

# BOROUGH OF JAMESBURG

## COUNCIL MEETING

### MINUTES – APRIL 13, 2005

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**CALL TO ORDER:** 7:00PM – Council President Otto Kostbar called the meeting to order and announced that the same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of the Act have been met. Any contracts awarded tonight or between tonight and the next meeting require the contractor to comply with P.L. 1975. Also announced, in the event of a fire and pursuant to the N.J. Uniform Fire Code, members of the audience were requested to take notice of the exits at the front and rear of the Council Chambers as well as in the main hallway.

**FLAG SALUTE:** Led by Council President Kostbar

**ROLL CALL:** Those Present: Council President Kostbar  
Council member Carpenter  
Council member Jennings  
Council member Longo  
Council member Maloney  
Council member Morales  
Attorney Raffetto  
Denise Jawidzik, Business Administrator

Those Absent: Mayor LaMantia  
Engineer Dittenhofer

Attorney Raffetto explained that these ordinances are all required under the State mandated stormwater management plan.

#### **ORDINANCES - FIRST READING:**

##### **ORDINANCE #06-05**

#### **ORDINANCE OF THE BOROUGH OF JAMESBURG ESTABLISHING A YARD WASTE COLLECTION AND DISPOSAL PROGRAM**

##### **SECTION I. Purpose:**

An ordinance to establish a yard waste collection and disposal program in the Borough of Jamesburg, so as to protect public health, safety, and welfare, and to prescribe penalties for the failure to comply.

##### **SECTION II Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Containerized – means the placement of yard waste in a trashcan, bucket, bag, or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves.

##### **SECTION III. Yard Waste Collection**

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

##### **SECTION IV. Enforcement:**

The provisions of this ordinance shall be enforced by Police Department, Department of Public Works or the Zoning Officer of the Borough of Jamesburg

**SECTION V. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$100.00

**SECTION VI. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Motion to Approve Ordinance #06-05 on First Reading; Authorize Publication, and Set Public Hearing/Second Reading Date:

Proposed by: Jennings

Seconded by: Maloney

All In Favor: Carpenter, Jennings, Kostbar, Longo, Maloney, Morales

None Opposed, None Abstaining.

**ORDINANCE # 07-05**

ORDINANCE OF THE BOROUGH OF JAMESBURG REGULATING THE IMPROPER DISPOSAL OF WASTE

**SECTION I. Purpose:**

An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Jamesburg, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Jamesburg or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**SECTION III. Prohibited Conduct:**

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Jamesburg is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

**SECTION IV. Exceptions to Prohibition:**

a. Water line flushing and discharges from potable water sources

b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)

c. Air conditioning condensate (excluding contact and non-contact cooling water)

d. Irrigation water (including landscape and lawn watering runoff)

e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows

f. Residential car washing water and residential swimming pool discharges

g. Sidewalk, driveway and street wash water

h. Flows from fire fighting activities

i. Flows from rinsing of the following equipment with clean water:

- Beach maintenance equipment immediately following their use for their

intended purposes; and - Equipment used in the application of salt and de-icing materials immediately

following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-

icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Police Department, Department of Public Works or the Zoning Officer of the Borough of Jamesburg

**SECTION VI. Penalties:**

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed \$100.00.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Motion to Approve Ordinance #07-05 on First Reading; Authorize Publication, and Set Public Hearing/Second Reading Date:

Proposed by: Longo

Seconded by: Morales

All In Favor: Carpenter, Jennings, Kostbar, Longo, Maloney, Morales

None Opposed, None Abstaining.

**ORDINANCE #08-05**

ORDINANCE OF THE BOROUGH OF JAMESBURG PROHIBITING ILLICIT CONNECTION TO THE MUNICIPAL STORM SEWER SYSTEM

**SECTION I. Purpose:**

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Jamesburg, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination

System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

a. Domestic sewage - waste and wastewater from humans or household operations.

b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the [insert name of municipality], unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

d. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Jamesburg or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling

water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

**SECTION III. Prohibited Conduct:**

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Jamesburg any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

**SECTION IV. Enforcement:**

This ordinance shall be enforced by the Police Department, the Department of Public Works or the Zoning Officer of the Borough of Jamesburg

**SECTION V. Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$100.00.

**SECTION VI. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Motion to Approve Ordinance #08-05 on First Reading; Authorize Publication, and Set Public Hearing/Second Reading Date:

Proposed by: Longo

Seconded by: Carpenter

All In Favor: Carpenter, Jennings, Kostbar, Longo, Maloney, Morales

None Opposed, None Abstaining.

**ORDINANCE #09-05**

ORDINANCE OF THE BOROUGH OF JAMESBURG PROHIBITING THE FEEDING OF WILDLIFE

**SECTION I. Purpose:**

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by Borough of Jamesburg, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Wildlife – all animals that are neither human nor domesticated.

**SECTION III. Prohibited Conduct:**

a. No person shall feed, in any public park or on any other property owned or operated by the Borough of Jamesburg, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

**SECTION IV. Enforcement:**

a. This ordinance shall be enforced by the Police Department, Department of Public Works or the Zoning Officer of the Borough of Jamesburg

b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

**SECTION V. Violations and Penalties:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$100.00.

**SECTION VI. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Motion to Approve Ordinance #09-05 on First Reading; Authorize Publication, and Set Public Hearing/Second Reading Date:

Proposed by: Jennings

Seconded by: Carpenter

All In Favor: Carpenter, Jennings, Kostbar, Longo, Maloney, Morales

None Opposed, None Abstaining.

**ORDINANCE #10-05**

AN ORDINANCE OF THE BOROUGH OF JAMESBURG ESTABLISHING REQUIREMENTS FOR THE PROPER DISPOSAL OF PET SOLID WASTE

**SECTION I. Purpose:**

An ordinance to establish requirements for the proper disposal of pet solid waste in the Borough of Jamesburg, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

**SECTION II. Definitions:**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

**SECTION III. Requirement for Disposal:**

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

**SECTION IV. Exemptions:**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

**SECTION V. Enforcement:**

The provisions of this Article shall be enforced by the Police Department, Department of Public Works or the Zoning Officer of the Borough of Jamesburg

**SECTION VI. Violations and Penalty:**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$100.00.

**SECTION VII. Severability:**

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:**

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Motion to Approve Ordinance #06-05 on First Reading; Authorize Publication, and Set Public Hearing/Second Reading Date:

Proposed by: Jennings

Seconded by: Morales

All In Favor: Carpenter, Jennings, Kostbar, Longo, Maloney, Morales

None Opposed, None Abstaining.

**CONSENT AGENDA DEFINED:**

ALL MATTERS LISTED ON TONIGHT'S CONSENT AGENDA ARE TO BE CONSIDERED AS ONE VOTE BY THE BOROUGH COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. ANY RESOLUTIONS LISTED ON THE AGENDA WITH \*\* NEXT TO THEIR RESPECTIVE NUMBER ARE TO BE CONSIDERED AS PART OF THE CONSENT AGENDA. THERE WILL BE NO DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY

The whole of the Consent Agenda was approved on the following vote:

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER	X		X			
JENNINGS			X			
KOSTBAR			X			
LONGO			X			
MALONEY			X			
MORALES		X	X			
MAYOR LAMANTIA						

**RESOLUTIONS:**

**RESOLUTION #122-04-13-05\*\***

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL

March 23, 2005

**RESOLUTION #123-04-13-05\*\***

RESOLUTION ACCEPTING REPORTS

**BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE FOLLOWING REPORTS BE AND ARE HEREBY RECEIVED AND FILED:

Finance Officer  
Tax Collector  
Sewer Administrator

March 2005  
March 2005  
March 2005

**RESOLUTION #124-04-13-05\*\***

REDEMPTION OF TAX LIEN

**WHEREAS**, THE TAX COLLECTOR HAS VERIFIED RECEIPT OF PAYMENT IN THE AMOUNT OF ONE THOUSAND NINE HUNDRED EIGHTY-NINE DOLLARS AND SIXTY CENTS (\$1,989.60) AS VERIFIED IN THE CERTIFICATION ATTACHED HERETO; AND

**WHEREAS**, THIS PAYMENT WAS MADE FOR THE REDEMPTION OF THE TAX SALE CERTIFICATE SPECIFIED ON THE ATTACHED CERTIFICATION, THE LIEN-HOLDER ALSO BEING SPECIFIED.

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE TAX COLLECTOR BE AND IS HEREBY AUTHORIZED TO ISSUE A CHECK IN THE AMOUNT OF ONE THOUSAND NINE HUNDRED EIGHTY-NINE DOLLARS AND SIXTY CENTS (\$1,989.60) TO THE LIEN HOLDER NAMED ON THE ATTACHED TAX COLLECTOR'S CERTIFICATION.

**RESOLUTION #125-04-13-05\*\***

APPROVE JUKE BOX AND POOL TABLE LICENSES

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED BY PARKSIDE TAVERN, INC., FOR ONE (1) JUKE BOX LICENSE AND ONE (1) POOL TABLE LICENSE; AND

**WHEREAS**, THE CLERK'S OFFICE IS IN RECEIPT OF THE APPROPRIATE FEES FOR THE AFOREMENTIONED LICENSES:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT LICENSES #JB-01-05 AND #PT-01-05 BE AND ARE HEREBY APPROVED IN THE NAME OF PARKSIDE TAVERN, INC.

**RESOLUTION #126-04-13-05\*\***

APPROVE POOL TABLE, JUKE BOX, AND VENDING MACHINE LICENSES

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED BY THE JAMESBURG ELKS LODGE #2180 FOR ONE (1) POOL TABLE LICENSE, ONE (1) JUKE BOX LICENSE, AND ONE (1) VENDING MACHINE LICENSE; AND

**WHEREAS**, THE CLERK'S OFFICE IS IN RECEIPT OF THE APPROPRIATE FEES FOR THE AFOREMENTIONED LICENSES:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT LICENSES #PT-02-05, #JB-02-05, AND #VM-01-05 BE AND ARE HEREBY APPROVED IN THE NAME OF JAMESBURG ELKS LODGE #2180.

**RESOLUTION #127-04-13-05\*\***

APPROVE JUKE BOX AND GAMES OF AMUSEMENT LICENSES

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED FOR JONATHAN'S GRILLE BY VEND-O-MATIK, INC., FOR ONE (1) JUKE BOX LICENSE AND TWO (2) GAME OF AMUSEMENT LICENSES; AND

**WHEREAS**, THE CLERK'S OFFICE IS IN RECEIPT OF THE APPROPRIATE FEES FOR THE AFOREMENTIONED LICENSES:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT LICENSES #JB-03-05, GA-01-05, AND #GA-02-05 BE AND ARE HEREBY APPROVED IN THE NAME OF JONATHAN'S GRILLE/VEND-O-MATIK, INC.

**RESOLUTION #128-04-13-05\*\***

APPOINT EMERGENCY SERVICE DISPATCHER

I, MAYOR ANTHONY LAMANTIA, WITH THE ADVICE AND CONSENT OF THE BOROUGH COUNCIL, DO HEREBY APPOINT THE FOLLOWING AS PART-TIME EMERGENCY SERVICE DISPATCHERS FOR THE BOROUGH OF JAMESBURG FOR THE YEAR 2005 OR UNTIL SUCCESSORS ARE DULY APPOINTED AND QUALIFIED:

CHRISTOPHER LORENC  
MICHAEL ALONGI  
GREGORY MOTARD

**RESOLUTION #129-04-13-05\*\***

APPOINT SPECIAL POLICE OFFICERS

I, ANTHONY LAMANTIA, MAYOR, WITH THE ADVICE AND CONSENT OF THE BOROUGH COUNCIL DO HEREBY APPOINT GREGORY MOTARD AS SPECIAL CLASS II OFFICER TO THE JAMESBURG POLICE DEPARTMENT FOR TERMS COMMENCING JANUARY 1, 2005 AND EXPIRING DECEMBER 31, 2005 OR UNTIL A SUCCESSOR IS DULY APPOINTED AND QUALIFIED.

**RESOLUTION #130-04-13-05\*\***

APPOINT COMMUNITY RELATIONS BOARD TO SERV CENTERS OF NEW JERSEY, INC.

**WHEREAS**, THERE DOES EXIST, A SETTLEMENT AND RELEASE AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND SERV CENTERS OF NEW JERSEY, INC.; AND

**WHEREAS**, SAID SETTLEMENT AND RELEASE AGREEMENT CALLS FOR THE ESTABLISHMENT OF A COMMUNITY RELATIONS BOARD FOR THE PURPOSES OF PROMOTING A POSITIVE RELATIONSHIP BETWEEN THE CITIZENS OF THE BOROUGH OF JAMESBURG AND THE RESIDENTS AND STAFF AT THE SERV FACILITY LOCATED ON EAST CHURCH STREET IN THE BOROUGH; AND

**WHEREAS**, THE TERMS OF SAID AGREEMENT STATE THAT THE COMMUNITY RELATIONS BOARD SHALL EXIST OF AT LEAST THREE JAMESBURG REPRESENTATIVES AND THREE SERV REPRESENTATIVES AND SHALL: 1. MEET AT LEAST MONTHLY; 2. FIELD AND ATTEMPT TO MEDIATE COMMUNITY COMPLAINTS; 3. SERVE AS COMMUNICATORS TO THEIR RESPECTIVE CONSTITUENCIES AND AS PROMOTERS OF GOOD WILL; 4. DISCUSS AND ATTEMPT TO AMICABLY RESOLVE ISSUES THAT DIRECTLY IMPACT THE LARGER COMMUNITY;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE FOLLOWING PERSONS ARE HEREBY APPOINTED TO THE COMMUNITY RELATIONS BOARD TO SERV CENTERS OF NEW JERSEY, INC. REPRESENTING THE BOROUGH:

*COUNCIL MEMBER JOSEPH JENNINGS  
MONICA LUDWIG  
JOHN RITTER*

**RESOLUTION #131-04-13-05\*\***

RESOLUTION AUTHORIZING ENGINEER TO PREPARE APPLICATIONS AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE APPLICATIONS FOR N.J.D.O.T. TRUST FUND.

**WHEREAS**, THE ENGINEER HAS RECOMMENDED THAT THE MAYOR AND COUNCIL APPLY TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE USE OF TRUST FUND MONIES FOR THE PURPOSE OF RECONSTRUCTING THE ROADWAY ON 1.) SHERIDAN STREET AND STEVENS AVENUE or 2.) IMPROVEMENTS TO CEDAR LANE, BIRCHWOOD ROAD, MAPLE DRIVE, FERNWOOD LANE, FRONT STREET, AND OAKLAND ROAD or 3.) HOOKER STREET AND VINE STREET CURBS AND SIDEWALKS; AND

**WHEREAS**, THE MAYOR AND COUNCIL HAVE CONSIDERED THIS RECOMMENDATION:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE BOROUGH ENGINEER BE AND IS HEREBY AUTHORIZED TO PREPARE THE APPLICATIONS FOR N.J.D.O.T. TRUST FUNDS AVAILABLE TO MUNICIPALITIES AND TO SUBMIT SAME TO THE DISTRICT LOCAL AID OFFICE WITHIN THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF (IN ORDER OF PRIORITY) RECONSTRUCTING THE ROADWAY ON 1.) SHERIDAN STREET AND STEVENS AVENUE or 2.) IMPROVEMENTS TO CEDAR LANE, BIRCHWOOD ROAD, MAPLE DRIVE, FERNWOOD LANE, FRONT STREET, AND OAKLAND ROAD or 3.) HOOKER STREET AND VINE STREET CURBS AND SIDEWALKS, IN ACCORDANCE WITH THE ENGINEER'S APPLICATION.

**BE IT FURTHER RESOLVED**, THAT THE MAYOR IS AUTHORIZED TO SIGN AND THE MUNICIPAL CLERK TO ATTEST THE AFORESAID APPLICATIONS UPON THEIR COMPLETION BY THE BOROUGH ENGINEER.

**RESOLUTION #132-04-13-05\*\***

RESOLUTION AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE PROVISION OF RECYCLING COLLECTION AND MARKETING SERVICES OF DESIGNATED RECYCLABLES

**WHEREAS**, THE INTERLOCAL SERVICES ACT, N.J.S.A. 40:8-1, et seq., PERMITS THE LOCAL UNITS OF THIS STATE TO ENTER INTO A CONTRACT WITH ANY OTHER LOCAL UNIT OR UNITS FOR THE JOINT PROVISION WITHIN THEIR SEVERAL JURISDICTIONS OF ANY SERVICE WHICH ANY PARTY TO THE AGREEMENT IS EMPOWERED TO RENDER WITHIN ITS OWN JURISDICTION ; AND

**WHEREAS**, PURSUANT TO N.J.S.A. 40A:11-5(2), ANY SUCH CONTRACT OR AGREEMENT MAY BE MADE WITHOUT PUBLIC ADVERTISING FOR BIDS OR BIDDING THEREFOR; AND

**WHEREAS**, THE BOROUGH OF JAMESBURG WISHES TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR RECYCLING COLLECTION AND MARKETING SERVICES; AND

**WHEREAS**, THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY IS WILLING TO PROVIDE THE REQUESTED SERVICES TO JAMESBURG BOROUGH UNDER THE TERMS AND CONDITIONS CONTAINED IN A PROPOSED AGREEMENT, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF; AND

**WHEREAS**, HAVING CONSIDERED THE SAME, THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG NOW WISHES TO AUTHORIZE THE APPROPRIATE BOROUGH OFFICIALS TO EXECUTE THE ATTACHED INTERLOCAL SERVICES AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE PROVISION OF THE ABOVE-REFERENCED SERVICES

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AND THE BOROUGH CLERK TO ATTEST AN INTERLOCAL SERVICES AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY, IN A FORM ACCEPTABLE TO THE BOROUGH ATTORNEY, FOR THE PROVISION OF THE ABOVE-REFERENCED SERVICES.

**BE IT FURTHER RESOLVED** THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- a.) MIDDLESEX COUNTY IMPROVEMENT AUTHORITY
- b.) DENISE JAWIDZIK, BUSINESS ADMINISTRATOR
- c.) ALAN DITTENHOFER, P.E., BOROUGH ENGINEER
- d.) FREDERICK C. RAFFETTO, ESQ. BOROUGH ATTORNEY

**RESOLUTION #133-04-13-05\*\***

GREEN ACRES ENABLING RESOLUTION

**WHEREAS**, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES PROGRAM ("STATE"), PROVIDES LOANS AND/OR GRANTS TO MUNICIPAL AND COUNTY GOVERNMENTS AND GRANTS TO NONPROFIT ORGANIZATIONS FOR ASSISTANCE IN THE ACQUISITION AND DEVELOPMENT OF LANDS FOR OUTDOOR RECREATION AND CONSERVATION PURPOSES; AND

**WHEREAS**, THE BOROUGH OF JAMESBURG DESIRES TO FURTHER THE PUBLIC INTEREST BY OBTAINING FUNDING IN THE AMOUNT OF \$74,529.15 FROM THE STATE TO FUND THE FOLLOWING PROJECT(S): AUGUSTA STREET RECREATION FACILITY, TILLIE DAVIS PARK, AND VETERANS' PARK UPGRADES AT A COST OF \$298,116.60:

**NOW, THEREFORE**, THE GOVERNING BODY OF THE BOROUGH OF JAMESBURG RESOLVES THAT MAYOR ANTHONY LAMANTIA OR THE SUCCESSOR TO THE OFFICE OF MAYOR IS HEREBY AUTHORIZED TO:

- (a) MAKE APPLICATION FOR SUCH A LOAN AND/OR SUCH A GRANT
- (b) PROVIDE ADDITIONAL APPLICATION INFORMATION AND FURNISH SUCH DOCUMENTS AS MAY BE REQUIRED, AND
- (c) ACT AS THE AUTHORIZED CORRESPONDENT OF THE ABOVE NAMED APPLICANT; AND

**WHEREAS**, THE STATE SHALL DETERMINE IF THE APPLICATION IS COMPLETE AND IN CONFORMANCE WITH THE SCOPE AND INTENT OF THE GREEN ACRES PROGRAM, AND NOTIFY THE APPLICANT OF THE AMOUNT OF THE FUNDING AWARD; AND

**WHEREAS**, THE APPLICANT IS WILLING TO USE THE STATE'S FUNDS IN ACCORDANCE WITH SUCH RULES, REGULATIONS AND APPLICABLE STATUTES, AND IS WILLING TO ENTER INTO AN AGREEMENT WITH THE STATE FOR THE ABOVE NAMED PROJECT:

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, BY THE BOROUGH OF JAMESBURG:

1. THAT THE MAYOR OF THE ABOVE NAMED BODY OR BOARD IS HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT AND ANY AMENDMENT THERETO WITH THE STATE KNOWN AS AUGUSTA STREET RECREATION FACILITY UPGRADE;
2. THAT THE APPLICANT HAS ITS MATCHING SHARE OF THE PROJECT, IF A MATCH IS REQUIRED, IN THE AMOUNT OF \$223,584.45
3. THAT, IN THE EVENT THE STATE'S FUNDS ARE LESS THAN THE TOTAL PROJECT COST SPECIFIED ABOVE, THE APPLICANT HAS THE BALANCE OF THE FUNDING NECESSARY TO COMPLETE THE PROJECT;
4. THAT THE APPLICANT AGREES TO COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS, RULES, AND REGULATIONS IN ITS PERFORMANCE OF THE PROJECT; AND
5. THAT THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

**END OF CONSENT AGENDA**

**RESOLUTION #134-04-13-05**

RESOLUTION ELEVATING PROBATIONARY PATROLMAN TO PATROLMAN

**WHEREAS**, PROBATIONARY PATROLMAN STEVEN BURZACHIELLO WAS APPOINTED TO HIS CURRENT RANK, EFFECTIVE APRIL 1, 2004; AND

**WHEREAS**, JAMESBURG POLICE CHIEF DAVID LESTER HAS ISSUED A LETTER OF RECOMMENDATION, WHICH ENDORSES THE TERMINATION OF THE MANDATORY ONE YEAR PROBATIONARY PERIOD FOR THIS OFFICER.

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PROBATIONARY PATROLMAN STEVEN BURZACHIELLO BE AND IS HEREBY PROMOTED TO THE POSITION OF PATROLMAN, EFFECTIVE APRIL 1, 2005.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER	X		X			
JENNINGS			X			
KOSTBAR			X			
LONGO			X			
MALONEY			X			
MORALES		X	X			
MAYOR LAMANTIA						

At this time, Patrolman Burzachiello was sworn in by the Borough clerk.

**RESOLUTION #135-04-13-05\*\***

**WHEREAS**, N.J.S.A. 40A:5-4 REQUIRES THE GOVERNING BODY OF EVERY LOCAL UNIT TO HAVE MADE AN ANNUAL AUDIT OF ITS BOOKS, ACCOUNTS, AND FINANCIAL TRANSACTIONS; AND

**WHEREAS**, THE ANNUAL REPORT OF AUDIT FOR THE YEAR 2004 HAS BEEN FILED BY A REGISTERED MUNICIPAL ACCOUNTANT WITH THE MUNICIPAL CLERK AS PER THE REQUIREMENTS OF N.J.S.A. 40A: 5-6, AND A COPY HAS BEEN RECEIVED BY EACH MEMBER OF THE GOVERNING BODY; AND

**WHEREAS**, THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY IS AUTHORIZED TO PRESCRIBE REPORTS PERTAINING TO THE LOCAL FISCAL AFFAIRS, AS PER R.S.52: 27BB-34; AND

**WHEREAS**, THE LOCAL FINANCE BOARD HAS PROMULGATED A REGULATION REQUIRING THAT THE GOVERNING BODY OF EACH MUNICIPALITY SHALL BY RESOLUTION CERTIFY TO THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AS A MINIMUM, THE SECTIONS OF THE ANNUAL AUDIT ENTITLED:

**GENERAL COMMENTS  
RECOMMENDATIONS**

AND

**WHEREAS**, THE MEMBERS OF THE GOVERNING BODY HAVE PERSONALLY REVIEWED AS A MINIMUM THE ANNUAL REPORT OF AUDIT, AND SPECIFICALLY THE SECTIONS OF THE ANNUAL AUDIT ENTITLED:

**GENERAL COMMENTS  
RECOMMENDATIONS**

AS EVIDENCED BY THE GROUP AFFIDAVIT FORM OF THE GOVERNING BODY; AND

**WHEREAS**, SUCH RESOLUTION OF CERTIFICATION SHALL BE ADOPTED BY THE GOVERNING BODY NO LATER THAN FORTY -FIVE DAYS AFTER THE RECEIPT OF THE ANNUAL AUDIT, AS PER THE REGULATIONS OF THE LOCAL FINANCE BOARD; AND

**WHEREAS**, ALL MEMBERS OF THE GOVERNING BODY HAVE RECEIVED AND HAVE FAMILIARIZED THEMSELVES WITH, AT LEAST, THE MINIMUM REQUIREMENTS OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY, AS STATED AFORESAID AND HAVE SUBSCRIBED TO THE AFFIDAVIT, AS PROVIDED BY THE LOCAL FINANCE BOARD; AND

**WHEREAS**, FAILURE TO COMPLY WITH THE PROMULGATIONS OF THE LOCAL FINANCE OF THE STATE OF NEW JERSEY MAY SUBJECT MEMBERS OF THE LOCAL GOVERNING BODY TO THE PENALTY PROVISIONS OF R.S.52:27BB-52 - TO WIT:

***R.S.52:27BB-52 - " A LOCAL OFFICER OR MEMBER OF A LOCAL GOVERNING BODY WHO, AFTER A DATE FIXED FOR COMPLIANCE, FAILS OR REFUSES TO OBEY AN ORDER OF THE DIRECTOR (DIRECTOR OF LOCAL GOVERNMENT SERVICES), UNDER THE PROVISIONS OF THIS ARTICLE, SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MAY BE FINED NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000) OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH, IN ADDITION SHALL FORFEIT HIS OFFICE."***

**NOW, THEREFORE, BE IT RESOLVED**, THAT THE GOVERNING BODY OF THE BOROUGH OF JAMESBURG HEREBY STATES THAT IT HAS COMPLIED WITH THE PROMULGATION OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY DATED JULY 30, 1968 AND DOES HEREBY SUBMIT A CERTIFIED COPY OF THIS RESOLUTION AND THE REQUIRED AFFIDAVIT TO SAID BOARD TO SHOW EVIDENCE OF SAID COMPLIANCE.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER	X		X			
JENNINGS		X	X			
KOSTBAR			X			
LONGO			X			
MALONEY			X			
MORALES			X			
MAYOR LAMANTIA						

**RESOLUTION #136-04-13-05**

RESOLUTION AUTHORIZING ENTERING INTO A CONTRACT WITH JERSEY CENTRAL POWER AND LIGHT AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE CONTRACT.

**WHEREAS**, THE BOROUGH OF JAMESBURG HAS BEEN PERFORMING NUMEROUS UPGRADES TO THE AUGUSTA STREET RECREATION FACILITY, WHICH INCLUDE LIGHTING FOR THE BALL FIELDS; AND

**WHEREAS**, IN ORDER TO COMPLETE THIS LIGHTING PROJECT, IT IS NECESSARY FOR JERSEY CENTRAL POWER AND LIGHT TO INSTALL ELECTRIC DISTRIBUTION FACILITIES; AND

**WHEREAS**, JERSEY CENTRAL POWER AND LIGHT HAS PROVIDED A CONTRACT FOR THE INSTALLATION OF THE ELECTRIC DISTRIBUTION FACILITIES:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE, AND THE BOROUGH CLERK TO ATTEST THE AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND JERSEY CENTRAL POWER AND LIGHT FOR THE INSTALLATION OF ELECTRIC DISTRIBUTION FACILITIES.

Council member Jennings inquired about the reimbursement clause in the contract. Denise Jawidzik explained.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER		X	X			
JENNINGS	X		X			

KOSTBAR			X			
LONGO			X			
MALONEY			X			
MORALES			X			
MAYOR LAMANTIA						

**RESOLUTION #137-04-13-05**

APPROVE PAYMENT OF VOUCHERS

**WHEREAS**, THE CHIEF MUNICIPAL FINANCE OFFICER HAS CERTIFIED AND SUBMITTED A CONSOLIDATED BILL LIST FOR THE PAYMENT OF CLAIMS; AND

**WHEREAS**, ALL VOUCHERS LISTED HERewith HAVE BEEN ENCUMBERED AND SUFFICIENT FUNDS ARE AVAILABLE FOR PAYMENT; AND

**WHEREAS**, THE REQUIRED SIGNATURES OF THE DEPARTMENT HEAD OR COMMITTEE CHAIR, THE FINANCE CHAIRPERSON, THE VENDOR, AND THE CHIEF FINANCIAL OFFICER , HAVE ALL BEEN OBTAINED ON EACH VOUCHER PRESENTED ON THE ATTACHED LIST.

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, THAT THE VOUCHER LIST SUBMITTED IS HEREBY APPROVED FOR PAYMENT IN THE TOTAL AMOUNT OF \$583,379.56

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER			X			
JENNINGS			X			
KOSTBAR			X			
LONGO	X		X			
MALONEY			X			
MORALES		X	X			
MAYOR LAMANTIA						

**COUNCIL MEMBER COMMITTEE REPORTS**

**BUILDINGS, GROUNDS AND PARKS COMMITTEE & HOLIDAY EVENTS COMMITTEE**

Council member Carpenter stated that the Buildings and Grounds committee will be meeting to discuss the options in replacing the roof on the municipal building. Council member Carpenter will be meeting with Assemblywoman Linda Greenstein, Ron Becker of the Historical Association, Council President Kostbar, and the Borough Engineer regarding damaged areas of the Buckelew Mansion. Assemblywoman Greenstein is assisting in locating grant funding for the repairs. Council member Carpenter stated that the Historical Association is also seeking tour guides since tours have increased recently.

**PERSONNEL & NEGOTIATIONS COMMITTEE**

Council member Jennings reported that the Personnel Committee will be meeting to discuss the hire of a new D.P.W. employee and a recommendation should be ready for the ensuing Council meeting.

**POLICE COMMITTEE**

Police Commissioner Kostbar stated that the Police Committee met shortly before the Council meeting and matters are going well. The Borough has been informed of a discretionary C.D.B.G. grant of \$10,500 for repairs to the Senior Citizens Center.

**EDUCATION COMMITTEE**

Council member Longo reported on the Board of Education's budget presentation and the items covered by said budget. Sample ballots for the Board of Education election have been mailed to voters and the budget itself can be reviewed at the Board offices on Augusta Street. The Chamber of Commerce will be holding the town wide yard sale on May 7, beginning at 7:00am. The spring clean-up garbage collection will be on May 11<sup>th</sup>.

**PUBLIC WORKS COMMITTEE & TECHNOLOGY COMMITTEE**

Council member Maloney remarked that the Board of Education gave an excellent presentation regarding their budget. Council member Maloney stated that Verizon and Comcast continue to be difficult to work with and contact. There was no update for the Public Works Committee. Council member Maloney expressed his intent to attend a Lake Manalapan Watershed meeting on April 6.

**PUBLIC SAFETY/ EMERGENCY SERVICES COMMITTEE**

Council member Morales stated that the committee will not be meeting until the end of the month, therefore, he had no report.

Council President Kostbar announced that while attending a meeting regarding the Middlesex, Ocean, Monmouth Rail line, it was discovered that the line through Jamesburg will be the most expensive to build and operate and will also mean longer travel time for the commuters.

**Members of the public wishing to address the Mayor and Borough Council must approach the podium, state their name, and address for the record. There is a five (5) minute time limit for all comments and questions.**

**MOTION TO OPEN TO PUBLIC COMMENT:**

PROPOSED BY: Longo

SECONDED BY: Morales

ALL IN FAVOR: Carpenter, Jennings, Kostbar, Longo, Maloney, Morales.

None Opposed, None Abstaining.

**PUBLIC COMMENT:**

Rory Barrett – Hooker Street

- Spoke regarding traffic on his street, mostly trucks that are speeding.

**MOTION TO CLOSE TO PUBLIC COMMENT:**

PROPOSED BY: Jennings

SECONDED BY: Longo

ALL IN FAVOR: Carpenter, Jennings, Kostbar, Longo, Maloney, Morales.

None Opposed, None Abstaining.

**Council to Convene to Executive Session**

**RESOLUTION #138-04-13-05**

**RESOLUTION FOR COUNCIL TO ADJOURN TO EXECUTIVE SESSION**

**WHEREAS**, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231 P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND

**WHEREAS**, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF ANY ACTION UPON THE HEREINAFTER SPECIFIED SUBJECT MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTER TO BE DISCUSSED IS AS FOLLOWS:

***PERSONNEL/CONTRACT NEGOTIATIONS***

3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE STATED SUBJECT MATTER SHALL BE MADE PUBLIC AND EXCLUSIVELY UPON AUTHORIZATION OF THE BOROUGH ATTORNEY.
4. ACTION MAY BE TAKEN BY THE BOROUGH COUNCIL, UPON THE CLOSE OF EXECUTIVE SESSION AND THE RETURN TO OPEN PORTION OF THE MEETING. ANYONE WISHING TO REMAIN OUTSIDE COUNCIL CHAMBERS AND RETURN TO VIEW ANY ACTIONS WHICH MAY BE TAKEN IN PUBLIC BY THE COUNCIL AT THE CONCLUSION OF THE EXECUTIVE SESSION MAY DO SO.
5. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

<b>COUNCIL</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
CARPENTER			X			
JENNINGS			X			
KOSTBAR			X			
LONGO			X			
MALONEY		X	X			
MORALES	X		X			

MAYOR LAMANTIA						
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Upon return to public portion of the meeting, the following resolution was read:

**RESOLUTION #139-04-13-05**

RESOLUTION APPROVING A RETIREMENT AND GENERAL RELEASE AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND DAVID L. LESTER COVERING THE PERIOD FROM JANUARY 1, 2005 THROUGH DECEMBER 31, 2006

**WHEREAS**, THE BOROUGH OF JAMESBURG WISHES TO ENTER INTO A RETIREMENT AND GENERAL RELEASE AGREEMENT WITH CHIEF OF POLICE DAVID LESTER, COVERING THE TIME PERIOD BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2006; AND

**WHEREAS**, THE PERSONNEL COMMITTEE HAS NEGOTIATED SUCH AN AGREEMENT WITH THE CHIEF OF POLICE;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE ATTACHED RETIREMENT AND GENERAL RELEASE AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND THE JAMESBURG CHIEF OF POLICE DAVID LESTER, WHICH COVERS THE TIME PERIOD FROM JANUARY 1, 2005 THROUGH DECEMBER 31, 2006;

**BE IT FURTHER RESOLVED**, THAT THE MAYOR IS AUTHORIZED TO EXECUTE AND THE BOROUGH CLERK TO ATTEST THE ATTACHED AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND THE JAMESBURG CHIEF OF POLICE.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER	X		X			
JENNINGS		X	X			
KOSTBAR			X			
LONGO			X			
MALONEY			X			
MORALES			X			
MAYOR LAMANTIA						

**MOTION TO ADJOURN:**

PROPOSED BY: Jennings

SECONDED BY: Morales

ALL IN FAVOR: Carpenter, Jennings, Kostbar, Longo, Maloney, Morales.

None Opposed, None Abstaining.

**TIME OF ADJOURNMENT:**                      7:47 pm