

BOROUGH OF JAMESBURG

COUNCIL MEETING

MINUTES – NOVEMBER 9, 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 N.J.S.A.10:5-31 et. seq. and N.J.A.C. 17:27. 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 President Kostbar
Council member Carpenter
Council member Jennings
Council member Longo
Council member Maloney
Council member Morales
Attorney Raffetto
Engineer Dittenhofer

Those Absent: Denise Jawidzik, Business Administrator

ORDINANCE – FIRST READING:

ORDINANCE #24-05

AN ORDINANCE TO AUTHORIZE CREATION OF AND PARTICIPATION IN SOUTH CENTRAL MIDDLESEX COUNTY FLOOD CONTROL COMMISSION AND APPOINTMENT OF BOROUGH REPRESENTATIVES

WHEREAS, THERE EXISTS IN THE SOUTH CENTRAL PORTION OF MIDDLESEX COUNTY CERTAIN PROBLEMS OF FLOODING AND FLOOD PREVENTION WHICH CONCERN SEVERAL MUNICIPALITIES, THE COUNTY OF MIDDLESEX AND OTHER GOVERNMENTAL BODIES; AND

WHEREAS, SAID PROBLEMS WERE HIGHLIGHTED BY RECENT STORMS WHICH AFFECTED A LARGE SECTION OF THE MIDDLESEX COUNTY; AND

WHEREAS, THE VARIOUS GOVERNMENTAL UNITS AFFECTED BY SUCH DRAINAGE BASIN RECOGNIZE THE NEED FOR COOPERATIVE EFFORTS TO PREVENT FUTURE FLOODS AND TO ALLEVIATE FLOODING AND FLOOD HAZARDS; AND

WHEREAS, N.J.S.A. 40:14-16 et seq., AUTHORIZES THE ESTABLISHMENT OF A JOINT FLOOD CONTROL COMMISSION AND PROVIDES THAT THE PARTICIPATING MUNICIPALITIES AND COUNTIES MAY ENTER INTO SUCH A COMMISSION AND MAY DEFINE AND LIMIT THE AREAS OF RESPONSIBILITY AND AUTHORITY OF SUCH COMMISSION AND MAY SET FORTH THE TERMS UNDER WHICH APPROPRIATIONS SHALL BE MADE BY THE PARTICIPATING MUNICIPALITIES AND COUNTIES; AND

WHEREAS, THE BOROUGH COUNCIL IS OF THE OPINION THAT THE CREATION OF A JOINT FLOOD CONTROL COMMISSION TO BE KNOWN AS THE "SOUTH CENTRAL MIDDLESEX COUNTY FLOOD CONTROL COMMISSION" IS IN THE BEST INTERESTS OF THE BOROUGH OF JAMESBURG:

NOW THEREFORE, BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, MIDDLESEX COUNTY, NEW JERSEY AS FOLLOWS:

SECTION 1. THE BOROUGH OF JAMESBURG AGREES TO PARTICIPATE IN THE CREATION OF AND OPERATION OF THE SOUTH CENTRAL MIDDLESEX COUNTY FLOOD CONTROL COMMISSION PURSUANT TO N.J.S.A. 40:14-16 et seq. AS FOLLOWS:

- (A) THE MUNICIPALITIES INVITED TO PARTICIPATE IN SAID COMMISSION ARE:
BOROUGH OF HELMETTA, BOROUGH OF JAMESBURG, BOROUGH OF

SPOTSWOOD, BOROUGH OF SOUTH RIVER, TOWNSHIP OF MONROE, TOWNSHIP OF OLD BRIDGE, AND TOWNSHIP OF EAST BRUNSWICK.

- (B) THE SOUTH CENTRAL MIDDLESEX COUNTY FLOOD CONTROL COMMISSION SHALL BE ESTABLISHED IN ACCORDANCE WITH N.J.S.A. 40:14-16 et seq.
- (C) THE SOUTH CENTRAL MIDDLESEX COUNTY FLOOD CONTROL COMMISSION SHALL:
 - (1) COLLECT, STUDY, AND ANALYZE DATA ON FLOODING, PAST FLOODS, AND THE CAUSES OF FLOODS IN THE AREA;
 - (2) MAKE SUCH DATA AND STUDIES AVAILABLE TO THE PARTICIPATING MEMBERS, TO THE DIVISION OF WATER POLICY AND SUPPLY, THE ARMY CORPS OF ENGINEERS, LOCAL AND COUNTY PLANNING BOARDS, AND OFFICIALS CONCERNED WITH SUBDIVISIONS AND DEVELOPMENT OF PROPERTIES WITHIN THE FLOODWAY AND DRAINAGE AREAS.
 - (3) KEEP ITSELF INFORMED AS TO THE AVAILABILITY OF STATE AND FEDERAL FUNDS AND GRANTS AND THE PROCEDURES FOR APPLYING THEREFORE, AND SHALL MAKE SUCH INFORMATION AVAILABLE TO PARTICIPATING MEMBERS;
 - (4) COORDINATE THE ACTIVITIES OF THE PARTICIPATING MEMBERS RELATING TO FLOODING, FLOOD PREVENTION, BROOK CLEANING AND THE LIKE;
 - (5) ENCOURAGE THE ACQUISITION OF LANDS WITHIN THE FLOODWAY AND LOW LYING AREAS BY APPROPRIATE COUNTY PARK COMMISSIONS, COUNTIES, OR PARTICIPATING MUNICIPALITIES;
 - (6) PUBLICIZE METHODS OF FLOOD CONTROL AND FLOOD PREVENTION;
 - (7) ENCOURAGE ITS PARTICIPATING MEMBERS AND OTHERS TO ADOPT APPROPRIATE ORDINANCES AND REGULATIONS RELATING TO FLOOD CONTROL;
 - (8) ENCOURAGE ITS PARTICIPATING MEMBERS TO SUPPORT OTHER PROGRAMS DESIGNED OR INTENDED TO ALLEVIATE FLOODING;
 - (9) PERFORM SUCH OTHER ACTS AND FULFILL SUCH OTHER FUNCTIONS AS MAY BE PERMITTED BY LAW AND AS DETERMINED BY THE MEMBERS, SUBJECT TO THE LIMITATIONS IN THIS ORDINANCE AND SUBJECT TO THE LIMITATIONS AS SET FORTH IN N.J.S.A. 40:14-16 et seq.
- (D) APPROPRIATIONS
 - (1) THE GENERAL, ADMINISTRATIVE AND OTHER EXPENSES OF THE COMMISSION, AFFECTING THE COMMISSION AS A WHOLE, SHALL BE APPORTIONED AMONG THE MEMBERS IN A MANNER TO BE DETERMINED BY THE MEMBERS, NOT LATER THAN 120 DAYS AFTER THE APPOINTMENT OF ALL REPRESENTATIVES BY THE PARTICIPATING MUNICIPALITIES.
 - (2) WHENEVER A SPECIFIC PROJECT IS TO BE UNDERTAKEN INVOLVING LESS THAN THE INTERESTS OF ALL OF THE PARTICIPATING MEMBERS, OR OF SPECIAL BENEFIT TO LESS THAN ALL OF THE PARTICIPATING MEMBERS, THE APPORTIONMENT OF THE COSTS THEREOF SHALL BE AGREED UPON BY THE PARTICIPATING MEMBERS SPECIALLY BENEFITED THEREBY IN ADVANCE OF AUTHORIZATION OF SUCH PROJECT.
 - (3) THE APPORTIONMENTS MAY BE CHANGED BY AGREEMENT AMONG THE PARTICIPATING MUNICIPALITIES AND COUNTIES, PROVIDED, HOWEVER, THAT THERE SHALL BE NO INCREASE IN THE PERCENTAGE TO BE CONTRIBUTED BY ANY PARTICIPANT WITHOUT THE CONSENT OF THE GOVERNING BODY OF SUCH PARTICIPATING MEMBER.
- (E) BUDGET. THE TENTATIVE ANNUAL BUDGET FOR THE COMMISSION SHALL BE ADOPTED BY THE COMMISSION NO LATER THAN 120 DAYS AFTER THE APPOINTMENT OF ALL REPRESENTATIVES BY THE PARTICIPATING MUNICIPALITIES.

- (F) OPERATING PROCEDURES. THE OPERATING PROCEDURES OF THE COMMISSION SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE COMMISSION, BUT NOT LATER THAN 120 DAYS AFTER THE APPOINTMENT OF ALL REPRESENTATIVES BY THE PARTICIPATING MUNICIPALITIES.
- (G) WITHDRAWAL. EACH MEMBER MUNICIPALITY AND COUNTY RESERVES THE RIGHT PURSUANT TO N.J.S.A. 40:14-17d TO WITHDRAW FROM THE COMMISSION; PROVIDED HOWEVER, THAT AT LEAST NINETY (90) DAYS NOTICE OF SUCH INTENTION IS GIVEN TO THE COMMISSION; AND PROVIDED, FURTHER, THAT SUCH WITHDRAWAL AFTER THE ADOPTION OF THE COMMISSION BUDGET FOR A GIVEN YEAR SHALL NOT ABROGATE THE RESPONSIBILITY OF THE MUNICIPALITY OR COUNTY TO MEET ITS OBLIGATIONS UNDER THE BUDGET FOR SUCH YEAR.

SECTION 2 REPRESENTATIVES.

- (A) THE BOARD OF CHOSEN FREEHOLDERS AND EACH MUNICIPAL COUNCIL SHALL APPOINT TWO REPRESENTATIVES TO THE COMMISSION, EITHER OR BOTH OF SAID REPRESENTATIVES MAY BE A MEMBER OF THE BOARD OR COUNCIL OR HOLD OTHER ELECTIVE OR APPOINTIVE OFFICE IN THE RESPECTIVE GOVERNMENTAL UNITS.
- (B) IN ADDITION TO SUCH REPRESENTATIVES, THE BOROUGH COUNCIL MAY APPOINT TWO ALTERNATE REPRESENTATIVES TO THE COMMISSION WHO SHALL SERVE FOR THE TERMS OF ONE YEAR EACH OR UNTIL THE APPOINTMENT AND QUALIFICATION OF THEIR SUCCESSORS. SUCH ALTERNATES SHALL HAVE THE RIGHT TO ATTEND ALL MEETINGS OF THE COMMISSION AND TAKE PART IN ALL DISCUSSIONS. THE ALTERNATES SHALL BE DESIGNATED AS FIRST ALTERNATE AND SECOND ALTERNATE AND IN SUCH ORDER MAY REPRESENT THE BOROUGH OF JAMESBURG AND VOTE IN THE EVENT OF THE ABSENCE OF DISABILITY OF ONE OR BOTH OF THE REGULAR REPRESENTATIVES.
- (C) EACH REGULAR REPRESENTATIVE SHALL SERVE FOR A TERM OF FIVE YEARS OR UNTIL HIS SUCCESSOR HAS BEEN APPOINTED AND HAS QUALIFIED EXCEPT THAT ANY APPOINTED REPRESENTATIVE WHO HOLDS ANOTHER ELECTED OR APPOINTED PUBLIC OFFICE SHALL SERVE AS SUCH REPRESENTATIVE FOR THE TERM OF HIS ELECTED OR APPOINTED OFFICE AND ONLY SO LONG AS HE SHALL HOLD SUCH ELECTED OR APPOINTED PUBLIC OFFICE, NOTWITHSTANDING HIS TERM OF APPOINTMENT AS SUCH REPRESENTATIVE. APPOINTMENTS TO VACANCIES CAUSED BY THE DEATH, RESIGNATION, OR OTHER INABILITY TO SERVE OF A REPRESENTATIVE SHALL BE FILLED FOR THE BALANCE OF THE TERM ONLY. NO ALTERNATE REPRESENTATIVE SHALL AUTOMATICALLY SUCCEED TO A REGULAR REPRESENTATIVE POSITION UPON A VACANCY OCCURRING IN A REGULAR POSITION.

BE IT FURTHER ORDAINED, THAT THE CLERK OF THIS BOROUGH COUNCIL SHALL FORWARD CERTIFIED COPIES OF THIS ORDINANCE TO ALL PARTICIPANTS SET FORTH IN SECTION 1(A); THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION; AND THE SENATORS AND ASSEMBLY PERSONS REPRESENTING MIDDLESEX COUNTY.

SECTION 3. INCONSISTENT ORDINANCES.

ALL ORDINANCES OF PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH INCONSISTENCY.

SECTION 4. PARTIAL INVALIDITY.

IF ANY SECTION, PARAGRAPH, CLAUSE, OR PROVISION OF THIS ORDINANCE SHALL BE ADJUDGED INVALID, SUCH ADJUDICATION, SHALL APPLY ONLY TO THE SECTION, PARAGRAPH, CLAUSE, OR PROVISION SO ADJUDGED AND THE REMAINDER SHALL BE DEEMED VALID AND EFFECTIVE.

SECTION 5. EFFECTIVE DATE.

THIS ORDINANCE SHALL TAKE EFFECT UPON THE FINAL ADOPTION OF ORDINANCES BY ALL OF THE PARTICIPANTS SET FORTH IN SECTION 1(A) HEREOF.

Motion to Approve Ordinance #24-05 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.

ORDINANCES – SECOND READING

THE FOLLOWING ORDINANCES WERE APPROVED ON FIRST READING AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND COUNCIL HELD ON OCTOBER 26, 2005, AND PUBLISHED IN THE OCTOBER 30, 2005 EDITION OF THE HOME NEWS TRIBUNE. COPIES HAVE BEEN POSTED ON THE MUNICIPAL BULLETIN BOARD AND MADE AVAILABLE TO THE PUBLIC SINCE INTRODUCTION.

ORDINANCE #16-05

ORDINANCE OF THE BOROUGH OF JAMESBURG ADOPTING AMENDED CHAPTER 7 (TRAFFIC) OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG (2000)”

WHEREAS, PERSONNEL OF THE BOROUGH OF JAMESBURG HAVE BEEN WORKING DILIGENTLY WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TO GAIN N.J.D.O.T. APPROVAL OF THE CODIFIED TRAFFIC CHAPTER (CHAPTER 7) OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG (2000); AND

WHEREAS, THE N.J.D.O.T. HAS GRANTED SAID APPROVAL; AND

WHEREAS, THE BOROUGH OF JAMESBURG NOW WISHES TO ADOPT AND CODIFY THE AMENDED TRAFFIC CHAPTER;

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX , NEW JERSEY AS FOLLOWS:

SECTION 1. THE TRAFFIC ORDINANCES OF THE BOROUGH OF JAMESBURG IN THE COUNTY OF MIDDLESEX, NEW JERSEY, OF A GENERAL AND PERMANENT NATURE, CODIFIED, PREPARED, AND PUBLISHED BY CODED SYSTEMS CORPORATION, 120 MAIN STREET, AVON, NEW JERSEY, ARE HEREBY ORDAINED AS CHAPTER 7 (TRAFFIC) OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG (2000)”.

SECTION 2. ALL PROVISIONS OF CHAPTER 7 (TRAFFIC) OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG (2000)” SHALL BE IN FORCE AND EFFECT ON AND AFTER THE EFFECTIVE DATE OF THIS ORDINANCE AND SHALL SUPERSEDE ALL PRIOR TRAFFIC REGULATIONS.

SECTION 3. A COPY OF CHAPTER 7 (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY, HAS BEEN FILED IN THE OFFICE OF THE BOROUGH CLERK OF THE BOROUGH OF JAMESBURG AND SHALL REMAIN THERE FOR THE USE AND EXAMINATION OF THE PUBLIC UNTIL FINAL ACTION IS TAKEN ON THIS ORDINANCE, AND OF THIS ORDINANCE SHALL BE ADOPTED, SUCH COPY SHALL BE CERTIFIED TO BY THE CLERK OF THE BOROUGH OF JAMESBURG BY IMPRESSING THERON THE SEAL OF THE BOROUGH OF JAMESBURG, AS PROVIDED BY LAW, AND SUCH CERTIFIED COPY SHALL REMAIN ON FILE IN THE OFFICE OF THE BOROUGH CLERK OF THE BOROUGH OF JAMESBURG TO BE MADE AVAILABLE TO PERSONS DESIRING TO EXAMINE THE SAME DURING ALL TIMES WHILE REVISION IS IN EFFECT.

SECTION 4. AMENDMENTS TO THE REVISED CHAPTER 7 (TRAFFIC) ANY AND ALL ADDITIONS, AMENDMENTS OR SUPPLEMENTS TO THE REVISION WHEN PASSED AND ADOPTED IN SUCH FORM AS TO INDICATE THE INTENT OF THE BOROUGH COUNCIL TO MAKE THEM A PART THEREOF SHALL BE DEEMED TO BE INCORPORATED INTO SUCH REVISION SO THAT REFERENCE TO CHAPTER 7 OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, 2000” SHALL BE UNDERSTOOD AND INTENDED TO INCLUDE SUCH ADDITIONS AND AMENDMENTS. WHENEVER SUCH ADDITIONS, AMENDMENTS OR SUPPLEMENTS TO THE REVISION SHALL BE ADOPTED THEY SHALL THEREAFTER BE PRINTED, AND AS PROVIDED HEREUNDER INSERTED IN THE BOOK CONTAINING THE REVISED GENERAL ORDINANCES AS AMENDED AND SUPPLEMENTED THERETO.

SECTION 5. THE BOROUGH CLERK OF THE BOROUGH OF JAMESBURG, PURSUANT TO LAW, SHALL CAUSE TO BE PUBLISHED IN THE MANNER REQUIRED A COPY OF THIS ADOPTING ORDINANCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE BOROUGH OF JAMESBURG. SUFFICIENT COPIES OF CHAPTER 7 (TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG SHALL BE MAINTAINED IN THE OFFICE OF THE BOROUGH CLERK FOR INSPECTION BY THE PUBLIC AT ALL TIMES DURING REGULAR OFFICE HOURS. THE ENACTMENT AND PUBLICATION OF THIS ADOPTING ORDINANCE COUPLED WITH AVAILABILITY OF COPIES OF THE REVISION FOR INSPECTION BY THE PUBLIC SHALL BE DEEMED, HELD AND CONSIDERED TO BE DUE AND LEGAL PUBLICATION OF ALL PROVISIONS OF THE REVISION FOR ALL PURPOSES.

SECTION 6. COPIES OF CHAPTER 7 (TRAFFIC) OF "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG (2000)," MAY BE PURCHASED FROM THE BOROUGH CLERK UPON THE PAYMENT OF A FEE SET BY ORDINANCE OF THE COUNCIL, KNOWN AS THE "SCHEDULE OF FEES".

SECTION 7. EACH SECTION OF CHAPTER 7 (TRAFFIC) OF "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, 2000" AND EVERY PART OF EACH SECTION IS AN INDEPENDENT SECTION OR PART OF A SECTION AND THE HOLDING OF ANY SECTION OR PART THEREOF TO BE UNCONSTITUTIONAL, VOID OR INEFFECTIVE FOR ANY CAUSE SHALL NOT BE DEEMED TO EFFECT THE VALIDITY OR CONSTITUTIONALITY OF ANY OTHER SECTIONS OR PARTS THEREOF.

SECTION 8. THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON FINAL PASSAGE AND PUBLICATION THEREOF ACCORDING TO LAW

Motion to Open to Public Comment on Ordinance #16-05

Proposed by: Longo

Seconded by: Morales

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

None Opposed, None Abstaining.

Public Comment on Ordinance #16-05

No members of the public wished to be heard at this time.

Motion to Close to Public Comment on Ordinance #16-05

Proposed by: Kostbar

Seconded by: Maloney

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

None Opposed, None Abstaining.

Motion to Approve Ordinance #16-05 on Second Reading:

Proposed by: Longo

Seconded by: Morales

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

None Opposed, None Abstaining.

ORDINANCE #23-05

AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF THE BOROUGH'S RIGHT-OF-WAY WITHIN FRANKLIN STREET, A.K.A. MENDOKER DRIVE, AS SHOWN ON THE OFFICIAL TAX MAPS OF THE BOROUGH OF JAMESBURG.

WHEREAS, THE BOROUGH OF JAMESBURG HAS DETERMINED THAT A PORTION OF THE BOROUGH'S RIGHT-OF-WAY WITHIN FRANKLIN STREET, A.K.A. MENDOKER DRIVE, AS SHOWN ON THE OFFICIAL TAX MAPS OF THE BOROUGH, IS NOT NEEDED NOW OR IN THE FUTURE FOR ANY PUBLIC PURPOSE(S) OF THE BOROUGH, AND THAT THE PUBLIC INTEREST WOULD BE BEST SERVED BY VACATING AND EXTINGUISHING ALL PUBLIC RIGHT, TITLE AND INTEREST IN AND TO THAT PORTION OF THE RIGHT-OF-WAY, SO THAT THE UNDERLYING LANDS MAY BE COMBINED WITH AND BECOME PART OF THE ADJACENT PROPERTIES; AND

WHEREAS, THE AREA TO BE VACATED IS LOCATED ADJACENT TO THE PROPERTIES KNOWN AND DESIGNATED AS BLOCK 26, LOTS 1031, 1032, 1033, 1034 AND 1035 ON THE JAMESBURG BOROUGH TAX MAPS, AND IS MORE PARTICULARLY DESCRIBED IN A LEGAL DESCRIPTION PREPARED BY REMINGTON, VERNICK AND VENA ENGINEERS, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF; AND

WHEREAS, IT IS THE INTENTION OF THE BOROUGH THAT ONCE THE AREA IN QUESTION HAS BEEN VACATED, OWNERSHIP OF THE UNDERLYING LANDS SHALL REVERT TO THE OWNER(S) OF THE ADJACENT PROPERTIES KNOWN AND DESIGNATED AS BLOCK 26, LOTS 1031, 1032, 1033, 1034 AND 1035 ON THE JAMESBURG BOROUGH TAX MAPS; AND

WHEREAS, TO THE EXTENT THAT ANY PORTION(S) OF THE UNDERLYING VACATED AREA DOES NOT TRANSFER AUTOMATICALLY TO THE ADJACENT PROPERTY OWNER(S) BY OPERATION OF LAW, THEN THE BOROUGH WISHES TO AUTHORIZE THE CONVEYANCE OF SAID UNDERLYING LANDS TO THE ADJOINING PROPERTY OWNER(S), FOR NOMINAL CONSIDERATION, PURSUANT TO N.J.S.A. 40:67-19, ET SEQ., N.J.S.A. 40:60-28, AND N.J.S.A. 40A:12-13(B)(5); AND

WHEREAS, IT IS THE INTENTION OF THE BOROUGH THAT THIS ORDINANCE SHALL ESTABLISH THE PHYSICAL RIGHT-OF-WAY OF FRANKLIN STREET, A.K.A. MENDOKER DRIVE, TO BE FORTY (40) FEET WIDE RATHER THAN THE FIFTY (50) FOOT WIDE AREA SHOWN ON THE EXISTING BOROUGH TAX MAPS, AND TO CORRECT ANY AMBIGUITIES WITH PREVIOUSLY RECORDED DEEDS; AND

WHEREAS, A VACATION OF A PUBLIC STREET, OR PART THEREOF, WHICH HAS NOT BEEN OPENED BY THE MUNICIPALITY, MAY BE AUTHORIZED BY THE MUNICIPAL GOVERNING BODY BY ORDINANCE PURSUANT TO N.J.S.A. 40:67-19, ET SEQ., WHEN THERE IS NO LONGER ANY NEED FOR THE USE OF SAID AREA BY THE PUBLIC; AND

WHEREAS, THE BOROUGH COUNCIL BELIEVES THAT IT IS IN THE BEST INTERESTS OF THE BOROUGH OF JAMESBURG TO PROCEED WITH THE MATTER REFERENCED ABOVE.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THAT, PURSUANT TO N.J.S.A. 40:67-19, ET SEQ., THE BOROUGH OF JAMESBURG HEREBY VACATES, EXTINGUISHES, RELEASES AND ABANDONS ALL PUBLIC RIGHT, TITLE AND INTEREST IN AND TO A CERTAIN PORTION OF THE BOROUGH'S RIGHT-OF-WAY WITHIN FRANKLIN STREET, A.K.A. MENDOKER DRIVE, AS SHOWN ON THE OFFICIAL TAX MAPS OF THE BOROUGH, AND WHICH IS ALSO LOCATED ADJACENT TO THE PROPERTIES KNOWN AND DESIGNATED AS BLOCK 26, LOTS 1031, 1032, 1033, 1034 AND 1035 ON THE JAMESBURG BOROUGH TAX MAPS. THE AREA TO BE VACATED IS MORE PARTICULARLY DESCRIBED IN A LEGAL DESCRIPTION PREPARED BY REMINGTON, VERNICK AND VENA ENGINEERS, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF.

2. THAT IT IS THE BOROUGH'S INTENTION THAT THIS ORDINANCE SHALL ESTABLISH THE PHYSICAL RIGHT-OF-WAY OF FRANKLIN STREET, A.K.A. MENDOKER DRIVE, TO BE FORTY (40) FEET WIDE RATHER THAN THE FIFTY (50) FOOT WIDE AREA SHOWN ON THE EXISTING BOROUGH TAX MAPS, AND TO CORRECT ANY AMBIGUITIES WITH PREVIOUSLY RECORDED DEEDS.

3. THAT IT IS THE INTENTION OF THE BOROUGH THAT ONCE THE AREA IN QUESTION HAS BEEN VACATED, OWNERSHIP OF THE UNDERLYING LANDS SHALL REVERT TO THE OWNER(S) OF THE PROPERTIES KNOWN AND DESIGNATED AS BLOCK 26, LOTS 1031, 1032, 1033, 1034 AND 1035 ON THE JAMESBURG BOROUGH TAX MAPS. TO THE EXTENT THAT ANY PORTION(S) OF THE UNDERLYING LANDS DOES NOT TRANSFER AUTOMATICALLY TO THE ADJACENT PROPERTY OWNER(S) BY OPERATION OF LAW, THEN THE BOROUGH HEREBY AUTHORIZES THE CONVEYANCE OF SAID UNDERLYING LANDS TO THE ADJOINING PROPERTY OWNER(S) BY DEED, FOR NOMINAL CONSIDERATION, PURSUANT TO N.J.S.A. 40:67-19, ET SEQ., N.J.S.A. 40:60-28, AND N.J.S.A. 40A:12-13(B)(5), SO THAT THESE LANDS MAY BE COMBINED WITH AND BECOME A PART OF THE SAID ADJACENT PROPERTIES.

4. THAT THE PROVISIONS OF THIS ORDINANCE SHALL NOT BE DEEMED TO VACATE ANY RIGHTS AND PRIVILEGES WHICH MAY BE POSSESSED BY ANY PUBLIC UTILITY COMPANY (AS DEFINED IN N.J.S.A. 48:2-13), OR BY ANY CABLE TELEVISION COMPANY (AS DEFINED IN N.J.S.A. 48:5A-1, ET SEQ.), TO MAINTAIN, REPAIR, AND REPLACE ANY EXISTING FACILITIES IN, ADJACENT TO, OVER, OR UNDER THE SAID VACATED AREA.

5. THAT, FOLLOWING THE INTRODUCTION OF THIS ORDINANCE, THE BOROUGH CLERK SHALL PROVIDE NOTICE OF ITS PENDING STATUS AS MANDATED BY N.J.S.A. 40:49-6, AND AT LEAST ONE WEEK PRIOR TO THE TIME FIXED FOR FURTHER CONSIDERATION AND FINAL PASSAGE OF THE ORDINANCE THE BOROUGH CLERK SHALL MAIL A COPY OF THE ORDINANCE, TOGETHER WITH A NOTICE OF THE INTRODUCTION THEREOF, AND INFORMATION AS TO THE TIME AND PLACE OF WHEN AND WHERE THE ORDINANCE WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE, TO EVERY PERSON WHOSE LANDS MAY BE AFFECTED BY THIS ORDINANCE, BY CERTIFIED MAIL RETURN RECEIPT REQUESTED AND REGULAR MAIL, TO THEIR LAST KNOWN POST OFFICE ADDRESS(ES).

6. THAT, FOLLOWING THE ADOPTION OF THIS ORDINANCE, THE BOROUGH CLERK SHALL, WITHIN SIXTY (60) DAYS OF THE EFFECTIVE DATE THEREOF, FILE A COPY OF THIS ORDINANCE ALONG WITH THE ATTACHED EXHIBIT "A," CERTIFIED BY THE CLERK, UNDER SEAL OF THE BOROUGH, TO BE A TRUE AND EXACT COPY OF THE ORDINANCE, TOGETHER WITH A COPY OF THE PROOF OF PUBLICATION THEREOF, IN THE OFFICE OF THE MIDDLESEX COUNTY CLERK FOR RECORDATION IN THE COUNTY'S BOOK OF "VACATIONS," PURSUANT TO N.J.S.A. 40:67-21.

7. THAT, ONCE THE AREA IN QUESTION HAS BEEN VACATED, THEN THE BOROUGH'S INTERESTS IN AND TO THE SAID AREA SHALL BE RELEASED.

8. THAT THE BOROUGH ATTORNEY AND BOROUGH ENGINEER ARE HEREBY AUTHORIZED AND DIRECTED TO UNDERTAKE ALL ACTIONS AND TO PREPARE ALL DOCUMENTS THAT ARE NECESSARY IN ORDER TO EFFECTUATE THE INTENTIONS OF THE WITHIN ORDINANCE.

9. THAT THE MAYOR IS AUTHORIZED TO EXECUTE AND THE MUNICIPAL CLERK TO ATTEST ANY AND ALL DOCUMENTS, AND TO PERFORM ALL ACTIONS, WHICH MAY BE NECESSARY IN ORDER TO EFFECTUATE THE INTENTIONS OF THE WITHIN ORDINANCE.

10. THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON FINAL PASSAGE AND PUBLICATION IN ACCORDANCE WITH THE LAW.

11. THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE SEVERABLE. IN THE EVENT THAT ANY PORTION OF THIS ORDINANCE IS FOUND TO BE INVALID FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT SHALL BE LIMITED IN ITS EFFECT ONLY TO THE PORTION OF THE ORDINANCE ACTUALLY ADJUDGED INVALID AND SHALL NOT BE DEEMED TO AFFECT THE OPERATION OF ANY OTHER PORTION THEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

12. THAT ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH ARE HEREBY REPEALED TO THE EXTENT OF SUCH INCONSISTENCIES.

Attorney Raffetto explained the history and the need for this ordinance.

Motion to Open to Public Comment on Ordinance #23-05

Proposed by: Jennings

Seconded by: Longo

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

None Opposed, None Abstaining.

Public Comment on Ordinance #23-05

Paul Collura – 17 Duane Street

- Inquired whether there was a sketch he could review.
- Asked whether the Mendoker Drive was remaining the same.
- Inquired whether Monroe Township would ever be able to open Mendoker Drive to grant access to the development behind it.

Laura Collura – 15 Duane Street

- Asked if the deeds for the affected properties would be corrected.

Motion to Close to Public Comment on Ordinance #23-05

Proposed by: Kostbar

Seconded by: Maloney

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

None Opposed, None Abstaining.

Motion to Approve Ordinance #23-05 on Second Reading:

Proposed by: Jennings

Seconded by: Carpenter

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

None Opposed, None Abstaining.

**RESOLUTIONS:
RESOLUTION #252-11-09-05****

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL
October 26, 2005

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

RESOLUTION #253-11-09-05

RESOLUTION APPOINTING SCHOOL CROSSING GUARD

I, MAYOR ANTHONY LAMANTIA, WITH THE ADVICE AND CONSENT OF THE BOROUGH COUNCIL, DO HEREBY APPOINT DAWN REYNOLDS TO THE POSITION OF SCHOOL CROSSING GUARD, EFFECTIVE IMMEDIATELY, FOR A TERM TO EXPIRE DECEMBER 31, 2005, OR UNTIL A SUCCESSOR IS DULY APPOINTED AND QUALIFIED.

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

RESOLUTION #254-11-09-05

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

WHEREAS, N.J.S.A. 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SUCH ITEMS OF REVENUE IN THE BUDGET OF THE COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF ANY ITEM OF APPROPRIATION FOR EQUAL AMOUNT:

NOW, THEREFORE BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, THAT IT HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET FOR THE YEAR 2005 IN THE AMOUNT OF \$495,000.00 WHICH ITEM IS NOW AVAILABLE AS REVENUE FROM THE STATE OF NEW JERSEY BALANCED HOUSING NEIGHBORHOOD PRESERVATION; AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$495,000.00 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF;

BALANCED HOUSING – OTHER EXPENSES

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

RESOLUTION #255-11-09-05

REDEMPTION OF TAX LIEN

WHEREAS, THE TAX COLLECTOR HAS VERIFIED RECEIPT OF PAYMENT IN THE AMOUNT OF FOUR HUNDRED TWENTY-FOUR DOLLARS AND THIRTY-FOUR CENTS (\$424.34) AS VERIFIED IN THE CERTIFICATION ATTACHED HERETO; AND

WHEREAS, THIS PAYMENT WAS MADE FOR THE REDEMPTION OF THE TAX SALE CERTIFICATE #05-0006, THE LIEN-HOLDER BEING JOSEPH HOFFMAN.

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 FOUR HUNDRED TWENTY-FOUR DOLLARS AND THIRTY-FOUR CENTS (\$424.34) TO THE LIEN HOLDER JOSEPH HOFFMAN.

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

RESOLUTION #256-11-09-05

RESOLUTION OF THE BOROUGH OF JAMESBURG APPROVING PAYMENT CERTIFICATE #1 FOR THE MUNICIPAL BUILDING ROOF REPLACEMENT PROJECT

WHEREAS, THE CONTRACTOR, J.D.S. GENERAL CONTRACTING, INC., HAS SUBMITTED AS-BUILT QUANTITIES FOR THE MUNICIPAL BUILDING ROOF REPLACEMENT 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 #1, DATED OCTOBER 25, 2005, IN THE AMOUNT OF SIXTY-ONE THOUSAND, FIVE HUNDRED DOLLARS AND SIXTY CENTS (\$61,500.60).

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PAYMENT CERTIFICATE #1, IN THE AMOUNT OF SIXTY-ONE THOUSAND, FIVE HUNDRED DOLLARS AND SIXTY CENTS (\$61,500.60) IS HEREBY AUTHORIZED FOR PAYMENT TO J.D.S. GENERAL CONTRACTING, INC

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

RESOLUTION #257-11-09-05

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 \$1,210,155.04

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

COUNCIL MEMBER COMMITTEE REPORTS

BUILDINGS, GROUNDS AND PARKS COMMITTEE & HOLIDAY EVENTS COMMITTEE

Council member Carpenter reported on the Library’s slogan contest, Patriotic Committee happenings, and Historical Association events.

PERSONNEL & NEGOTIATIONS COMMITTEE

Council member Jennings reported that negotiations with the Department of Public Works are near completion. Also reported that the SERV Committee has met and is in the process of resolving three issues. There are currently 8 clients housed at the East Church Street facility.

POLICE COMMITTEE

Police Commissioner Kostbar had no report as the meeting was adjourned.

EDUCATION COMMITTEE

Council member Longo reported on the 6th grade Social held, the gifted & talented “Eclipse” program, and the High School soccer team. The Patriotic Committee is requesting bands for the Memorial Day parade – notices have been sent to area bands. On Veterans Day, the “flag box” at the front of the Municipal Building will be dedicated to Henry “Spud” Dobenski.

PUBLIC WORKS COMMITTEE & TECHNOLOGY COMMITTEE

Council member Maloney had no DPW report. Does have a meeting scheduled the ensuing day with Comcast. Will also continue to attempt contacting Verizon. The Lake Manalapan Restoration Commission reported that testing has shown phosphorous levels are far below acceptable limits in Lake Manalapan, not higher than the acceptable limits as were reported by them in the past.

PUBLIC SAFETY/ EMERGENCY SERVICES COMMITTEE

Council member Morales had no report.

Engineer Dittenhofer reported that the Woodland Road/Front Street project is near completion.

Mayor LaMantia reported on the Halloween parade and Pumpkin Fest as well as the schools’ Halloween parade. Flyers for the Holiday Home Decorating Contest will be going out soon. The Mayor also congratulated Council members Kostbar and Morales on their re-election to Council. On December 8 Mayor LaMantia will be participating in the MDA Lock-up to raise funds for the Muscular Dystrophy Association.

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

MOTION TO OPEN TO PUBLIC COMMENT:

PROPOSED BY: Morales

SECONDED BY: Maloney

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

None Opposed, None Abstaining.

PUBLIC COMMENT:

Paul Collura – 17 Duane Street

- Asked if the County could be approached to remove the fencing and rocks by the Lake Manalapan Dam.

MOTION TO CLOSE TO PUBLIC COMMENT:

PROPOSED BY: Jennings

SECONDED BY: Maloney

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

None Opposed, None Abstaining.

MOTION TO ADJOURN:

PROPOSED BY: Kostbar

SECONDED BY: Longo

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

None Opposed, None Abstaining.

TIME OF ADJOURNMENT:

7:27 pm