

# BOROUGH OF JAMESBURG

## COUNCIL MEETING

### MINUTES – SEPTEMBER 27, 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 are 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  
Engineer Dittenhofer  
Denise Jawidzik, Business Administrator

Those Absent: Council member Morales

#### **ORDINANCES – FIRST READING:**

##### **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**WHEREAS**, THE PROPOSED NEW ORDINANCE SHALL COMPLETELY SUPERSEDED THE EXISTING LAND DEVELOPMENT/ZONING ORDINANCE AND ASSOCIATED REGULATIONS OF THE BOROUGH, AS CONTAINED WITH CHAPTER 27 OF THE “REVISED GENERAL ORDINANCES OF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
2. LAND DEVELOPMENT/ZONING ORDINANCE AND ZONING MAP, RESPECTIVELY, FOR THE BOROUGH OF JAMESBURG.
3. 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.
4. THAT THE ATTACHED ZONING MAP, DATED OCTOBER, 2006, SHALL HEREBY SUPERSEDE THE PRIOR ZONING MAP, DATED SEPTEMBER, 1998, FOR THE BOROUGH.
5. 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.
6. 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.
7. THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON FINAL PASSAGE AND PUBLICATION IN ACCORDANCE TO THE LAW.
8. THAT ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH ARE HEREBY REPEALED TO THE EXTENT OF SUCH INCONSISTENCIES.

Council member Maloney requested further time for review of this Ordinance due to a problem with production of copies for Council's agenda packets.

Motion to Table Ordinance #09-06 to the Council meeting of October 11, 2006

Proposed by: Maloney

Seconded by: Kostbar

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

Absent: Morales.

None Opposed, None Abstaining.

**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. 40A:12-13(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 Approve Ordinance #10-06 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.

Absent: Morales.

None Opposed, None Abstaining.

**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:

1. 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.

2. 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.
3. THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON FINAL PASSAGE AND PUBLICATION IN ACCORDANCE TO THE LAW.
4. THAT ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ARE HEREBY REPEALED TO THE EXTENT OF SUCH INCONSISTENCIES.

Motion to Approve Ordinance #11-06 on First Reading, Authorize Publication, and Set Public Hearing/Second Reading Date:

Proposed by: Kostbar

Seconded by: Carpenter

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			
KOSTBAR	X		X			
LONGO			X			
MALONEY			X			
MORALES						X
MAYOR LAMANTIA						

**RESOLUTIONS:**

**RESOLUTION #224-09-27-06\*\***

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL  
September 13, 2006

**RESOLUTION #225-09-27-06\*\***

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	August 2006
Sewer Administrator	August 2006
Investment Report	August 2006
Finance Officer	August 2006

**RESOLUTION #226-09-27-06\*\***

AUTHORIZE REFUNDS OF TAX OVERPAYMENTS

**WHEREAS**, OVERPAYMENTS OF TAXES, HAVE BEEN RECEIVED BY THE TAX COLLECTORS OFFICE IN THE AGGREGATE AMOUNT OF THIRTEEN THOUSAND, TWO HUNDRED AND SIXTY-ONE DOLLARS AND SEVENTY CENTS (\$13,261.70); AND

**WHEREAS**, THESE PAYMENTS HAVE BEEN PROVEN TO THE TAX COLLECTOR AS OVERPAYMENTS;

**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 CHECKS IN THE AGGREGATE AMOUNT OF THIRTEEN THOUSAND, TWO HUNDRED AND SIXTY-ONE DOLLARS AND SEVENTY CENTS (\$13,261.70), IN ACCORDANCE WITH THE CERTIFICATIONS ATTACHED HERETO.

**RESOLUTION #227-09-27-06\*\***

APPROVE RAFFLE LICENSE #RL-03-06 - JAMESBURG HISTORICAL ASSOCIATION

**WHEREAS**, THE BOROUGH CLERK'S OFFICE HAS RECEIVED A RAFFLE APPLICATION FROM THE JAMESBURG HISTORICAL ASSOCIATION, WITH ALL THE PROPER DOCUMENTATION; AND

**WHEREAS**, FINDINGS AND DETERMINATIONS HAVE BEEN COMPLETED:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, THAT THE JAMESBURG HISTORICAL ASSOCIATION BE AUTHORIZED TO HOLD AN OFF-PREMISE RAFFLE, UNDER THE ABOVE MENTIONED LICENSE NUMBER, DRAWING TO BE HELD AT 5:00PM ON DECEMBER 3, 2006, AT 203 BUCKELEW AVENUE.

**RESOLUTION #228-09-27-06\*\***

RESOLUTION ACCEPTING THE INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF MIDDLESEX AND THE BOROUGH OF JAMESBURG FOR THE PROVISION OF PUBLIC HEALTH SERVICES AND AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE SAID AGREEMENT.

**WHEREAS**, THE INTERLOCAL SERVICES ACT, N.J.S.A. 40:8A-1 et seq. PERMITS MUNICIPALITIES OF STATE OF NEW JERSEY TO ENTER INTO CONTRACTS WITH OTHER MUNICIPALITIES FOR THE JOINT PROVISION OF MUNICIPAL SERVICES; AND

**WHEREAS**, THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG HAS DETERMINED THAT IT IS IN THE BEST INTERESTS OF THE BOROUGH TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT WITH THE COUNTY OF MIDDLESEX FOR SERVICES RELATING TO PUBLIC HEALTH; AND

**WHEREAS**, THE AFOREMENTIONED SERVICE WILL BE PROVIDED, AS STATED IN DETAIL IN THE AGREEMENT ATTACHED HERETO.

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

1. THE BOROUGH OF JAMESBURG DOES HEREBY ENTER INTO AN AGREEMENT WITH MIDDLESEX COUNTY FOR THE PROVISION OF SERVICES RELATING TO PUBLIC HEALTH.
2. THE MAYOR AND BOROUGH CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT WITH MIDDLESEX COUNTY, ATTACHED HERETO.
3. THAT THE BOROUGH CLERK BE AND IS HEREBY DIRECTED TO FORWARD A DULY AUTHENTICATED COPY OF THIS RESOLUTION TO THE COUNTY OF MIDDLESEX, DEPARTMENT OF HEALTH.

**RESOLUTION #229-09-27-06\*\***

A RESOLUTION AUTHORIZING THE BOROUGH OF JAMESBURG TO SETTLE CERTAIN TAX LITIGATION KNOWN AS JAMESBURG HOLDING, INC. VS. BOROUGH OF JAMESBURG

**WHEREAS**, THE BOROUGH OF JAMESBURG (THE "BOROUGH") IS CURRENTLY A PARTY TO CERTAIN LITIGATION THAT IS PENDING BEFORE THE TAX COURT OF NEW JERSEY KNOWN AS JAMESBURG HOLDING, INC. VS. BOROUGH OF JAMESBURG, BEARING DOCKET NO.S. 004522-2005 AND 001517-2006; AND

**WHEREAS**, SAID LITIGATION CONTESTS THE TAX ASSESSED VALUE OF CERTAIN PROPERTY OWNED BY THE PLAINTIFF LOCATED AT 200 BUCKELEW AVENUE, MORE COMMONLY KNOWN AS BLOCK 14, LOT 1 ON THE BOROUGH TAX MAP, FOR TAX YEARS 2005 AND 2006; AND

**WHEREAS**, THE PARTIES HAVE NEGOTIATED AN AMICABLE SETTLEMENT OF THIS MATTER WHICH WILL RESULT IN THE TAXPAYER WITHDRAWING ITS APPEAL FOR THE 2005 TAX YEAR AND RECEIVING A REDUCTION IN THE ASSESSED VALUE OF THE PROPERTY IN TAX YEAR 2006; AND

**WHEREAS**, THE PROPOSED SETTLEMENT IS SET FORTH IN MORE DETAIL IN THE ATTACHED STIPULATIONS OF SETTLEMENT, COPIES OF WHICH ARE ATTACHED HERETO AND MADE A PART HEREOF; AND

**WHEREAS** THE BOROUGH'S TAX ASSESSOR, APPRAISER, AND ATTORNEY HAVE EACH RECOMMENDED THE PROPOSED SETTLEMENT TO THE BOROUGH; AND

**WHEREAS**, THE BOROUGH COUNCIL BELIEVES THAT THE PROPOSED SETTLEMENT IS IN THE BEST INTERESTS OF THE BOROUGH;

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

1. THAT THE BOROUGH HEREBY APPROVES THE PROPOSED SETTLEMENT OF THE ABOVE-REFERENCED PENDING TAX APPEALS, FOR TAX YEARS 2005 AND 2006, AS SET FORTH IN THE ATTACHED STIPULATIONS OF SETTLEMENT.
2. THAT THE BOROUGH ATTORNEY IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED STIPULATIONS OF SETTLEMENT ON BEHALF OF THE BOROUGH, AND TO FORWARD SAME TO THE TAX COURT FOR THE ENTRY OF APPROPRIATE JUDGMENTS.
3. THAT ALL RELEVANT BOROUGH OFFICIALS ARE HEREBY AUTHORIZED AND DIRECTED TO TAKE ALL APPROPRIATE ACTIONS IN ORDER TO FINALIZE THE PROPOSED SETTLEMENT IN ACCORDANCE WITH THE TERMS AND CONDITIONS CONTAINED WITHIN THE ATTACHED STIPULATIONS OF SETTLEMENT.
4. THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:
  - a. EDWARD HEINDEL, TAX ASSESSOR
  - b. ROBERT GAGLIANO, MAI
  - c. FREDERICK C. RAFFETTO, ESQ., BOROUGH ATTORNEY
  - d. DENISE JAWIDZIK, BOROUGH ADMINISTRATOR

**END OF CONSENT AGENDA**

**RESOLUTION #210-09-27-06**

*Tabled from the meetings of August 16, 2006 and September 13, 2006*

**RESOLUTION GRANTING COUNCIL CONSENT OF CARETAKER LEASE FOR THE BUCKELEW MANSION**

**WHEREAS**, THE BOROUGH OF JAMESBURG IS THE RECORD OWNER OF THE REAL PROPERTY LOCATED AT 203 BUCKELEW AVENUE, WITHIN THE BOROUGH, WHICH IS MORE COMMONLY KNOWN AS BLOCK 15, LOT 2, ON THE BOROUGH OF JAMESBURG TAX MAP, UPON WHICH IS CONSTRUCTED A HISTORIC HOME KNOWN AS THE "BUCKELEW HOUSE" AND ALSO KNOWN AS "LAKEVIEW HOUSE"; AND

**WHEREAS**, THE BOROUGH OF JAMESBURG HAS ENTERED INTO A LEASE AGREEMENT WITH THE JAMESBURG HISTORICAL ASSOCIATION VIA THE ADOPTION OF ORDINANCE #08-04 IN APRIL OF 2004; AND

**WHEREAS**, THE JAMESBURG HISTORICAL ASSOCIATION WISHES TO ENTER INTO A LEASE AGREEMENT WITH THE CARETAKER OF SAID PROPERTY, NAMELY JOHN J. KEATING; AND

**WHEREAS**, AS THE OWNER OF SAID REAL PROPERTY, THE BOROUGH OF JAMESBURG HAS REVIEWED THE TERMS OF SAID LEASE WITH JOHN J. KEATING, AS ARE SET FORTH IN THE ATTACHED LEASE AGREEMENT; AND

**WHEREAS**, THE ATTACHED LEASE AGREEMENT HAS BEEN REVIEWED BY THE BOROUGH ATTORNEY;

**NOW, THEREFORE, BE IT RESOLVED**, THAT THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, HEREBY CONSENT AND APPROVE OF THE ATTACHED LEASE AGREEMENT BETWEEN THE JAMESBURG HISTORICAL ASSOCIATION AND CARETAKER, JOHN J. KEATING.

As amended in paragraph 3., to read: "tenant agrees to pay \$225.00 rent per month".

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

**RESOLUTION #230-09-27-06**

RELEASE OF PERFORMANCE BOND OF BIG DADDY CONSTRUCTION, INC. BEING HELD FOR THE VETERANS PARK UPGRADE PROJECT.

**WHEREAS**, THE BOROUGH OF JAMESBURG IS IN POSSESSION OF A PERFORMANCE BOND FROM BIG DADDY CONSTRUCTION, INC., FOR THE VETERANS PARK UPGRADE PROJECT; AND

**WHEREAS**, BIG DADDY CONSTRUCTION, INC. HAS SUBMITTED MAINTENANCE BOND NUMBER #b10006396, AEGIS INSURANCE COMPANY BEING THE SURETY, IN THE AMOUNT OF ONE HUNDRED EIGHTY THOUSAND ONE HUNDRED TWENTY-FOUR DOLLARS AND TWENTY CENTS (\$180,124.20) 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 VETERANS PARK UPGRADE PROJECT.

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

**RESOLUTION #231-09-27-06**

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 \$81,745.38

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

**RESOLUTION #232-09-27-06**

RESOLUTION AUTHORIZING AWARD OF BID FOR THE VARIOUS ROAD REPAIRS PROJECT, PHASE 2, TO BIG DADDY CONSTRUCTION CORP.

**WHEREAS**, ON SEPTEMBER 25, 2006, THE BOROUGH OF JAMESBURG RECEIVED BIDS FOR THE VARIOUS ROAD REPAIRS PROJECT (PHASE 2) WITHIN THE BOROUGH; AND

**WHEREAS**, ON THAT DATE, THE THREE LOWEST BIDS WERE RECEIVED FROM THE FOLLOWING THREE (3) BIDDERS FOR THIS PROJECT;

1. BIG DADDY CONSTRUCTION, INC. \$ 72,943.70
2. MARIO'S CONCRETE AND PAVING CO., INC. \$ 88,276.00
3. MECO, INC. \$137,838.24; and

**WHEREAS**, IT IS THE OPINION OF THE BOROUGH ENGINEER THAT THE CONTRACT FOR THE VARIOUS ROAD REPAIRS PROJECT (PHASE 2) BE AWARDED TO BIG DADDY CONSTRUCTION CO. INC. FOR AN AMOUNT OF \$72,943.70 SUBJECT TO THE APPROVAL OF THE BOROUGH ATTORNEY AS TO FORM; AND

**WHEREAS**, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT APPROPRIATE FUNDS ARE AVAILABLE FOR THE AWARD OF THE CONTRACT FOR THE PROJECT SERVICES;

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY THAT THE CONTRACT FOR THE VARIOUS ROAD REPAIR PROJECT (PHASE 2), BE AWARDED TO BIG DADDY CONSTRUCTION, INC. FOR AN AMOUNT OF \$72,943.70, SUBJECT TO THE APPROVAL OF THE BOROUGH ATTORNEY AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.

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 that the Superintendent of Schools, Shirley Bzdewka, has announced her retirement intended for the end of the 2006-2007 school year. Also, reported on other Board of Education events as well as important pending dates for Library events. The Library Board will be forwarding their minutes for inclusion in Council's agenda packets.

**POLICE COMMITTEE**

Police Commissioner Jennings had no report.

**FINANCE AND BUDGETING COMMITTEE**

Council member Kostbar has no report.

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

Council member Longo reported on the approval of the Commerce Bank application before the Land Use Board. The Revitalization Coalition, a community business owner's organization, will be holding their next meetings on October 2 at the Borough Hall and on October 5 at Lisco's Café for their regular monthly meeting. The Jamesburg Civic Association's Formal Tea fundraiser is to be held Sunday October 1 at the Knights of Columbus Hall on Lincoln Avenue. Council member Longo gave reminders of the dates of upcoming Holiday events.

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

Council member Maloney had no report

**PUBLIC WORKS COMMITTEE**

Council member Morales was absent.

Denise Jawidzik initiated discussion regarding the banners on downtown light poles. Some are missing and it would be nice to see new banners purchased to alternate with the existing gold banners, in burgundy with gold lettering. Due to the Street Fair generating a fair amount of donations from vendors, there is sufficient funding in the "celebration of public events" line item. Council consensus was given to seek samples of new banners.

**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: Carpenter  
ALL IN FAVOR: Carpenter, Jennings, Kostbar, Longo, Maloney.  
ABSENT: Morales  
None Opposed, None Abstaining.

**PUBLIC COMMENT:**

Elliott Stroul – 110 Mendoker Drive

- Invited the Mayor and Council to the Revitalization Coalition meeting of October 2, 2006.
- The Jamesburg Civic Association's formal tea fund raiser is almost completely sold out – the proceeds are to be utilized for the purchase of American Flags for around town.

**MOTION TO CLOSE TO PUBLIC COMMENT:**

PROPOSED BY: Jennings  
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: Longo  
ALL IN FAVOR: Carpenter, Jennings, Kostbar, Longo, Maloney.  
ABSENT: Morales.  
None Opposed, None Abstaining.

**TIME OF ADJOURNMENT:**                        7:26   PM