

# BOROUGH OF JAMESBURG

## COUNCIL MEETING

### MINUTES – OCTOBER 25, 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 Jawidzik, Business Administrator

Those absent: Council member Morales  
Engineer Dittenhofer

#### **ORDINANCE – FIRST READING:**

##### **ORDINANCE #12-06**

AN ORDINANCE AMENDING THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG” BY AMENDING AND SUPPLEMENTING CHAPTER IV, ENTITLED “GENERAL LICENSING”, SECTION 7, “BINGO; RAFFLES”

**BE IT HEREBY ORDAINED**, by the Borough Council of the Borough of Jamesburg in the County of Middlesex that the “Revised General Ordinances of the Borough of Jamesburg” are heretofore amended as follows:

#### **SECTION ONE**

Chapter IV (General Licensing), Section 7 (Bingo; Raffles), of the “Revised General Ordinances of the Borough of Jamesburg” is hereby amended and supplemented as follows (additions shown underlined):

##### **4-7 BINGO; RAFFLES.**

**4-7.1 Purpose; Administration.** This section is for the purpose of regulating all games of chance, held, operated or conducted within the Borough, pursuant to the acts of the Legislature of the State of New Jersey, known as the Bingo Licensing Law and the Raffles Licensing Law, and in accordance with the rules and regulations issued or to be promulgated by the Legalized Games of Chance Control Commission in the Department of State of the State of New Jersey. All applications, licenses and proceedings in connection therewith shall be subject to the provisions of the acts and rules and regulations and to any laws, rules and regulations hereafter enacted and shall be further subject to the provisions of this section. The Municipal Clerk is hereby delegated the authority to act as the "issuing authority" to approve the granting of raffle and bingo licenses.

#### **SECTION TWO**

1. 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.

2. That this ordinance shall take effect immediately upon final passage and publication in accordance to the law.
3. That all other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Motion to Approve Ordinance #12-06 on First Reading; Authorize Publication and Set Public Hearing/Second Reading Date:

Proposed by: Longo  
 Seconded by: Jennings  
 All In Favor: Carpenter, Jennings, Kostbar, Longo, Maloney.  
 Absent: Morales.  
 None Opposed, None Abstaining.

**ORDINANCE #13-06**

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE 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 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 SEWER SYSTEM, TOGETHER WITH ALL ITEMS NECESSARY, INCIDENTAL OR APPURTENANT THERETO.

SECTION 3. THE 2006 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 Approve Ordinance #13-06 on First Reading; Authorize Publication and Set Public Hearing/Second Reading Date:

Proposed by: Jennings  
 Seconded by: Carpenter  
 All In Favor: Carpenter, Jennings, Kostbar, Longo, Maloney.  
 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 OCTOBER 6, 2006 EDITION OF THE CRANBURY PRESS. COPIES HAVE BEEN POSTED ON THE MUNICIPAL BULLETIN BOARD AND MADE AVAILABLE TO THE PUBLIC SINCE INTRODUCTION

**ORDINANCE #11-06**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 14 (STREETS AND SIDEWALKS), SECTION 14-1.1 (STREET OPENINGS), OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY”

**WHEREAS**, THE BOROUGH OF JAMESBURG HAS BEEN DILIGENTLY STRIVING TO MAKE IMPROVEMENTS TO BOROUGH ROAD SURFACES THROUGH THE USE OF GRANT FUNDING FOR ROAD IMPROVEMENT PROJECTS, THEREBY AVOIDING FINANCIAL BURDEN TO THE TAXPAYERS OF THE BOROUGH; AND

**WHEREAS**, THE BOROUGH COUNCIL FEELS IT IS IN THE BEST INTERESTS OF JAMESBURG RESIDENTS TO MAINTAIN THESE NEWLY PAVED ROADS IN THE BEST CONDITION AND FOR THE GREATEST LENGTH OF TIME POSSIBLE AND IN ORDER TO DO SO, MUST REGULATE THE OPENING OF NEWLY SURFACED ROADS WITHIN THE BOROUGH;

**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:

4. SECTION 14-1.1, (STREET OPENINGS), OF CHAPTER 14 (STREETS AND SIDEWALKS), OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY, IS HEREBY AMENDED AND SUPPLEMENTED BY THE ADDITION OF SECTION 14-1.1a, AS FOLLOWS:

14-1.1a Newly Surfaced Streets

When any street has been covered with a hard surface, two inches or more in thickness, within five (5) years of prior to the date on which a permit to open it is requested, no permits to open the surface of the same shall be granted except upon a majority vote of the Borough Council after presentation and consideration of the application therefore, and the Council must be satisfied that one or more of the following reasons exists making it necessary to grant the permit:

- A. An emergency situation such as set forth in section 14-1.1 of this code exists.
  - B. The necessity and purpose for opening the surface of the street could not have been discovered and was not discovered by either the applicant for the permit or his predecessor in title to his land prior to the time the hard surface was installed.
  - C. The best interests of the Borough of Jamesburg require that the permit be granted.
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.

Motion to Open to Public Comment on Ordinance #11-06

Proposed by: Jennings

Seconded by: Carpenter

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

Absent: Morales.

None Opposed, None Abstaining.

Public Comment:

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

Motion to Close to Public Comment on Ordinance #11-06

Proposed by: Kostbar

Seconded by: Maloney

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

Absent: Morales.

None Opposed, None Abstaining.

Motion to Approve Ordinance #11-06 on Second Reading:

Proposed by: Maloney

Seconded by: Kostbar

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	X			
JENNINGS	X		X			
KOSTBAR			X			
LONGO			X			
MALONEY			X			
MORALES						X
MAYOR LAMANTIA						

**RESOLUTIONS:**

**RESOLUTION #242-10-25-06\*\***

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL  
October 11, 2006

**RESOLUTION #243-10-25-06\*\***

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:

Tax Collector	September 2006
Investment Report	September 2006
Tax Sale Report	October 18, 2006
Finance Officer	September 2006
Library Board of Trustees	September 18, 2006

**RESOLUTION #244-10-25-06\*\***

REDEMPTION OF TAX LIEN

**WHEREAS**, THE TAX COLLECTOR HAS VERIFIED RECEIPT OF PAYMENT IN THE AMOUNT OF TWO HUNDRED SEVENTY FOUR DOLLARS AND SIXTY-FOUR CENTS (\$274.64) AS VERIFIED IN THE CERTIFICATION ATTACHED HERETO; AND

**WHEREAS**, THIS PAYMENT WAS MADE FOR THE REDEMPTION OF TAX SALE CERTIFICATE #06-00005, THE LIEN-HOLDER BEING PARK FINANCE, L.L.C..

**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 TWO HUNDRED SEVENTY FOUR DOLLARS AND SIXTY-FOUR CENTS (\$274.64) TO THE LIEN HOLDER PARK FINANCE, L.L.C..

**RESOLUTION #245-10-25-06\*\***

RETURN OF PREMIUM ON A TAX SALE CERTIFICATE

**WHEREAS**, THE TAX COLLECTOR HAS RECEIVED A PREMIUM IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) ON TAX SALE CERTIFICATE #06-0005 BEING HELD BY PARK FINANCE, L.L.C.; AND

**WHEREAS**, THE AFOREMENTIONED CERTIFICATE HAS BEEN REDEEMED.

**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 RETURN THE PREMIUM IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) TO THE AFOREMENTIONED CERTIFICATE HOLDER.

**RESOLUTION #246-10-25-06\*\***

AUTHORIZE REFUND OF TAX OVERPAYMENT

**WHEREAS**, AN OVERPAYMENT OF TAXES, HAS BEEN RECEIVED BY THE TAX COLLECTORS OFFICE IN THE AMOUNT OF THREE HUNDRED FIFTY DOLLARS NO CENTS (\$350.00); AND

**WHEREAS**, THIS PAYMENT HAS BEEN PROVEN TO THE TAX COLLECTOR AS AN OVERPAYMENT;

**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 THREE HUNDRED FIFTY DOLLARS AND NO CENTS (\$350.00), IN ACCORDANCE WITH THE CERTIFICATION ATTACHED HERETO.

**RESOLUTION #247-10-25-06\*\***

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 \$13,500.00 WHICH ITEM IS NOW AVAILABLE AS REVENUE FROM THE MIDDLESEX COUNTY RECYCLING ENHANCEMENT GRANT PROGRAM; AND

**BE IT FURTHER RESOLVED** THAT A LIKE SUM OF \$13,500.00 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF;

**RECYCLING ENHANCEMENT O/E**

**END OF CONSENT AGENDA**

**RESOLUTION #248-10-25-06**

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 \$513,628.58

#### **COUNCIL MEMBER COMMITTEE REPORTS**

##### **EDUCATION COMMITTEE**

Council member Carpenter reported on planned school Halloween events, the Pumpkin Fest, and that the Library Board of Trustees next meeting is scheduled for November 20 at 7:00pm.

##### **POLICE COMMITTEE**

Police Commissioner Jennings reported that the Police Committee met earlier in the evening, where Mischief Night staffing was discussed. Additionally, a candidate was interviewed for the filling of the officer vacancy that was created when Chief Lester retired.

Council member Maloney requested that the Police Department look into the parking of cars on Half Acre Road, upon the sidewalks, creating a safety issue. Council President Jennings said he would bring up the matter with the Acting Chief.

##### **FINANCE AND BUDGETING COMMITTEE**

Council member Kostbar had no report.

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

Council member Longo reported that interviews were held for the Judge's position and the Personnel Committee is in the process of negotiating the Chief of Police's Contract. Also reported on the success of the Scarecrow Decorating event.

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

Council member Maloney had no committee reports but wished to publicly thank the Department of Public Works for the clean-up job well done after the recent storm.

##### **PUBLIC WORKS COMMITTEE**

Council member Morales was absent.

Denise Jawidzik reported that the Borough has been notified of its being awarded a Recycling Enhancement Grant that will be utilized for Recycling Center upgrades.

Mayor LaMantia thanked all involved, for the assistance in making the Pumpkin Fest a well-received event.

**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: Kostbar

SECONDED BY: Maloney

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

ABSENT: Morales

None Opposed, None Abstaining.

#### **PUBLIC COMMENT:**

Tom Bodall – 22 East Church Street

- Gave a report of Historical Association actions as well as past and upcoming events.
- Thanked the Borough for the repair of the driveway entrance at Lakeview.

Ron Becker – Historical Association President

- Reported that the furnace at Lakeview is in dire need of repair, with an estimated cost of \$9,000.
- A portion of roofing has collapsed at the rear of the building, with an estimated cost of \$6,000.
- The Historical Association has contacted a number of government agencies seeking funding.
- The Historical Association's Executive Board has requested that Mr. Becker, as President, notify the Borough of the repairs that are needed and requested that Governing Body members attend the next Executive Board meeting.

Mayor LaMantia reminded Mr. Becker that Council member Maloney needs to be contacted, as Buildings and Grounds Committee Chair, in any situations where repairs are needed at the Lakeview Mansion.

**MOTION TO CLOSE TO PUBLIC COMMENT:**

PROPOSED BY: Jennings

SECONDED BY: Kostbar

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

ABSENT: Morales

None Opposed, None Abstaining.

**MOTION TO ADJOURN:**

PROPOSED BY: Maloney

SECONDED BY: Kostbar

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

ABSENT: Morales

None Opposed, None Abstaining.

**TIME OF ADJOURNMENT:**

7:25 PM