

BOROUGH OF JAMESBURG

COUNCIL MEETING

MINUTES – OCTOBER 26, 2005

CALL TO ORDER: 7:02pm - 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
Denise Jawidzik, Business Administrator

Those Absent: Engineer Dittenhofer

ORDINANCES – FIRST READING:

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 THEREON 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 Approve Ordinance #16-05 on First Reading, Authorize Publication, and Set Public Hearing/Second Reading Date:

Proposed By: Kostbar

Seconded By: Jennings

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 that when subdivisions were done for Penn Estates a number of years back, the amount of Right-of-Way footage was incorrect for Franklin Street, now known as Mendoker Drive. The street should have been 40 feet wide instead of the 50 foot wide now showing on the tax maps. This ordinance would correct this inaccurate footage by vacating a portion measuring 10 foot by 200 foot within Block 26, lots 1031, 1032, 1033, 1034, and 1035, and notice must be given to the effected property owners by regular and certified mail. Council member Jennings questioned the cost to the Borough for this matter.

Motion to Approve Ordinance #23-05 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 – SECOND READING

THE FOLLOWING ORDINANCE WAS APPROVED ON FIRST READING AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND COUNCIL HELD ON OCTOBER 12, 2005, AND PUBLISHED IN THE OCTOBER 17, 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 #21-05

AN ORDINANCE PROVIDING FOR ROAD RECONSTRUCTION AND IMPROVEMENTS ALONG SHERIDAN STREET AND STEVENS AVENUE AND APPROPRIATING THE SUM OF \$200,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG IN THE COUNTY OF MIDDLESEX, NEW JERSEY HAS DETERMINED TO RECONSTRUCT AND IMPROVE SHERIDAN STREET AND STEVENS AVENUE; AND

WHEREAS, THE BOROUGH OF JAMESBURG HAS BEEN APPROVED FOR \$200,000 IN FUNDING FROM THE DEPARTMENT OF TRANSPORTATION FISCAL YEAR 2006 MUNICIPAL AID PROGRAM FOR SUCH CONSTRUCTION.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, NEW JERSEY, THAT:

SECTION 1. THE IMPROVEMENTS DESCRIBED IN SECTION 2 OF THIS ORDINANCE ARE HEREBY AUTHORIZED AS GENERAL CAPITAL IMPROVEMENTS TO BE UNDERTAKEN IN AND BY THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, NEW JERSEY.

SECTION 2. THE IMPROVEMENTS HEREBY AUTHORIZED TO BE UNDERTAKEN CONSIST OF RECONSTRUCTION AND IMPROVEMENTS TO SHERIDAN STREET AND STEVENS AVENUE, TOGETHER WITH ALL ITEMS NECESSARY, INCIDENTAL OR APPURTENANT THERETO.

SECTION 3. THE 2005 CAPITAL BUDGET OF THE BOROUGH OF JAMESBURG IS HEREBY AMENDED TO CONFORM TO THE PROVISIONS OF THIS ORDINANCE.

SECTION 4. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE TERMS OF THIS ORDINANCE BE AND THE SAME ARE HEREBY REPEALED TO THE EXTENT OF THEIR INCONSISTENCY.

SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT 10 DAYS AFTER THE FIRST PUBLICATION THEREOF AFTER FINAL ADOPTION, AS PROVIDED BY LAW.

Motion to Open to Public Comment on Ordinance #21-05

Proposed by: Carpenter

Seconded by: Morales

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

None Opposed, None Abstaining.

Public Comment on Ordinance #21-05

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

Motion to Close to Public Comment on Ordinance #21-05

Proposed by: Jennings

Seconded by: Morales

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

None Opposed, None Abstaining.

Motion to Approve Ordinance #21-05 on Second Reading:

Proposed by: Longo

Seconded by: Jennings

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

None Opposed, None Abstaining.

ORDINANCE #22-05

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE SANITARY SEWER SYSTEM AND APPROPRIATING THE SUM OF \$29,700 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG IN THE COUNTY OF MIDDLESEX, NEW JERSEY HAS DETERMINED TO IMPROVE THE SANITARY SEWER SYSTEM; AND

WHEREAS, THE BOROUGH OF JAMESBURG HAS BEEN APPROVED FOR \$29,700 IN FUNDING FROM THE MIDDLESEX COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR SUCH CONSTRUCTION.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, NEW JERSEY, THAT:

SECTION 1. THE IMPROVEMENTS DESCRIBED IN SECTION 2 OF THIS ORDINANCE ARE HEREBY AUTHORIZED AS GENERAL CAPITAL IMPROVEMENTS TO BE UNDERTAKEN IN AND BY THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, NEW JERSEY.

SECTION 2. THE IMPROVEMENTS HEREBY AUTHORIZED TO BE UNDERTAKEN CONSIST OF IMPROVEMENTS TO THE SANITARY SEWER SYSTEM, TOGETHER WITH ALL ITEMS NECESSARY, INCIDENTAL OR APPURTENANT THERETO.

SECTION 3. THE 2005 CAPITAL BUDGET OF THE BOROUGH OF JAMESBURG IS HEREBY AMENDED TO CONFORM TO THE PROVISIONS OF THIS ORDINANCE.

SECTION 4. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE TERMS OF THIS ORDINANCE BE AND THE SAME ARE HEREBY REPEALED TO THE EXTENT OF THEIR INCONSISTENCY.

SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT 10 DAYS AFTER THE FIRST PUBLICATION THEREOF AFTER FINAL ADOPTION, AS PROVIDED BY LAW.

Motion to Open to Public Comment on Ordinance #22-05

Proposed by: Longo

Seconded by: Morales

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

None Opposed, None Abstaining.

Public Comment on Ordinance #22-05

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

Motion to Close to Public Comment on Ordinance #22-05

Proposed by: Maloney

Seconded by: Jennings

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

None Opposed, None Abstaining.

Motion to Approve Ordinance #22-05 on Second Reading:

Proposed by: Maloney

Seconded by: Jennings

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

None Opposed, None Abstaining.

RESOLUTIONS:

RESOLUTION #246-10-26-05**

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL

October 12, 2005

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

RESOLUTION #247-10-26-05**

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:

Tax Collector
Sewer Administrator
Report of Tax Sale

September 2005
September 2005
October 18, 2005

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

RESOLUTION #248-10-26-05

RESOLUTION APPOINTING REPRESENTATIVE AND ALTERNATE REPRESENTATIVES TO THE SOUTH CENTRAL MIDDLESEX COUNTY FLOOD CONTROL COMMISSION

WHEREAS, THERE HAS BEEN ESTABLISHED, A SOUTH CENTRAL MIDDLESEX COUNTY FLOOD CONTROL COMMISSION; AND

WHEREAS, THE BOROUGH NEEDS TO APPOINT A BOROUGH REPRESENTATIVE AND TWO (2) ALTERNATE REPRESENTATIVES TO ADVOCATE FOR THE BOROUGH OF JAMESBURG AT MEETINGS OF SAID COMMISSION;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, THAT COUNCIL MEMBER JOSEPH JENNINGS SHALL SERVE AS THE BOROUGH OF JAMESBURG'S REPRESENTATIVE TO THE SOUTH CENTRAL MIDDLESEX COUNTY FLOOD CONTROL COMMISSION AND MAYOR ANTHONY LAMANTIA AND ENGINEER ALAN DITTENHOFER SHALL SERVE AS ALTERNATE REPRESENTATIVES.

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

RESOLUTION #249-10-26-05

RESOLUTION OF THE BOROUGH OF JAMESBURG APPROVING PAYMENT CERTIFICATE #3 FOR CHURCH STREET RECONSTRUCTION PROJECT

WHEREAS, THE CONTRACTOR, BIG DADDY CONSTRUCTION, INC., HAS SUBMITTED AS-BUILT QUANTITIES FOR THE CHURCH STREET 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 #3 (FINAL PAYMENT), DATED OCTOBER 7, 2005, IN THE AMOUNT OF FIFTEEN THOUSAND TWO HUNDRED SIXTY-FOUR DOLLARS AND THIRTY-EIGHT CENTS (\$15,264.38).

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PAYMENT CERTIFICATE #2, IN THE AMOUNT OF FIFTEEN THOUSAND TWO HUNDRED SIXTY-FOUR DOLLARS AND THIRTY-EIGHT CENTS (\$15,264.38) IS HEREBY AUTHORIZED FOR PAYMENT TO BIG DADDY CONSTRUCTION, INC.

Council member Kostbar stated that he would need to abstain from this Resolution and the next as he has had professional dealings with the contractor, Big Daddy Construction. Mayor LaMantia stated that he would like the payment held until an issue of the project is addressed.

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

RESOLUTION #250-10-26-05

RESOLUTION OF THE BOROUGH OF JAMESBURG APPROVING PAYMENT CERTIFICATE #1 FOR THE WOODLAND ROAD AND FRONT STREET CURBS AND SIDEWALKS PROJECT

WHEREAS, THE CONTRACTOR, BIG DADDY CONSTRUCTION, INC., HAS SUBMITTED AS-BUILT QUANTITIES FOR THE WOODLAND ROAD AND FRONT STREET CURBS AND SIDEWALKS 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 10, 2005, IN THE AMOUNT OF SIXTY THOUSAND FIVE HUNDRED SIXTY-FIVE DOLLARS AND FIFTY CENTS (\$60,565.50).

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PAYMENT CERTIFICATE #1, IN THE AMOUNT OF SIXTY THOUSAND FIVE HUNDRED SIXTY-FIVE DOLLARS AND FIFTY CENTS (\$60,565.50) IS HEREBY AUTHORIZED FOR PAYMENT TO BIG DADDY CONSTRUCTION, INC.

Council member Longo questioned whether only retainage remained to be paid to the contractor, as much clean up is left to be completed.

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

RESOLUTION #251-10-26-05

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 \$285,390.47

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

COUNCIL MEMBER COMMITTEE REPORTS

BUILDINGS, GROUNDS AND PARKS COMMITTEE & HOLIDAY EVENTS COMMITTEE

Council member Carpenter reported that a Haunted Mansion will be held at the Buckelew House on October 30. The President of the Historical Association will be giving a presentation at Monroe Village to make local area residents aware of the Buckelew Mansion and hopefully encourage them to join as members of the Historical Association. The Patriotic Committee will be meeting on October 27 at the Buckelew Mansion. Library events were also reported.

PERSONNEL & NEGOTIATIONS COMMITTEE

Council member Jennings had no report.

POLICE COMMITTEE

Police Commissioner Kostbar had no report.

EDUCATION COMMITTEE

Council member Longo reported that he, Mayor LaMantia, and Council member Kostbar attended a meeting at the school regarding the Safe Route to Schools Program, where local issues were discussed and a mapping exercise was performed. GMB School also held a cultural and heritage event where students did family research and brought in ethnic foods. The Chamber of Commerce will once again be holding the horse drawn carriage rides this year, on December 8 and 15.

PUBLIC WORKS COMMITTEE & TECHNOLOGY COMMITTEE

Council member Maloney reported that he has been informed that Verizon is offering services in Monroe Township. Council member Maloney has been attempting, unsuccessfully, to contact Verizon Representatives. There is no DPW report, however, Council member Maloney will be attending the Lake Manalapan Watershed meeting to be held the next day.

PUBLIC SAFETY/ EMERGENCY SERVICES COMMITTEE

Council member Morales had no report.

Mayor LaMantia reported further on the Safe Route to Schools meeting. Also reported that the annual Halloween Parade and Pumpkin Fest would be held the ensuing Saturday. In preparation for the upcoming year's budget, the Historical Association, the Senior Citizens' Club, or any other affiliates of the Borough, are requested to obtain estimates for items and/or services being sought for next year and submit them to the Finance Officer before the beginning of December.

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: Kostbar

SECONDED BY: Maloney

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

None Opposed, None Abstaining.

PUBLIC COMMENT:

Earl Wilson – 54A Forge Street

- Forge Street, between Buckelew Avenue and Pergola Avenue, has no sidewalks, cars are parked on both sides of the street, cars speed down the road and there have been several (6) accidents on the road in the past year. Safety of the neighborhood children is a concern. Feels that road should be made one-way or no parking.
- Flooding caused debris to pile at the brook/bridge

MOTION TO CLOSE TO PUBLIC COMMENT:

PROPOSED BY: Kostbar

SECONDED BY: Carpenter

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

None Opposed, None Abstaining.

MOTION TO ADJOURN:

PROPOSED BY: Morales

SECONDED BY: Longo

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

None Opposed, None Abstaining.

TIME OF ADJOURNMENT:

7:32 pm