

# BOROUGH OF JAMESBURG

## COUNCIL MEETING

### MINUTES - OCTOBER 11, 2006

**CALL TO ORDER:** 7:00pm - Mayor Anthony LaMantia called the meeting to order and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met. Any contracts awarded tonight require the contractor to comply with N.J.S.A. 10:5-31 et.seq. and N.J.A.C. 17:27. Also announced, in the event of a fire and pursuant to the N.J. Uniform Fire Code, that the 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 Jennings  
Council member Carpenter  
Council member Kostbar  
Council member Longo  
Council member Maloney  
Attorney Raffetto  
Denise Jawdzik, Business Administrator

Those absent: Council member Morales  
Engineer Dittenhofer

**ORDINANCE – FIRST READING:** (tabled from Council meeting of September 27, 2006)

#### ORDINANCE #09-06

AN ORDINANCE APPROVING AND ADOPTING A NEW LAND DEVELOPMENT/ZONING ORDINANCE AND ZONING MAP FOR THE BOROUGH OF JAMESBURG, REPEALING THE PRIOR LAND DEVELOPMENT /ZONING CHAPTER OF THE BOROUGH CODE AND ZONING MAP, AND AMENDING AND SUPPLEMENTING THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY”, ACCORDINGLY.

**WHEREAS**, THE BOROUGH OF JAMESBURG HAS BEEN ENGAGED IN THE PROCESS OF DRAFTING A NEW LAND DEVELOPMENT/ZONING ORDINANCE FOR THE BOROUGH OF JAMESBURG, AS WELL AS A NEW ZONING MAP, BECAUSE THE EXISTING LAND DEVELOPMENT/ZONING ORDINANCE AND ASSOCIATED REGULATIONS ARE INCONSISTENT WITH THE PRESENT MASTER PLAN, WHICH HAS BEEN IN EFFECT FOR OVER ONE (1) YEAR; AND

**WHEREAS**, THE PROPOSED NEW LAND DEVELOPMENT/ZONING ORDINANCE AND ZONING MAP, DATED OCTOBER, 2006, ARE ATTACHED HERETO AND MADE A PART HEREOF; AND

**WHEREAS**, THE PROPOSED NEW ORDINANCE SHALL COMPLETELY SUPERSEDED THE EXISTING LAND DEVELOPMENT/ZONING ORDINANCE AND ASSOCIATED REGULATIONS OF THE BOROUGH, AS CONTAINED WITH CHAPTER 27 OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY”; AND

**WHEREAS**, THE PROPOSED NEW ZONING MAP, DATED OCTOBER, 2006, SHALL SUPERSEDE THE EXISTING ZONING MAP DATED SEPTEMBER, 1998; AND

**WHEREAS**, PURSUANT TO N.J.S.A. 40:55D-62.1, SINCE THE PROPOSED NEW ORDINANCE AND ZONING MAP HAVE BEEN RECOMMENDED BY THE BOARD AS PART OF A PERIODIC GENERAL RE-EXAMINATION OF THE MASTER PLAN, NO ADDITIONAL NOTICE TO INDIVIDUAL PROPERTY OWNERS IS REQUIRED REGARDING THE PUBLIC HEARING.

**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 THE ATTACHED LAND DEVELOPMENT/ZONING ORDINANCE AND ZONING MAP, DATED OCTOBER 2006, ARE HEREBY APPROVED AND ADOPTED AS THE OFFICIAL LAND DEVELOPMENT/ZONING ORDINANCE AND ZONING MAP, RESPECTIVELY, FOR THE BOROUGH OF JAMESBURG.
2. THAT THE ATTACHED ORDINANCE SHALL HEREBY SUPERSEDE THE EXISTING PROVISIONS CONTAINED WITHIN CHAPTER 27 OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY", AND THE PRIOR CHAPTER 27 IS HEREBY REPEALED IN ITS ENTIRETY.
3. THAT THE ATTACHED ZONING MAP, DATED OCTOBER 2006, SHALL HEREBY SUPERSEDE THE PRIOR ZONING MAP, DATED SEPTEMBER 1998, FOR THE BOROUGH.
4. THAT CHAPTER 27 OF THE BOROUGH CODE ENTITLED THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY," IS HEREBY AMENDED AND SUPPLEMENTED ACCORDINGLY.
5. 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 A 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.
6. THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON FINAL PASSAGE AND PUBLICATION IN ACCORDANCE TO THE LAW.
7. THAT ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ARE HEREBY REPEALED TO THE EXTENT OF SUCH INCONSISTENCIES.

Council member Maloney directed Council's attention to page 127, line 21, regarding signs, more particularly election signs, and reminded Council that this matter was discussed a number of years ago and was contradictory to the discussion held then. Council discussed the definition of a right-of-way and how property owners would distinguish exactly where a right-of-way lies, for example the land between the curb and sidewalk on any given property. Council member Longo explained the intentions of the Land Use Board in the drafting and approval of this ordinance. Further discussion was held regarding section 27-113 (driveways/setbacks for them), the section on page 124, (pertaining to annual inspections for signs), section 27-137, (regarding noise limits that would essentially prohibit the noise made by the use of snow blowers and or lawnmowers), and section 27-154, (appeals to be heard by Governing Body). The matter of how to amend this ordinance, that has been approved and recommended by the Land Use Board, the steps necessary to effectuate those changes, and the time required to adopt such an ordinance, was explained by the Borough Attorney and discussed further by Council. A motion was then made to table this ordinance indefinitely in order to give the Land Use Board adequate time to review Council's recommendations.

Motion to Indefinitely Table Ordinance #09-06:

Proposed by: Maloney

Seconded by: Kostbar

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

Absent: Morales.

None Opposed, None Abstaining.

**ORDINANCE – SECOND READING/PUBLIC HEARING:**

THE FOLLOWING ORDINANCE WAS APPROVED ON FIRST READING AT THE MEETING OF THE MAYOR AND COUNCIL HELD ON SEPTEMBER 27, 2006, AND PUBLISHED IN FULL IN THE SEPTEMBER 30, 2006 EDITION OF THE HOME NEWS TRIBUNE. COPIES HAVE BEEN POSTED ON THE MUNICIPAL BULLETIN BOARD AND MADE AVAILABLE TO THE PUBLIC SINCE INTRODUCTION

**ORDINANCE #10-06**

AN ORDINANCE AUTHORIZING THE VACATION OF AN ALLEYWAY UNDER THE JURISDICTION OF THE BOROUGH OF JAMESBURG AND AUTHORIZING THE PRIVATE SALE OF THE UNDERLYING LAND AREA(S) TO ADJACENT PROPERTY OWNER(S).

**WHEREAS**, there exists a certain alleyway measuring approximately ten (10) feet wide which is under the jurisdiction of the Borough of Jamesburg (the "Borough"), located within Block 79 on the

Jamesburg Borough Tax Map, and which is adjacent to the following properties: Block 79, Lots 7, 7.01, 8, 9, 10, and 11; and

**WHEREAS**, the said alleyway runs in a easterly and westerly direction, and is perpendicular to Perrineville Road; and

**WHEREAS**, the said alleyway is described in more detail in a Legal Description prepared by the firm of Control Point Associates, dated September 14, 2006, a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, it has been determined that the said alleyway is no longer needed for any public purpose of the Borough and that the public's interests would be best served by the vacation of the alleyway, and the extinguishment of all public right, title and interest in and to the said alleyway, so that the underlying land area(s) may be combined with and become part of the adjacent properties; and

**WHEREAS**, a vacation of a right-of-way, or part thereof, previously used by the public may be authorized by the municipal governing body by Ordinance, pursuant to N.J.S.A. 40:67-21, et seq., when there is no longer any need for the use of said area by the public; and

**WHEREAS**, Commerce Bank has solicited the agreement of said adjacent property owners in conjunction with their Land Use Board Application and request for the above-referenced alleyway to be vacated; and

**WHEREAS**, the owners of all of the above-referenced adjacent properties are supportive of this action; 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, the Borough wishes to authorize the conveyance of said underlying area(s) to the adjoining property owner(s), for nominal consideration; and

**WHEREAS**, whenever a municipality has vacated or released the public rights in any road, street, highway, lane or alley, the municipality, if it be the owner of a fee interest in said lands, may make a private sale of and convey the lands so vacated to the adjoining property owners at such price as it shall deem to be fair and just, pursuant to N.J.S.A. 40:60-28; and

**WHEREAS**, a private sale of municipally owned property may also be made to an adjacent property owner pursuant to N.J.S.A. 40A:12-13(b)(5), when authorized by Ordinance, so long as the property being sold is less than the minimum size required for development under the Municipal Zoning Ordinance and is without any capital improvement thereon; and

**WHEREAS**, the circumstances set forth in the previous Paragraph are present in the instant case; and

**WHEREAS**, the Borough Council believes that it is in the best interests of the Borough of Jamesburg and its residents to proceed with the matters 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. 40:67-21, et seq., the Borough of Jamesburg hereby vacates, extinguishes, releases and abandons all public right, title and interest in and to a certain alleyway located within Block 79 on the Jamesburg Borough Tax Map, as more particularly described in the above-referenced legal description which is attached hereto and made a part hereof.

2. 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.

3. That, once the alleyway has been vacated, the Borough shall thereafter convey the Borough's interest in portions of this alleyway to the adjacent property owners (Block 79, Lots 7, 7.01, 7, 9, 10, and 11) so that these portions may be combined with and become a part of the said adjacent properties. Such conveyance is authorized pursuant to N.J.S.A. 40:60-28 and N.J.S.A. 40A12-13(b)(5), the latter because the property is being conveyed to contiguous property owner(s) and is less than the minimum size required for development in the zoning district and is without any capital improvement thereon (as described in N.J.S.A. 40:55D-29).

4. That the Borough attorney is 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.

5. That all costs associated with this matter shall be the responsibility of Land Use Board Applicant, Commerce Bank.

6. That the Mayor is authorized to execute and the Municipal Clerk to attest all documents, and to perform all actions, which are required in order to effectuate the intentions of the within Ordinance.

7. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

8. 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.

9. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Motion to Open to Public Comment on Ordinance #10-06:

Proposed by: Jennings

Seconded by: Longo

All in Favor: Carpenter, Jennings, Kostbar, Longo, Maloney.

Absent: Morales

None Opposed, None Abstaining.

Public Comment on Ordinance #10-06:

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

Motion to Close to Public Comment on Ordinance #10-06:

Proposed by: Jennings

Seconded by: Maloney

All in Favor: Carpenter, Jennings, Kostbar, Longo, Maloney.

Absent: Morales  
 None Opposed, None Abstaining.

Motion to Approve Ordinance #10-06 on Second Reading:

Proposed by: Kostbar  
 Seconded by: Maloney  
 All in Favor: Carpenter, Jennings, Kostbar, Longo, Maloney.  
 Absent: 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			
JENNINGS			X			
KOSTBAR	X		X			
LONGO			X			
MALONEY		X	X			
MORALES						X
MAYOR LAMANTIA						

**RESOLUTIONS:**

**RESOLUTION #233-10-11-06\*\***

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL  
 September 27, 2006

**RESOLUTION #234-10-11-06\*\***

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 Department      August 2006  
 Sewer Administrator    September 2006

**RESOLUTION #235-10-11-06\*\***

RELEASE OF PERFORMANCE BOND OF ARP ENTERPRISES, LLC, IN EXCHANGE FOR MAINTENANCE BOND.

**WHEREAS**, THE BOROUGH OF JAMESBURG IS IN POSSESSION OF A PERFORMANCE BOND FROM A.R.P. ENTERPRISES, AS REQUIRED BY THE LAND USE CODE OF THE BOROUGH FOR SITE IMPROVEMENTS TO BLOCK 28, LOT 3.01; AND

**WHEREAS**, A.R.P. ENTERPRISES, INC. HAS SUBMITTED MAINTENANCE BOND NUMBER #B1026543, SELECTIVE INSURANCE COMPANY OF AMERICA BEING THE SURETY, IN THE AMOUNT OF FIVE THOUSAND, FOUR HUNDRED THREE DOLLARS AND SIXTY-EIGHT CENTS (\$5,403.68) 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 SITE IMPROVEMENT PROJECT OF BLOCK 28, LOT 3.01.

**RESOLUTION #236-10-11-06\*\***

RELEASE OF PERFORMANCE BOND OF PETER NAGY FOR THE UPGRADES TO LITTLE WONDERS DAY SCHOOL.

**WHEREAS**, THE BOROUGH OF JAMESBURG IS IN POSSESSION OF A PERFORMANCE BOND FROM PETER NAGY, AS REQUIRED BY THE LAND USE CODE OF THE BOROUGH, SINCE SEPTEMBER, 2002, FOR IMPROVEMENTS TO LITTLE WONDERS DAY SCHOOL, LOCATED AT 31 EAST RAILROAD AVENUE, ALSO KNOWN AS BLOCK 29, LOT 1.01 ON THE BOROUGH TAX MAP; AND

**WHEREAS**, THE BOROUGH CHIEF FINANCIAL OFFICER ALSO HAS HELD THE CASH PORTION OF THIS GUARANTEE SINCE SEPTEMBER, 2002; AND

**WHEREAS**, DUE TO THE LENGTH OF TIME THAT HAS PASSED SINCE THE DEPOSIT OF THESE GUARANTEES, AND THE LENGTH OF TIME SINCE THIS PROJECT HAS REACHED COMPLETION, THE CHIEF FINANCIAL OFFICER HAS RECOMMENDED THEIR RELEASE.

**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 RELEASE THE PERFORMANCE BOND OF PETER NAGY, HELD FOR THE IMPROVEMENTS PROJECT OF BLOCK 29, LOT 1.01.

**RESOLUTION #237-10-11-06\*\***

RESOLUTION AUTHORIZING THE AWARD OF A RESTRICTED CONTRACT FOR CARPETING OF THE JAMESBURG PUBLIC LIBRARY

**WHEREAS**, THE BOROUGH OF JAMESBURG HAS A NEED TO AWARD A CONTRACT FOR THE INSTALLATION OF CARPETING AT THE JAMESBURG PUBLIC LIBRARY, AS A RESTRICTED CONTRACT PURSUANT TO THE PROVISIONS OF N.J.S.A. 19:44A-20.4; AND

**WHEREAS**, THE QUALIFIED PURCHASING AGENT HAS DETERMINED AND CERTIFIED IN WRITING THAT THE VALUE OF THE ACQUISITION WILL EXCEED \$17,500.00; AND

**WHEREAS**, THE ANTICIPATED TERM OF THIS CONTRACT IS 60 DAYS; AND

**WHEREAS**, EAST WINDSOR FLOOR COVERING HAS SUBMITTED A PROPOSAL INDICATING THEY WILL INSTALL SAID CARPETING FOR \$17,672.94; AND

**WHEREAS**, EAST WINDSOR FLOOR COVERING HAS COMPLETED AND SUBMITTED A BUSINESS ENTITY DISCLOSURE CERTIFICATION WHICH CERTIFIES THAT EAST WINDSOR FLOOR COVERING HAS NOT MADE ANY REPORTABLE CONTRIBUTIONS TO A POLITICAL OR CANDIDATE COMMITTEE IN THE BOROUGH OF JAMESBURG IN THE PREVIOUS ONE YEAR AND THAT THE CONTRACT WILL PROHIBIT EAST WINDSOR FLOOR COVERING FROM MAKING ANY REPORTABLE CONTRIBUTIONS THROUGH THE TERM OF THE CONTRACT; AND

**WHEREAS**, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THE AVAILABILITY OF FUNDS FOR THIS CONTRACT;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG AUTHORIZES THE QUALIFIED PURCHASING AGENT TO ENTER INTO A CONTRACT WITH EAST WINDSOR FLOOR COVERING AS DESCRIBED HEREIN; AND

**BE IT FURTHER RESOLVED**, THAT THE BUSINESS DISCLOSURE ENTITY CERTIFICATION AND THE DETERMINATION OF VALUE BE PLACED ON FILE WITH THIS RESOLUTION.

**RESOLUTION #238-10-11-06\*\***

RESOLUTION REQUESTING THE RESTORATION OF "CAP BANKING" TO ITS PREVIOUS STATUS AS IT EXISTED PRIOR TO 2004 AMENDMENTS

**WHEREAS**, SINCE THEIR INSTITUTION IN 1977 AS PART OF THE PACKAGE OF BILLS ESTABLISHING THE PROPERTY TAX RELIEF FUND, FUNDED BY NEW JERSEY'S FIRST INCOME TAX, THE ARTIFICIAL LIMITS ON LOCAL BUDGETARY DISCRETION CONTAINED IN THE LOCAL GOVERNMENT CAP LAW HAVE, REPEATEDLY, PROVED TO BE UNWORKABLE AND IN NEED OF AMENDMENT IN TIMES OF FISCAL STRESS; AND

**WHEREAS**, THE LATEST AMENDMENTS TO THE CAP LAW WERE ENACTED IN 2004 AS PART OF GOVERNOR MCGREEVEY'S FAIR PLAN, WHICH WAS SUPPOSED TO PROVIDE SHORT TERM PROPERTY TAX RELIEF AND PRODUCE LONG TERM PROPERTY TAX REFORM, THE CAP AMENDMENTS BEING A PART OF THE SHORT TERM RELIEF COMPONENT; AND

**WHEREAS**, THOSE 2004 AMENDMENTS DRASTICALLY LOWERED THE CAP, ELIMINATED IMPORTANT EXCEPTIONS TO THE CAP AND SEVERELY LIMITED THE USE OF "CAP BANKING", WHICH IS CRUCIAL TO MUNICIPAL INTERMEDIATE RANGE BUDGETARY PLANNING; AND

**WHEREAS**, DESPITE THE RECOMMENDATIONS OF THE GOVERNOR'S BLUE RIBBON PROPERTY TAX CONVENTION TASK FORCE AND DESPITE THE ENERGETIC EFFORTS OF A CORE OF CONCERNED AND COMMITTED LEGISLATORS AND THE OUTSPOKEN SUPPORT OF A LARGE AND GROWING COALITION OF CITIZENS' PUBLIC INTEREST GROUPS, THE LEGISLATURE HAS, TO DATE, FAILED TO ADVANCE THE CAUSE OF PROPERTY TAX REFORM, CONTINUING DECADES OF INATTENTION TO A PROBLEM THAT A MAJORITY OF OUR FELLOW CITIZENS CONSISTENTLY IDENTIFY AS THEIR GREATEST PUBLIC POLICY CONCERN; AND

**WHEREAS**, INSTEAD, STATE POLICY MAKERS HAVE CONSISTENTLY UNDER-FUNDED, CUT AND ELIMINATED CRUCIAL MUNICIPAL PROPERTY TAX RELIEF PROGRAMS, THEREBY EXACERBATING THE PROPERTY TAX CRISIS AND MAKING IT INCREASINGLY DIFFICULT FOR MUNICIPAL BUDGET MAKERS TO MEET THE NEEDS AND HONOR THE WISHES OF LOCAL PROPERTY TAXPAYERS AND TO DEAL WITH CURRENT FISCAL STRESSES OVER WHICH THEY HAVE NO CONTROL; AND

**WHEREAS**, IN RECOGNITION OF THESE SERIOUS ISSUES, LEGISLATION HAS BEEN INTRODUCED TO PROVIDE APPROPRIATE FLEXIBILITY TO HELP LOCAL BUDGET MAKERS BETTER MEET CITIZEN NEEDS FOR HIGH QUALITY PUBLIC PROGRAMS AND SERVICES; AND

**WHEREAS**, IN ORDER TO DO SO, THE BILLS (A-3444/S-2183) WOULD: FIRST, MAKE PERMANENT THE TEMPORARY CAP EXCEPTION FOR COSTS OF DOMESTIC SECURITY PREPAREDNESS AND RESPONSES TO INCIDENTS AND THREATS TO DOMESTIC SECURITY; SECOND, MAKE PERMANENT THE TEMPORARY CAP EXCEPTION FOR LIABILITY INSURANCE, WORKERS' COMPENSATION INSURANCE AND EMPLOYEE GROUP INSURANCE; AND FINALLY, PROVIDE AN EXCEPTION FROM THE COUNTY AND MUNICIPAL LOCAL BUDGET CAP FOR APPROPRIATIONS FOR THE COSTS OF GOODS AND SERVICES, INCLUDING WAGE AND SALARY INCREASES THAT ARE REQUIRED UNDER CONTRACTS ENTERED INTO PRIOR TO JULY 7, 2004, THE EFFECTIVE DATE OF P.L.2004, c.74, THE STATUTE THAT REDUCED THE LOCAL BUDGET CAP LIMITS TO THE LESSER OF 2.5% OR THE CONSUMER PRICE INDEX; AND

**WHEREAS**, WHILE EXTREMELY BENEFICIAL FOR RATIONAL EFFECTIVE BUDGETARY PLANNING, THE "CAP BANKING" PROBLEMS CREATED BY THE 2004 AMENDMENTS WILL POSE LASTING AND GROWING PROBLEMS FOR MUNICIPALITIES TRYING TO PREPARE FOR UNANTICIPATED EXIGENCIES AND IMMANENT NEEDS;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, THAT THE GOVERNING BODY OF THE BOROUGH OF JAMESBURG, MIDDLESEX COUNTY, DOES FULLY SUPPORT AND URGE SWIFT AND FAVORABLE ACTION ON A-3444/S-2183; AND

**BE IT FURTHER RESOLVED**, THAT WE DO RESPECTFULLY REQUEST AN AMENDMENT TO THE BILL TO RESTORE "CAP BANKING" TO ITS PREVIOUS STATUS, AS IT EXISTED PRIOR TO THE 2004 AMENDMENTS: AND

**BE IT FURTHER RESOLVED**, THAT COPIES OF THIS RESOLUTION BE FORWARDED TO OUR STATE LEGISLATIVE DELEGATION AND TO THE NEW JERSEY STATE LEAGUE OF MUNICIPALITIES.

**RESOLUTION #239-10-11-06\*\***

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 2006 IN THE AMOUNT OF \$2,675.73 WHICH ITEM IS NOW AVAILABLE AS REVENUE FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION RECYCLING TONNAGE GRANT; AND

**BE IT FURTHER RESOLVED** THAT A LIKE SUM OF \$2,675.73 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF;

**TONNAGE GRANT OTHER EXPENSES**

**RESOLUTION #240-10-11-06\*\***

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 2006 IN THE AMOUNT OF \$1,934.16 WHICH ITEM IS NOW AVAILABLE AS REVENUE FROM THE DRUNK DRIVING ENFORCEMENT FUND; AND

**BE IT FURTHER RESOLVED** THAT A LIKE SUM OF \$1,934.16 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF;

**DRUNK DRIVING ENFORCEMENT FUND - OTHER EXPENSES**

**END OF CONSENT AGENDA**

**RESOLUTION #241-10-11-06**

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 \$587,910.64

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

**COUNCIL MEMBER COMMITTEE REPORTS**

**EDUCATION COMMITTEE**

Council member Carpenter reported on Board of Education matters and library events. Also reported on the success of the Elks Lodge Charity Ball, that was held this past Saturday.

**POLICE COMMITTEE**

Police Commissioner Jennings reported that the new fingerprinting machine and in-car computers are both working out very well. A curfew of 7:00pm will be enforced on October 30.

**FINANCE AND BUDGETING COMMITTEE**

Council member Kostbar had no report.

**PERSONNEL/NEGOTIATIONS COMMITTEE & HOLIDAY EVENTS COMMITTEE**

Council member Longo reported that Land Use Board will be meeting the ensuing evening and the Revitalization Coalition will be meeting on November 16 at 7:00pm. The Chamber of Commerce has elected Christine Gandy as its new President. The Civic Association's formal tea fundraiser was a success and the funds raised will be utilized for the library and the purchase of flags to be displayed in the downtown area.

**BUILDINGS, GROUNDS AND PARKS COMMITTEE & TECHNOLOGY COMMITTEE**

Council member Maloney had no report.

**PUBLIC WORKS COMMITTEE**

Council member Morales was absent.

Denise Jawidzik asked if Council members had received her e-mail to them that showed samples of the banners for the downtown area. The colors to be on the banners were discussed.

Mayor LaMantia reported that, over three years since the adoption of the ordinance to limit traffic to left turns only, the signs are finally being erected by Middlesex County at the intersection of Pergola Avenue and Buckelew Avenue. The delay was caused by the N.J.D.O.T. approval of the Borough's traffic code. The Mayor also reported on Walk Your Children to School Day that 120-130 children participated in with their parents. Also reported that this week is Fire Prevention week and the Governing Body has recently seen the benefits of this program when a certificate was given to a local child that saved her family by knowing what to do in the event of a fire. A reminder to all was made by the Mayor that pumpkins will be distributed on October 14<sup>th</sup>, the same day as the scarecrow-decorating event, and the Halloween Parade and the Pumpkin Fest is to be held on October 21.

**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: Jennings

SECONDED BY: Carpenter

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

ABSENT: Morales.

None Opposed, None Abstaining.

**PUBLIC COMMENT:**

Bernie Longo – Borough Zoning Officer

- Informed Council that the land between the curb and sidewalk is required to be maintained by the property owner, regardless of rights-of-way and this would cause confusion pertaining to the posting of signs.

**MOTION TO CLOSE TO PUBLIC COMMENT:**

PROPOSED BY: Longo

SECONDED BY: Maloney

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

ABSENT: Morales.

None Opposed, None Abstaining.

**MOTION TO ADJOURN:**

PROPOSED BY: Maloney

SECONDED BY: Jennings

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

ABSENT: Morales.

None Opposed, None Abstaining.

**TIME OF ADJOURNMENT:**

8:00 PM