

BOROUGH OF JAMESBURG

COUNCIL MEETING

MINUTES – APRIL 27, 2005

CALL TO ORDER: 7:00PM - Mayor LaMantia 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 Mayor LaMantia

ROLL CALL: Those Present: Mayor LaMantia
Council member Carpenter
Council member Jennings
Council member Longo
Council member Maloney
Council member Morales
Attorney Raffetto
Denise Jawidzik, Business Administrator

Those Absent: Council President Kostbar
Engineer Dittenhofer

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		X			
KOSTBAR						X
LONGO			X			
MALONEY			X			
MORALES			X			
MAYOR LAMANTIA						

RESOLUTIONS:

RESOLUTION #140-04-27-05**

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL

April 13, 2005

MAYOR AND COUNCIL EXECUTIVE SESSION

April 13, 2005

RESOLUTION #141-04-27-05**

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:

Police Chief

February & March 2005

RESOLUTION #142-04-27-05**

RESOLUTION AUTHORIZING SENIOR CITIZENS DEDUCTION ALLOWANCE

WHEREAS, THE TAX COLLECTOR HAS CERTIFIED, ON THE LETTER OF REQUEST ATTACHED HERETO, THAT A CERTAIN TAX ACCOUNT IS ELIGIBLE FOR A SENIOR CITIZEN DEDUCTION; AND

WHEREAS, THE TAX BILL FOR THIS ACCOUNT DOES NOT CURRENTLY REFLECT THE APPROPRIATE DEDUCTION AND MUST BE ADJUSTED:

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 ADJUST THE TAX ACCOUNT SPECIFIED AS PER THE ATTACHED LETTER OF REQUEST.

RESOLUTION #143-04-27-05**

RESOLUTION OF THE BOROUGH OF JAMESBURG APPROVING PAYMENT CERTIFICATES #2 & #3 FOR THE INSTALLATION OF BALLFIELD LIGHTING AT THE AUGUSTA STREET RECREATION FACILITY.

WHEREAS, THE CONTRACTOR, LUCAS ELECTRIC CO., INC. HAS SUBMITTED AS-BUILT QUANTITIES FOR THE INSTALLATION OF BALL FIELD LIGHTING AT THE AUGUSTA STREET RECREATION FACILITY; AND

WHEREAS, THE ENGINEER HAS REVIEWED SAID QUANTITIES AND IS IN AGREEMENT WITH SAME; AND

WHEREAS, THE ENGINEER RECOMMENDS THE APPROVAL OF PAYMENT CERTIFICATE #2, DATED MARCH 30, 2005, IN THE AMOUNT OF ONE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY TWO DOLLARS AND FIFTY-SEVEN CENTS (\$148,882.57).

WHEREAS, THE ENGINEER ALSO RECOMMENDS THE APPROVAL OF PAYMENT CERTIFICATE #3, DATED APRIL 18, 2005, IN THE AMOUNT OF THIRTY FOUR THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$34,790.00):

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PAYMENT CERTIFICATE #2 DATED MARCH 30, 2005, IN THE AMOUNT OF ONE HUNDRED FORTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY TWO DOLLARS AND FIFTY-SEVEN CENTS (\$148,882.57) AS WELL AS PAYMENT CERTIFICATE #3, DATED APRIL 18, 2005, IN THE AMOUNT OF THIRTY FOUR THOUSAND SEVEN HUNDRED NINETY DOLLARS (\$34,790.00) ARE HEREBY AUTHORIZED FOR PAYMENT TO LUCAS ELECTRIC CO., INC.

RESOLUTION #144-04-27-05**

RESOLUTION OF THE BOROUGH OF JAMESBURG APPROVING PAYMENT CERTIFICATE #2 FOR THE FRANKLIN STREET, WARREN STREET, AND STEVENS AVENUE RECONSTRUCTION PROJECT.

WHEREAS, THE CONTRACTOR, F & P CONTRACTORS, INC. HAS SUBMITTED AS-BUILT QUANTITIES FOR THE FRANKLIN STREET, WARREN STREET, AND STEVENS AVENUE RECONSTRUCTION PROJECT; AND

WHEREAS, THE ENGINEER HAS REVIEWED SAID QUANTITIES AND IS IN AGREEMENT WITH SAME; AND

WHEREAS, THE ENGINEER RECOMMENDS THE APPROVAL OF PAYMENT CERTIFICATE #2, DATED APRIL 11, 2005, IN THE AMOUNT OF SIXTY-SIX THOUSAND FIVE HUNDRED AND NINETY DOLLARS AND SIXTY CENTS (\$66,590.60).

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PAYMENT CERTIFICATE #2 DATED APRIL 11, 2005, IN THE AMOUNT OF

SIXTY-SIX THOUSAND FIVE HUNDRED NINETY DOLLARS AND SIXTY CENTS (\$66,590.60) IS HEREBY AUTHORIZED FOR PAYMENT TO F & P CONTRACTORS, INC.

RESOLUTION #145-04-27-05**

RELEASE OF PERFORMANCE BOND OF BIG DADDY CONSTRUCTION INC. BEING HELD FOR THE AUGUSTA STREET RECREATION FACILITY PROJECT.

WHEREAS, THE BOROUGH OF JAMESBURG IS IN POSSESSION OF A PERFORMANCE BOND FROM BIG DADDY CONSTRUCTION, INC. FOR THE AUGUSTA STREET RECREATION FACILITY PROJECT; AND

WHEREAS, BIG DADDY, INC. HAS SUBMITTED MAINTENANCE BOND NUMBER #6250850-MN, FIRST NATIONAL INSURANCE COMPANY BEING THE SURETY, IN THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND THREE HUNDRED FIFTY-FOUR DOLLARS AND FIFTY-FIVE CENTS (\$250,354.55) AND

WHEREAS, THE BOROUGH ATTORNEY AND BOROUGH ENGINEER HAVE GIVEN APPROVAL OF THE AMOUNT OF THE AMOUNT AND ACCEPTANCE DATE OF THE AFOREMENTIONED MAINTENANCE BOND:

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, THAT THE BOROUGH CLERK IS HEREBY AUTHORIZED TO ACCEPT THE AFOREMENTIONED MAINTENANCE BOND AND RELEASE THE PERFORMANCE BOND HELD FOR THE AUGUSTA STREET RECREATION FACILITY PROJECT

END OF CONSENT AGENDA

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RESOLUTION #146-04-27-05

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR CONCESSION STAND PROCEEDS AS REQUIRED BY CHAPTER 137, P.L. 1989.

WHEREAS, PERMISSION IS REQUIRED OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL AS A DEDICATION BY RIDER OF REVENUES RECEIVED BY A MUNICIPALITY WHEN THE REVENUE IS NOT SUBJECT TO REASONABLY ACCURATE ESTIMATES IN ADVANCE; AND

WHEREAS, CHAPTER 137, P.L. 1989 PROVIDES FOR A FEE TO BE COLLECTED BY THE MUNICIPALITY TO PROVIDE FOR THE OPERATING COSTS TO ADMINISTER THIS ACT; AND

WHEREAS, N.J.S.A. 40A:4-39 PROVIDES FOR THE DEDICATED REVENUES ANTICIPATED FROM THE CONCESSION STAND PROCEEDS ARE HEREBY ANTICIPATED AS REVENUE AND ARE HEREBY APPROPRIATED FOR THE PURPOSE TO WHICH SAID REVENUE IS DEDICATED BY STATUTE OR OTHER LEGAL REQUIREMENT:

WHEREAS, N.J.S.A. 40A:4-39 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE EXPENDITURES OF MONIES BY DEDICATION BY RIDER; AND

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG AS FOLLOWS:

1. THE MAYOR AND COUNCIL DOES HEREBY REQUEST PERMISSION OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO PAY EXPENDITURES OF THE CONCESSION STAND PROCEEDS PER CHAPTER 137, P.L. 1989.
2. THE MUNICIPAL CLERK OF THE BOROUGH OF JAMESBURG IS HEREBY DIRECTED TO FORWARD TWO CERTIFIED COPIES OF THE RESOLUTION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.

Council member Maloney inquired what happened to the proceeds previously. Denise Jawidzik replied that the Baseball Association has run the concession stand in the past.

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

MAYOR LAMANTIA						
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RESOLUTION #147-04-27-05

RESOLUTION APPOINTING FULL TIME ROAD DEPARTMENT LABORER

I, MAYOR ANTHONY LAMANTIA, WITH THE ADVICE AND CONSENT OF THE BOROUGH COUNCIL, DO HEREBY APPOINT JEFF J. PANEK TO THE FULL TIME POSITION OF ROAD DEPARTMENT LABORER, FOR A PROBATIONARY PERIOD OF 60 DAYS, WHICH WILL COMMENCE ON MAY 2, 2005.

Council member Jennings reported on the interview process for this position.

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

RESOLUTION #148-04-27-05

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 \$829,776.47.

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

RESOLUTION #149-04-27-05

AUTHORIZE MAYOR TO EXECUTE OPEN SPACE RECREATION GRANT

WHEREAS, THE BOROUGH OF JAMESBURG HAS BEEN NOTIFIED BY RESOLUTION #05-672 OF THE MIDDLESEX COUNTY BOARD OF CHOSEN FREEHOLDERS, THAT JAMESBURG HAS BEEN AWARDED AN OPEN SPACE RECREATION GRANT UNDER THE "OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND" IN THE AMOUNT OF \$200,000.00; AND

WHEREAS, THE GRANT FUNDS ARE TO BE UTILIZED FOR IMPROVEMENTS TO VETERANS' PARK AND TILLIE DAVIS PARK; AND

WHEREAS, COUNTY COUNSEL HAS FORWARDED A GRANT AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND THE COUNTY OF MIDDLESEX THAT MUST BE EXECUTED BY BOTH PARTIES;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE MAYOR IS AUTHORIZED TO EXECUTE, AND THE BOROUGH CLERK TO ATTEST THE ATTACHED AGREEMENT BETWEEN THE BOROUGH OF

JAMESBURG AND THE COUNTY OF MIDDLESEX FOR AN OPEN SPACE RECREATION GRANT UNDER THE "OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND" IN THE AMOUNT OF \$200,000.00.

Mayor LaMantia explained how this grant funding would be utilized.

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

RESOLUTION #150-04-27-05

AUTHORIZE TONNAGE GRANT APPLICATION

WHEREAS, THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT, P.L. 1987c. 102, HAS ESTABLISHED A RECYCLING FUND FROM WHICH TONNAGE GRANTS MAY BE MADE TO MUNICIPALITIES IN ORDER TO ENCOURAGE LOCAL SOURCE SEPARATION AND RECYCLING PROGRAMS; AND

WHEREAS, IT IS THE INTENT AND THE SPIRIT OF THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT TO USE THE TONNAGE GRANTS TO DEVELOP NEW MUNICIPAL RECYCLING PROGRAMS AND TO CONTINUE TO EXPAND EXISTING PROGRAMS; AND

WHEREAS, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IS PROMULGATING RECYCLING REGULATIONS TO IMPLEMENT THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT; AND

WHEREAS, THE RECYCLING REGULATIONS IMPOSE MUNICIPALITIES CERTAIN REQUIREMENTS AS A CONDITION FOR APPLYING FOR TONNAGE GRANTS, INCLUDING BUT NOT LIMITED TO MAKING AND KEEPING ACCURATE VERIFIABLE RECORDS OF MATERIALS COLLECTED AND CLAIMED BY THE MUNICIPALITY; AND

WHEREAS, A RESOLUTION AUTHORIZING THIS MUNICIPALITY TO APPLY FOR SUCH TONNAGE GRANTS WILL MEMORIALIZE THE COMMITMENT OF THIS MUNICIPALITY TO RECYCLING AND TO INDICATE THE ASSENT OF THE BOROUGH OF JAMESBURG TO THE EFFORTS UNDERTAKEN BY THE MUNICIPALITY AND THE REQUIREMENTS CONTAINED IN THE RECYCLING ACT AND RECYCLING REGULATIONS; AND

WHEREAS, SUCH A RESOLUTION SHOULD DESIGNATE THE INDIVIDUAL AUTHORIZED TO ENSURE THE APPLICATION IS PROPERLY COMPLETED AND TIMELY FILED.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT JAMESBURG DOES HEREBY ENDORSE THE SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL AND DESIGNATES THE RECYCLING COORDINATOR TO ENSURE THAT THE APPLICATION IS PROPERLY FILED.

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

COUNCIL MEMBER COMMITTEE REPORTS

BUILDINGS, GROUNDS AND PARKS COMMITTEE & HOLIDAY EVENTS COMMITTEE

Council member Carpenter announced that the Jamesburg High School Alumni will be holding a dinner on April 30th. As the Mayor's representative to the Library Board of Trustees, Council member Carpenter will be presenting an award from the library, to a graduating High School student at the graduation ceremony. An organization will be holding a "canning" fund-raiser at the intersection of Perrineville Road, Forsgate Drive, and Gatzmer Avenue on May 14 and 15. Council member Carpenter expressed thanks to Council member Longo, and his wife Marcia, for planting flowers in the Borough's planters along East

and West Railroad Avenues. Council President Kostbar asked Council member Carpenter to report that the Police Committee meetings have been re-scheduled to immediately preceding the first Council meeting of every month.

PERSONNEL & NEGOTIATIONS COMMITTEE

Council member Jennings reported that two part-time positions have been advertised – one for the court and one for Police Secretary.

POLICE COMMITTEE

Police Commissioner Kostbar was not in attendance.

EDUCATION COMMITTEE

Council member Longo reported on the Board of Education's Re-organizational meeting and the Board's events and undertakings. Mr. Longo also reported on the School calendar, as well as Special Education costs. The Chamber of Commerce will be meeting on May 2 and the town wide yard sale will be held on May 7th. Council member Longo also announced food drop-off sites for the community pantry.

PUBLIC WORKS COMMITTEE & TECHNOLOGY COMMITTEE

Council member Maloney had no report.

PUBLIC SAFETY/ EMERGENCY SERVICES COMMITTEE

Council member Morales reported that the Jamesburg First Aid Squad will be holding a fundraiser dinner dance on June 4th.

Mayor LaMantia announced that a draft ordinance was distributed with Council's agenda packets, and requested the ordinance be reviewed and any comments or recommendations be made within the next few days. The sidewalk project on Front Street is underway and should be completed by the end of the week, weather permitting. The League of Municipalities is holding a property tax summit on May 6th – copies of the announcements were placed in Councils' mailboxes. The P.B.A. will be holding a fishing derby on June 26th at Molder's pond in Old Bridge Township.

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: Morales

SECONDED BY: Longo

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

ABSENT: Kostbar

None Opposed, None Abstaining.

PUBLIC COMMENT:

Virginia McGinness – 50B Dayton Road

- Inquired what employees of the Borough are certified to perform B.O.C.A. inspections.
- Numerous other complaints were made that Attorney Raffetto attempted to address.

MOTION TO CLOSE TO PUBLIC COMMENT:

PROPOSED BY: Longo

SECONDED BY: Morales

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

ABSENT: Kostbar

None Opposed, None Abstaining.

MOTION TO ADJOURN:

PROPOSED BY: Longo

SECONDED BY: Maloney

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

ABSENT: Kostbar

None Opposed, None Abstaining.

TIME OF ADJOURNMENT:

_____ 7:33 _____ pm