LIST OF EQUIPMENT

(Bidder is required to list all equipment bidder intends to utilize for the purposes of this Project.)

pls see attached

(Attach additional sheets if necessary)

DRAFT

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL**

**ACKNOWLEDGMENT OF RECEIPT OF CHANGE TO BID
DOCUMENTS**

Pursuant to N.J.S.A. 40A:11-23.1a., the undersigned bidder hereby acknowledges receipt of the following notices, revisions, or addenda to the bid advertisement, specifications or bid documents. By indicating date of receipt, bidder acknowledges the submitted bid takes into account the provisions of the notice, revision or addendum.


Note that the local unit's record of notice to bidders will take precedence and that failure to include provisions of changes in a bid proposal may be subject for rejection of the bid.

Local Unit Reference Number or Title of Addendum/Revision	How Received (mail, fax, pickup, etc.)	Date Received
no clarification	email	4/29/24

Acknowledgement by bidder:

Name of Bidder: MTM METCO Corp

By Authorized Representative:

Signature: 

Printed Name and Title: MICHAEL DANIELSKI

Date: 5/9/24

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL**

**BIDDER CORPORATE RESOLUTION
(Evidence of Authority to Bind Bidder Where Bidder is a Corporation or
Partnership)**

RESOLVED, that the following named Officers or Partners:

Be and hereby are authorized and empowered to sign and submit to the Borough of Watchung the attached Bid and other Bid Submission Documents and further that said Officers or Partners are authorized to execute the Contract and any other agreement or bond or statement necessary to fulfill the obligations required by the Contract Documents incurred by the acceptance of the Borough of Watchung of the Bid.

I hereby certify that the above constitutes a true copy of a Resolution or Partnership Agreement passed and approved by the Board of Directors or Partners at a meeting held on the 9th day of May, 2024.

Signature of Bidder's Authorized Representative: _____

Title: _____

Date: _____



President

5/9/24

Attested By: _____

Title: _____

Date: _____

Patricia Hye
5-9-24

**BOROUGH OF WATCHUNG
SOMERSET COUNTY, NEW JERSEY**

**REMOVAL & DISPOSAL OF
ASBESTOS CONTAINING MATERIAL**

BIDDER QUALIFICATION FORM

Name of Bidder: MTM Metro Corp.

Address: 135-137 McBride Av
Paterson, NJ 07501

Phone: 973 742 5030 Date: 5/9/24

1. How many years has your organization been in business under your present name?
21

2. Have you ever failed to complete any work awarded to you?
no

If so, where and why?

3. Has any officer or partner of your organization ever failed to complete a contract handled in his own name?
no

4. Have any liens or lawsuits of any kind been filed against any of your contracts?
Yes _____ No
Give full details.

5. List surety companies which have previously bonded the Bidder (give name, address, and amount of bond)
BONDex

6. List all uncompleted contracts currently held by the Bidder. State the Owner's name and the amount of the contract.
N/A

7. State all equipment owned by you for use in this contract.


W/S see ATTACHED

8. The Bidder must state below, or on attached sheets, at least three (3) projects the Bidder has completed which are similar to this Project. The information provided by the Bidder must include the name of the Project, name of Owner, description of the Project, and dollar value of work completed. This information will be considered by the Owner to judge the Bidder's experience, skill and business standing.

W/S see ATTACHED

9. Provide the name, address and phone number for references for the three (3) Projects listed above.

<u>Name and Address</u>	<u>Telephone Number</u>
W/S see ATTACHED	

Signature of Bidder's Authorized Representative: 

Title: DESIGNER

Date: 5/9/24

DRAFT

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned

M T M Metro Corp. as Principal, **Bondex Insurance Company** as Surety, are hereby and firmly bound unto the **Borough of Watchung**, in the penal sum of **Ten Percent Of The Amount Bid Not To Exceed Twenty Thousand And 00/100 Dollars (10% Of The Amount Bid Not To Exceed \$20,000.00)** for payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed this **10th day of May, 2024**.

The condition of the above obligation is such that whereas the Principal has submitted to the Owner as defined, a certain Bid, attached hereto, and hereby made a part hereof, to enter into a contract in writing for:

Proposed Removal and Disposal of Asbestos Containing Material in the Borough of Watchung

NOW, THEREOF, if said Bid shall be rejected, or, in the alternative,

If said Bid shall be accepted and the Principal shall execute and deliver a Contract in the form of Contract provided (properly completed in accordance with said Bid) and shall furnish a bond for his faithful performance of said Contract, and shall in all other respects perform the Agreement created by the acceptance of the Bid.

Then this obligation shall be void, otherwise the same shall remain in force, and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Principal may accept such Bid; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and Surety have set their hands and seals, and such of them as are corporations having caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

Surety: **Bondex Insurance Company**

By: _____
Philip S. Tobey, Attorney-in-Fact

Brenda Turiello

Brenda Turiello, Witness

Principal: **M T M Metro Corp.**

By: _____

DRAFT

Consent of Surety


Bondex Insurance Company, a corporation created and existing under the laws of the State of **New Jersey**, maintaining an office in **Florham Park, NJ**, duly authorized to transact business in the State of **New Jersey** (hereinafter, the "Surety") does hereby consent and agree with the bid of **M T M Metro Corp.** (hereinafter, the "Principal"), as principal, for **Proposed Removal and Disposal of Asbestos Containing Material in the Borough of Watchung** (hereafter the "Contract") be accepted and the Contract shall be properly and lawfully awarded to the Principal in the amount not to exceed the Principal's bid, the Surety shall execute and deliver to the Principal a bond(s) for the faithful performance of the Contract in such form as may set forth in, and as required by, the bid specifications, solicitation or advertisement (hereinafter, the "Bid Documents").

This Consent of Surety shall remain in force and effect for so long as the Bid Documents provide for acceptance of the Principal's bid or execution of the Contract. If no such period is set forth in the Bid Documents, for 90 days after bid opening, or as otherwise may be required by statute or regulation, whichever period is longer, unless the Principal and the Surety shall agree in writing to a longer period.


This Consent of Surety has been signed, sealed and dated on **May 10, 2024**

ATTEST:

Bondex Insurance Company



Brenda Turiello, Witness


Philip S. Tobey, Attorney In fact

Bondex Insurance Company

KNOW ALL MEN BY THESE PRESENTS: That **Bondex Insurance Company**, a corporation duly organized under the laws of the State of New Jersey, and having its principal office in Atlanta, County of Cobb, State of Georgia, does hereby appoint:

Philip S. Tobey, Lionel D. Jorge, Jeffrey R. Bauman, and Megan C. Bauer

its true and lawful Attorney(s)-in Fact, with full power and authority to execute on its behalf bonds, undertakings, recognizances, and other contracts of indemnity and writings obligatory in nature thereof, issued in the course of its business and to bind the Company.

This Power of Attorney is granted and is signed and sealed by the authority of the following Resolution adopted by the Board of Directors of Bondex Insurance Company at a meeting duly called and held on the 7th day of March, 2007.

RESOLVED that the Chief Executive Officer, President, Vice President or Secretary, shall have the power and authority

- 1. To appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writing obligatory in the nature thereof and,*
- 2. To remove, at any time, any such Attorney-in-Fact and revoke any authority given.*

RESOLVED FURTHER, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached as though manually affixed.

- IN WITNESS WHEREOF, **BONDEX INSURANCE COMPANY** has caused its seal to be affixed hereto and executed by its President on the 31st day of October, 2022.

BONDEX INSURANCE COMPANY

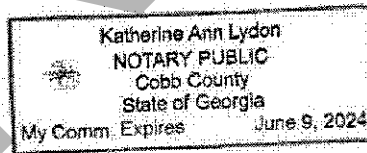
BY Antonio R. Barner
Antonio R. Barner, President

State of GEORGIA
County of COBB

ACKNOWLEDGEMENT

On this 31st day of October, 2022, before me, a notary public, personally appeared Antonio R. Barner, personally known to me, who being duly sworn did say that he is the President of Bondex Insurance Company, the Corporation described in the foregoing instrument, and that the Seal affixed to said instrument is the said Corporate Seal and that he executed the same in his authorized capacity, and that said instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors.

In Testimony Whereof I have set my hand and affixed my official Seal, the day and year fits written above,



BY Katherine Ann Lydon
Name: Katherine Ann Lydon
Notary Public

CERTIFICATE

I, J. Stephen Berry, Secretary of Bondex Insurance Company, do hereby certify that the Power of Attorney and the resolution adopted by the Board of Directors of said company as set forth above, are true and correct transcripts thereof and that neither the said Power of Attorney nor the resolution have been revoked and they are now in full force and effect.

Signed and Sealed at Atlanta, Georgia this day of this **10th** day of **May**, 2024.



BY J. Stephen Berry
J. Stephen Berry, Secretary

“WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files and application for insurance of claim containing any false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

**BOROUGH OF WATCHUNG
RESOLUTION: R9**

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b)(1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Governing Body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the closed session of May 16, 2024.
2. The general nature of the subject matter to be discussed:
 - a. Contract negotiations regarding Capodagli Property Company, LLC &
 - b. Attorney-Client privilege matters on Affordable Housing proposal
3. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.
4. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.

Christine B. Ead, Council President

Ronald Jubin, Ph.D., Mayor

ADOPTED: MAY 16, 2024
INDEX: MISC.
C: