

BOROUGH OF JAMESBURG

COUNCIL MEETING

MINUTES – August 8, 2007

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 Longo
Council member Bodall
Council member Carpenter
Council member Grimes
Council member Jennings
Council member Kostbar
Attorney Raffetto
Engineer Dittenhofer
Denise Jawidzik, Business Administrator

Those Absent: None

RESOLUTION Amendments to 2007 Local Municipal Budget were read in full.
RESOLUTION #181-08-08-07

RESOLUTION OF THE BOROUGH OF JAMESBURG COUNTY OF MIDDLESEX, STATE OF NEW JERSEY TO AMEND APPROVED BUDGET IN ACCORDANCE WITH THE PROVISIONS OF 40A:4-9

WHEREAS, THE LOCAL MUNICIPAL BUDGET FOR 2007 WAS APPROVED ON FEBRUARY 28, 2007; AND

WHEREAS, THE PUBLIC HEARING ON SAID BUDGET HAS BEEN HELD AS ADVERTISED; AND

WHEREAS, THE GOVERNING BODY DESIRES TO AMEND SAID APPROVED BUDGET;

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, THAT THE FOLLOWING AMENDMENTS TO THE APPROVED BUDGET OF 2007 BE MADE:

CURRENT FUND

REVENUES	FROM	TO
MISC. REVENUES – SECTION B: STATE AID WITHOUT OFFSETTING APPROPRIATIONS		
Extraordinary Aid	.00	100,000.00
TOTAL SECTION B: STATE AID	679,706.00	779,706.00

MISC. REVENUES – SECTION F: Public and Private Revenues Offset with Appropriations:

Clean Communities	5,050.50	5,558.41
Municipal Alliance	.00	9,017.00
Alcohol Education & Rehabilitation	.00	507.42
CDBG – Senior Building Repairs	.00	13,830.00

Domestic Violence Training Fund	.00	2,192.02
TOTAL SECTION F: Public and Private Revenues:	14,546.13	38,408.46
TOTAL MISC REVENUE	1,119,111.13	1,242,973.46
SUBTOTAL GENERAL REVENUES	2,277,111.13	2,400,973.46
AMOUNT TO BE RAISED BY TAXATION FOR SUPPORT OF MUNICIPAL BUDGET		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes		
	2,999,753.02	2,949,652.51
Total Amount to be Raised by Taxes for Support of Municipal Budget		
	2,999,753.02	2,949,652.51
TOTAL GENERAL REVENUES	5,276,864.15	5,350,625.97

(A) OPERATIONS EXCLUDED FROM "CAPS"

GENERAL APPROPRIATIONS

GENERAL GOVERNMENT

Planning Board S&W	3,900.00	3,950.00
Planning Board OE	19,280.00	19,230.00
Engineering OE	50,000.00	42,000.00
Unemployment OE	5,000.00	13,000.00
Total Operations within "CAPS"	3,207,429.00	3,207,429.00
Total Operations Including Contingent within "CAPS"	3,207,429.00	3,207,429.00
Detail:		
Salary & Wages	1,943,377.00	1,943,427.00
Other Expenses	1,264,052.00	1,264,002.00

(A) Operations Excluded from "CAPS"

Public and Private Programs Offset by Revenues:

Municipal Alliance	.00	9,017.00
Clean Communities	5,050.50	5,558.41
Alcohol Education & Rehabilitation	.00	507.42
CDBG – Senior Building Repairs	.00	13,830.00
Domestic Violence Training Fund	.00	2,192.02

Total Public and Private Programs Offset by Revenue 21,612.13 45,474.46

Total Operations Excluded from "CAPS" 1,185,099.13 1,208,961.46

Detail:

Other Expenses	963,599.13	987,461.46
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(C) Capital Improvements – Excluded from "CAPS"

Capital Improvement Fund 150,000.00 100,000.00

Total Capital Improvements Excluded from "CAPS" 150,000.00 100,000.00

(F) Judgments .00 110,000.00

(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS" 1,560,408.13 1,644,270.46

(L) Subtotal General Appropriations 4,927,837.13 5,011,699.46

RESERVE FOR UNCOLLECTED TAXES	349,027.02	338,926.51
TOTAL GENERAL APPROPRIATIONS	5,276,864.15	5,350,625.97

BE IT FURTHER RESOLVED, THAT THREE CERTIFIED COPIES OF THIS RESOLUTION BE FILED FORTHWITH IN THE OFFICE OF THE DIRECTOR OF LOCAL GOVERNMENT SERVICES FOR CERTIFICATION OF THE 2007 LOCAL MUNICIPAL BUDGET AS AMENDED.

Motion to Open to Public Comment on 2007 Local Municipal Budget Amendments

Proposed by: Longo

Seconded by: Kostbar

All In Favor: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

Public Comment regarding 2007 Local Municipal Budget Amendments

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

Motion to Close to Public Comment on 2007 Local Municipal Budget Amendments

Proposed by: Longo

Seconded by: Kostbar

All In Favor: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

Council vote for approval of 2007 Local Municipal Budget Amendments:

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
BODALL		X	X			
CARPENTER			X			
GRIMES			X			
JENNINGS			X			
KOSTBAR	X		X			
LONGO			X			
MAYOR LAMANTIA						

ADOPTION OF 2007 LOCAL MUNICIPAL BUDGET, AS AMENDED

Be it Resolved, by the Mayor and Council of the Borough of Jamesburg, County of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of: \$2,949,652.51:

Proposed by: Jennings

Seconded by: Carpenter

All In Favor: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

ORDINANCE – FIRST READING:

ORDINANCE #14-07

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13, (SOLID WASTE MANAGEMENT) SECTION 2 (RECYCLING OF SOLID WASTE), OF “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG”

WHEREAS, the Middlesex County Division of Solid Waste has informed the Borough of Jamesburg that updates are necessary to the Borough’s recycling ordinance due to an amendment of December 2006, and subsequent NJDEP certification, to the Middlesex County Solid Waste Management Plan; and

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Jamesburg, Middlesex County as follows:

1. That Chapter 13, (Solid Waste Management), Section 2 (Recycling of Solid Waste) of the Revised General Ordinances of the Borough of Jamesburg be amended and supplemented to read as follows (deletions are shown with ~~strike through~~ and additions are shown with underline):

13-2 RECYCLING OF SOLID WASTE.

13-2.1 Mandatory Source Separation; Preparation for (Delivery or) Collection.

All generators of solid waste within the Borough shall source separate from all other solid waste, the designated recyclable materials listed in subsection 13-2.2. The Borough Council shall further establish, and promulgate, regulations for the waste generator to deliver to curbside, or to convenient recyclable centers, the properly prepared and bundled designated recyclable materials.

As of December 1, 2007, the following additional recyclables are mandatory source separated items:

For residential (including multi-family), commercial, industrial and institutional, governments and office parks:

- Masonry/paving material; asphalt, block, cinder and concrete
- Rechargeable batteries; Nickel Cadmium (Ni-Cd), Nickel Metal Hydride (Ni-MH), Lithium Ion (Li-ion) and Small Sealed Lead (Pb).
- Tires: rubber-based scrap automotive, truck, and equipment tires.
- White goods; washers, dryers, ranges, refrigerators, air conditioners. Note: all devices that contain chlorofluorocarbons (CFC's)/refrigerants must be properly evacuated by licensed individuals and all CFC's recovered must be sent to an EPA approved reclaimers.

For all commercial, industrial, and institutional, governments, and office parks:

- Electronics, televisions, CPU's, monitors, laptops, and mercury containing devices
- Fluorescent bulbs: lamps that contain mercury.
- Plastic film: stretch/shrink wrap, plastic shopping bags – only for warehouses, retail establishments, and supermarkets with 25 or more employees.
- Wood scrap: unfinished lumber from new construction projects including pallets. Unfinished shall mean non-chemically treated (not pressure treated, impregnated with preservatives, insecticides, fungicides, creosote, or other chemicals, and not painted, resin-coated or otherwise surface treated, and not laminated or bonded; and not similarly altered from its natural condition) – only for new construction sites.

13-2.2 Definitions.

For the purposes of this section, unless the context clearly indicates a different meaning, the following terms shall have the meanings indicated:

Aluminum cans shall mean a can or container composed of aluminum, which contained a beverage for human consumption.

Brush shall mean branches, woody plants, and other like vegetative materials that do not exceed five (5) inches in diameter and Christmas trees.

Corrugated cardboard shall mean heavy paper product with alternative ridges and grooves for use in packing materials and boxes.

Designated recyclable materials shall mean those recyclable materials listed in this subsection, which are mandatorily source separated and collected or delivered for recycling.

Glass shall mean bottle or jar, composed of glass which contained food or beverage intended for human consumption.

High grade office paper shall mean computer papers or white ledger paper.

Mixed paper shall mean papers that include, but are not limited to glossy newspaper inserts, magazines, telephone books, junk mail, colored paper, computer paper, office paper, paperboard (chipboard and pressboard), non-metallic wrapping paper, soft cover books, hard cover books with covers removed and fine paper.

Newspapers shall mean unsoiled paper of the type commonly referred to as newsprint and distributed at stated intervals, usually daily or weekly having printed thereon, news and opinions and containing advertisements and other matters of public interest. Expressly excluded are magazines, and other periodicals, as well as all other paper products of any nature whatsoever.

Plastic containers shall mean carbonated beverage bottles made of PETE (SPI Code #1) and milk, water, and laundry product bottles made of HDPE (SPI Code #2).

Recyclable materials shall mean those materials, including metal, glass, paper or plastic containers, food waste, corrugated cardboard, newspaper, magazines, or high grade office paper which would otherwise become municipal waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

Steel shall mean a can or container composed of steel, tin-plate, bi-metal, or other ferrous material which contained a food or beverage intended for human or animal consumption.

Used motor oil shall mean a petroleum-based or synthetic oil which, through use, storage or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

Vegetative waste shall mean Type 23 waste materials from farms, plant nurseries, and greenhouses, that are produced from the raising of plants to include crop residues such as plant stalks, leaves and tree wastes processed through a wood chipper. This does not include trees, branches, tree stumps, shrubs, brush, or landscape trimmings classified as bulky, (Type 13) or municipal (Type 10) waste.

13-2.3 Ownership of Designated Recyclable Materials; Alternative Disposition.

From the time of placement at the curb, in conformance with a Borough program of curbside collection and delivery to a recycling center, designated recyclable materials shall become and be, the property of the Borough and it shall be a violation of this section for any person, firm, or corporation, not otherwise authorized by the Borough, to tamper with, remove or convert to its own use any such material.

Nothing in this section, shall be deemed to prohibit any waste generator from disposal of designated recyclable materials privately through sale or gift, except such dispositions of designated recyclable materials must be reasonably expected to result in recycling of the designated recyclable material.

13-2.4 Regulations and Notice.

Regulations governing preparation, bundling, delivery and/or collection of designated recyclable materials shall be promulgated by resolution of the Borough, with public notice of the regulations to be provided in accordance with the provisions of such resolutions. Such public notice shall, at a minimum satisfy the notification requirements of the New Jersey Statewide Mandatory Source Separation and Recycling Act.

At the time of issuance of any building permit, the building code official will provide written instruction on proper disposal and recycling of construction and demolition waste and furnish a Notification of Construction/Demolition Activity Form that must be filled out by the permittee and faxed to the Middlesex County Division of Solid Waste Management (MCDSWM) within 48 hours of the issuance of a municipal permit.

13-2.5 Reserved. Requirements/Design Standards New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c)

- a. Any application to the Land Use Board of the Borough of Jamesburg, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of fifty (50) or more units or any commercial, institutional, or industrial development for the utilization of 1,200 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following: 1.) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development and; 2.) Locations documented on the applications site plan that provide for convenient recycling opportunities for all owners, tenants and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
- b. Prior to the issuance of a Certificate of Occupancy by the municipality of Jamesburg, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of the duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- c. Provision shall be made for the indoor, or enclosed outdoor storage and pickup of solid waste, to be approved by the municipal engineer.

13-2.6 Enforcement.

- a. The principal purpose of this section is to secure compliance with its terms and to ensure recycling of designated recyclable materials within the Borough. Accordingly, first and second violations of this section shall result in the issuance of a warning, in lieu of summons. A record shall be made of each warning in lieu of summons and a third and subsequent violation shall result in the issuance of a summons, requiring appearance in Court, prosecution for the alleged violation and minimum or greater penalties, in accordance with the penalty provisions of this section.
- b. Where designated recyclable material is found in the common containers utilized for solid waste collection from garden apartments, mobile home parks, incorporated homeowners' of condominium properties, the association shall be presumed responsible and will be cited for the violation of this section in the alternative if the individual homeowner, lessee or occupant generator of the designated recyclable material cannot be identified and cited for the violation.

13-2.7 Public Education/Awareness Program.

The Borough shall be responsible for the development and implementation of a public education/awareness campaign in connection with the recycling program, in accordance with guidelines established by the Middlesex County Improvement Authority. The program will, at a minimum, describe schedules and locations for collection for Borough residents and any other information about the program that is specific to the Borough.

13-2.8 Penalty.

Any person violating any of the provisions of this section, shall, upon conviction thereof, be liable for the penalty stated in Chapter I, Section 105.

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

Motion to Approve Ordinance #14-07 on First Reading, Authorize Publication, and Set Public Hearing/Second Reading Date:

Proposed by: Jennings

Seconded by: Kostbar

All In Favor: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

ORDINANCES – PUBLIC HEARING/SECOND READING:

THE FOLLOWING ORDINANCES WERE APPROVED ON FIRST READING AT THE MEETING OF THE MAYOR AND COUNCIL HELD ON JULY 11, 2007, AND PUBLISHED IN FULL IN THE JULY 20, 2007 EDITION OF THE CRANBURY PRESS. COPIES HAVE BEEN POSTED ON THE MUNICIPAL BULLETIN BOARD AND MADE AVAILABLE TO THE PUBLIC SINCE INTRODUCTION

ORDINANCE #12-07

AN ORDINANCE PROVIDING FOR RESTORATION OF THE BUCKELEW MANSION PHASE II, AS WELL AS THE INSTALLATION OF BARRIER FREE PLAYGROUND EQUIPMENT AND APPROPRIATING THE SUM OF \$491,000 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 RESTORE THE BUCKELEW MANSION AS WELL AS INSTALL BARRIER FREE PLAYGROUND EQUIPMENT AT THE AUGUSTA STREET PARK; AND

WHEREAS, THE BOROUGH OF JAMESBURG HAS BEEN APPROVED FOR \$491,000.00 IN FUNDING FROM THE MIDDLESEX COUNTY OPEN SPACE RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND PROGRAM FOR SUCH IMPROVEMENTS.

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 RESTORATION OF THE BUCKELEW MANSION PHASE II, IN ADDITION TO THE INSTALLATION OF BARRIER FREE PLAYGROUND EQUIPMENT, TOGETHER WITH ALL ITEMS NECESSARY, INCIDENTAL OR APPURTENANT THERETO.

SECTION 3. THE 2007 CAPITAL BUDGET 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 #12-07

Proposed by: Carpenter

Seconded by: Longo

All In Favor: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

Public Comment on Ordinance #12-07

Dunette Thibault – 190 Gatzmer Avenue

- Inquired where the playground was that would be seeing these improvements.

Motion to Close to Public Comment on Ordinance #12-07

Proposed by: Longo

Seconded by: Jennings

All In Favor: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

Motion to Approve Ordinance #12-07 on Second Reading:

Proposed by: Longo

Seconded by: Kostbar

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

Abstain: Bodall (due to involvement with the Historical Association and Lakeview).

None Opposed.

ORDINANCE #13-07

AN ORDINANCE REQUESTING THE CLERK OF THE MIDDLESEX COUNTY BOARD OF ELECTIONS TO PLACE A PUBLIC QUESTION ON THE BALLOT FOR CONSIDERATION BY THE VOTERS OF THE BOROUGH OF JAMESBURG AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2007, REGARDING THE CONTINUATION OF THE JAMESBURG FREE PUBLIC LIBRARY.

WHEREAS, in accordance with N.J.S.A. 40:54-1, et seq., the Borough of Jamesburg, in the County of Middlesex, has established a free public library within its corporate limits; and

WHEREAS, the Jamesburg Free Public Library (the "Library") was created pursuant to a public referendum, at which time the legal voters of the municipality determined, by a majority vote, to establish the Library; and

WHEREAS, the Library is operated with the assistance of funding from the Borough of Jamesburg; and

WHEREAS, due to extreme budgetary constraints which have been experienced by the Borough over a number of years, the Mayor and Council of the Borough of Jamesburg have determined that it may no longer be feasible for the Borough to continue to provide funding to the Library; and

WHEREAS, without the funding provided by the Borough, the Library will not be able to continue its operations; and

WHEREAS, the Mayor and Borough Council have therefore determined that it is appropriate to place a binding public referendum question on the ballot at the next general election, in accordance with N.J.S.A. 40:54-1, et seq., to obtain direction from the Borough's voters as to whether the Borough should discontinue the support, maintenance and control of the Library; and

WHEREAS, the Mayor and Borough Council wish to request that the Clerk of the Middlesex County Board of Elections place such a binding public referendum question on the ballot at the November 6, 2007 general election, in the form as stated below; and

WHEREAS, if a majority of the votes cast on the binding public referendum question at the said November 6, 2007 general election shall be in favor of discontinuance of the Library, then the Borough shall take all appropriate actions that are consistent with said determination.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Jamesburg, in the County of Middlesex and the State of New Jersey, as follows:

1. That the Clerk of the Middlesex County Board of Elections is hereby requested to place the following binding public referendum question on the ballot for consideration by the legal voters of the Borough of Jamesburg at the next general election to be held on November 6, 2007:

“Shall the Borough of Jamesburg discontinue the support, maintenance and control of the Jamesburg Free Public Library?”

2. That the Borough Clerk and the Borough Attorney are hereby authorized and directed to prepare an “explanatory statement” which shall be forwarded to the Clerk of the Middlesex County Board of Elections, and which shall accompany the above-referenced binding public referendum question and appear on the ballot for Jamesburg Borough voters at the next general election to be held on November 6, 2007.

3. That, should the majority of all votes cast upon the proposition on November 6, 2007 be in favor of the proposition, then the Mayor and Council of the Borough of Jamesburg shall take all appropriate steps to close the Library within a reasonable period of time thereafter.

4. That, following final adoption, the Borough Clerk shall forward a certified copy of this Ordinance to the Clerk of the Middlesex County Board of Elections.

5. That the Borough Clerk, the Borough Attorney and all other relevant Borough Officials are hereby authorized and directed to perform all activities that are necessary in order to carry out the intentions of the within Ordinance.

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 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.

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

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

Mayor LaMantia announced that he and Council members Kostbar, Longo, and Jennings, met with the Governors' Counsel, Assemblywoman Greenstein, and the Director of the Division of Local Government Services, who have been working diligently to assist the Borough with the issue of library funding being contradictory to the new cap levy. Discussion was held at that meeting regarding the funding formula for libraries and the possibility of a cap waiver for library expenditures. Mayor LaMantia stated, that while there are no guarantees that changes will be made, the State Representatives requested the Borough allow them further time to work on a solution to this problem. Council expressed their thoughts on said meeting, as well as their thoughts pertaining to delaying a referendum ordinance. Council member Grimes read a statement explaining his thoughts on why the Borough should move forward with a referendum.

Motion to Open to Public Comment on Ordinance #13-07

Proposed by: Kostbar

Seconded by: Grimes

All In Favor: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

Public Comment on Ordinance #13-07

Elliott Stroul – 110 Mendoker Drive

- Commended Council on their efforts to save the library.
- Inquired what impact the decrease in Extraordinary Aid had on the library matter.
- Questioned whether fund-raising could still be done to assist the library.

Carol Hetzell – 36 Woodland Road (Library Board of Trustees member)

- Inquired what kind of guarantee could be given that an Association library would be funded.
- Thanked Council for their efforts.

Daria Ludas – 38 Ridgeview Road (President Library Board of Trustees)

- Thanked Council for their time and efforts regarding the library.

Tom Van de Sande – 2 Fernwood Lane

- Inquired what Council's plan would be should no extraordinary aid be given next budget year.
- Inquired how many towns are in the same predicament as Jamesburg regarding the library funding.

Motion to Close to Public Comment on Ordinance #13-07

Proposed by: Jennings

Seconded by: Bodall

All In Favor: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

Council member Grimes made a motion to approve Ordinance #13-07, and as there was no second of the motion, Mayor LaMantia requested a motion to reject Ordinance #13-07:

Proposed by: Kostbar

Seconded by: Longo

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

Opposed: Grimes

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
BODALL		X	X			
CARPENTER			X			
GRIMES			X			
JENNINGS	X		X			
KOSTBAR			X			
LONGO			X			
MAYOR LAMANTIA						

RESOLUTIONS:

RESOLUTION #182-08-08-07**

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL

July 11, 2007

MAYOR AND COUNCIL EXECUTIVE SESSION

July 11, 2007

RESOLUTION #183-08-08-07**

RESOLUTION ACCEPTING MONTHLY 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	June 2007
Sewer Administrator	June 2007
Finance Officer	June 2007
Investment Report	June 2007
Police Department	June 2007
Library Board Minutes	May 21, 2007

RESOLUTION #184-08-08-07

APPROVE TATTOO LICENSE

WHEREAS, AN APPLICATION HAS BEEN SUBMITTED BY EDWARD SPINELLI OF HERITAGE TATTOOING FOR A TATTOO LICENSE; AND

WHEREAS, THE HEALTH OFFICER HAS INSPECTED THE PLACE OF BUSINESS LOCATED AT 16-A WILLOW STREET, AS TO CONFORMITY WITH BOROUGH ORDINANCE

WHEREAS, THE CLERK'S OFFICE IS IN RECEIPT OF THE APPROPRIATE FEES FOR THE AFOREMENTIONED LICENSES:

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT THE TATTOO LICENSE IN THE NAME OF EDWARD SPINELLI OF HERITAGE TATTOOING BE AND IS HEREBY APPROVED.

RESOLUTION #185-08-08-07**

APPROVE TAXI LICENSE

WHEREAS, JOAQUIN H. MORA HAS SUBMITTED AN APPLICATION, INCLUDING DOCUMENTATION OF INSURANCE, FOR A TAXI LICENSE; AND

WHEREAS, THE BOROUGH CLERK IS IN RECEIPT OF THE APPROPRIATE FEES FOR SAID LICENSE:

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE TAXI LICENSE FOR THE FOLLOWING VEHICLES BE APPROVED:

MAKE AND MODEL
2000 TOYOTA WAGON

VEHICLE I.D. NUMBER
4T3ZF19C4Y4268940

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION, GRANTING APPROVAL, BE FORWARDED TO JOAQUIN H. MORA 2 JOHN STREET, JAMESBURG.

RESOLUTION #186-08-08-07**

APPROVE TAXI LICENSE

WHEREAS, FREDY F. MORA HAS SUBMITTED AN APPLICATION, INCLUDING DOCUMENTATION OF INSURANCE, FOR A TAXI LICENSE; AND

WHEREAS, THE BOROUGH CLERK IS IN RECEIPT OF THE APPROPRIATE FEES FOR SAID LICENSE:

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE TAXI LICENSE FOR THE FOLLOWING VEHICLES BE APPROVED:

MAKE AND MODEL
2003 FORD G.V.

VEHICLE I.D. NUMBER
2FAFP71W13X110620

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION, GRANTING APPROVAL, BE FORWARDED TO FREDY F. MORA 2 JOHN STREET, JAMESBURG.

RESOLUTION #187-08-08-07**

APPROVAL OF RENEWAL OF LIQUOR LICENSE

WHEREAS, AN APPLICATION HAS BEEN SUBMITTED, WITH THE PROPER DOCUMENTATION AS REQUIRED BY THE STATE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, BY JAMESBURG VOLUNTEER FIRE DEPARTMENT FOR RENEWAL OF LIQUOR LICENSE #1208-31-010-001 FOR THE 2007-2008 LICENSE YEAR; AND

WHEREAS, THE BOROUGH CLERK HAS REVIEWED SAID APPLICATION AND HAS DEEMED IT TO BE COMPLETE; AND

WHEREAS, THE CORRESPONDING FEES WERE SUBMITTED WITH THE APPLICATION FOR RENEWAL OF THE AFOREMENTIONED LICENSE:

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT APPROVAL BE AND IS HEREBY GRANTED FOR THE RENEWAL OF THE LICENSE HELD BY JAMESBURG VOLUNTEER FIRE DEPARTMENT CLUB LICENSE NUMBER #1208-31-010-001, LICENSED PREMISES LOCATED AT 82 WEST RAILROAD AVENUE.

RESOLUTION #188-08-08-07**

CANCELLATION OF UNEXPENDED BALANCES OF IMPROVEMENT AUTHORIZATIONS

WHEREAS, CERTAIN GENERAL CAPITAL IMPROVEMENT APPROPRIATION BALANCES REMAIN DEDICATED TO PROJECTS NOW COMPLETED; AND

WHEREAS, IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THE UNEXPENDED BALANCES MAY BE CANCELED AGAINST THE CAPITAL IMPROVEMENT FUND;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE FOLLOWING UNEXPENDED BALANCE AND DEDICATED BALANCES OF GENERAL CAPITAL APPROPRIATIONS BE CANCELED

ORD #	DESCRIPTION	AMT FUNDED	AMT UNFUNDED
#04-07	Acquisition of Backhoe	\$358.00	
#06-07	Acquisition of Dump Truck	\$11,155.30	

RESOLUTION #189-08-08-07**

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 \$426,219.00

RESOLUTION #190-08-08-07**

RESOLUTION AMENDING THE AWARD OF A CONTRACT FOR THE IMPROVEMENTS TO OAKLAND ROAD, FERNWOOD LANE, AND FRONT STREET

WHEREAS, THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, DID AWARD A CONTRACT VIA RESOLUTION # 152-05-23-07, ON MAY 23, 2007, TO R & B BUILDERS, INC. FOR IMPROVEMENTS TO OAKLAND ROAD, FERNWOOD LANE, AND FRONT STREET; AND

WHEREAS, IT IS THE RECOMMENDATION OF THE BOROUGH ENGINEER THAT THE AWARD OF SAID CONTRACT BE AMENDED TO INCLUDE ALTERNATE BID #1, IN THE AMOUNT OF FIFTY-THREE THOUSAND SIX HUNDRED FORTY FIVE DOLLARS (\$53,645.00) FOR A TOTAL CONTRACT PRICE OF ONE HUNDRED SEVENTY THOUSAND THREE HUNDRED SIXTY-EIGHT DOLLARS AND NO CENTS (\$170,368.00); AND

WHEREAS, THE MAYOR AND COUNCIL WISH TO ACCEPT THE BOROUGH ENGINEER'S RECOMMENDATION TO AMEND THE AWARD OF THE CONTRACT TO INCLUDE ALTERNATE BID #1;

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, THAT THE AWARD OF THE CONTRACT FOR IMPROVEMENTS TO OAKLAND ROAD, FERNWOOD LAND, AND FRONT STREET, TO R & B BUILDERS, INC. BE AMENDED TO INCLUDE ALTERNATE BID #1 AS SET FORTH IN THE BID SUBMITTED BY R & B BUILDERS, INC. ON MAY 8, 2007, FOR A TOTAL CONTRACT PRICE OF ONE HUNDRED SEVENTY THOUSAND THREE HUNDRED SIXTY-EIGHT DOLLARS AND NO CENTS (\$170,368.00).

END OF CONSENT AGENDA

RESOLUTION #191-08-08-07

RESOLUTION APPOINTING ACTING CHIEF OF POLICE

WHEREAS, THE BOROUGH OF JAMESBURG AND POLICE CHIEF PAUL KARKOSKA HAVE ENTERED INTO AN AGREEMENT WHEREBY THE CHIEF OF POLICE WILL BE RETIRING ON DECEMBER 31, 2007; AND

WHEREAS, UNDER THE TERMS OF THAT AGREEMENT, POLICE CHIEF PAUL KARKOSKA IS GRANTED TERMINAL LEAVE, EFFECTIVE AUGUST 17, 2007, IN ORDER TO UTILIZE ANY ACCRUED SICK AND VACATION TIME; AND

WHEREAS, POLICE CHIEF PAUL KARKOSKA HAS SUBMITTED HIS STATUTORY OBLIGATION IN DESIGNATING THE HEAD OF THE FORCE UPON THE OCCURRENCE OF SAID TERMINAL LEAVE;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE MAYOR AND BOROUGH COUNCIL, OF THE BOROUGH OF JAMESBURG THAT EFFECTIVE AUGUST 17, 2007, LIEUTENANT MARTIN HORVATH SHALL SERVE AS ACTING CHIEF OF POLICE DURING THE TERMINAL LEAVE OF CHIEF PAUL KARKOSKA.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
BODALL			X			
CARPENTER			X			
GRIMES			X			
JENNINGS	X		X			
KOSTBAR		X	X			
LONGO			X			
MAYOR LAMANTIA						

RESOLUTION #192-08-08-07

RESOLUTION APPROVING THE ACTING CHIEF OF POLICE CONTRACT COVERING THE PERIOD FROM AUGUST 17, 2007 THROUGH DECEMBER 31, 2007

WHEREAS, THE BOROUGH OF JAMESBURG WISHES TO ENTER INTO A CONTRACT WITH ACTING CHIEF OF POLICE MARTIN HORVATH, COVERING THE TIME PERIOD BEGINNING AUGUST 17, 2007 AND ENDING DECEMBER 31, 2007; AND

WHEREAS, THE PERSONNEL COMMITTEE HAS NEGOTIATED SUCH A CONTRACT WITH THE ACTING CHIEF OF POLICE;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE ATTACHED CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND THE ACTING JAMESBURG CHIEF OF POLICE, COVERING THE TIME PERIOD FROM AUGUST 17, 2007 THROUGH DECEMBER 31, 2007 BE ACCEPTED;

BE IT FURTHER RESOLVED, THAT THE MAYOR IS AUTHORIZED TO EXECUTE AND THE BOROUGH CLERK TO ATTEST THE ATTACHED CONTRACT BETWEEN THE BETWEEN THE BOROUGH OF JAMESBURG AND THE ACTING JAMESBURG CHIEF OF POLICE MARTIN HORVATH.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
BODALL			X			
CARPENTER		X	X			
GRIMES			X			
JENNINGS	X		X			
KOSTBAR			X			
LONGO			X			
MAYOR LAMANTIA						

DISCUSSION:

Refuse Collection Contract

Denise Jawidzik described the options available for the award of the refuse collection contract and made recommendation to the Mayor and Borough Council. Due to current as well as future budgetary circumstances, the following recommendation was made: a one (1) year contract be awarded to the lowest bidder, that eliminates the extra collection day per week in July and August and eliminate the twice yearly bulk ("clean-up week") collection. Council member Kostbar stated that he feels this is a feasible area to begin the budget trimming that Council knows will be necessary for the ensuing year's budget.

RESOLUTION #193-08-08-07

RESOLUTION AWARDING BID FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES TO WASTE MANAGEMENT.

WHEREAS, THE BOROUGH OF JAMESBURG ADVERTISED FOR OPEN COMPETITIVE BIDS FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND BIDS WERE RECEIVED ON JULY 19, 2007; AND

WHEREAS, WASTE MANAGEMENT, OF EWING, NEW JERSEY SUBMITTED THE LOWEST BID FOR OPTION # 1, FOR A 1 YEAR PERIOD IN THE AMOUNT OF \$98,064.00 WITH THE TIPPING FEE, PER TON, TO BE PAID BY THE BOROUGH; AND

WHEREAS, THE BOROUGH ATTORNEY HAS REVIEWED THE BID DOCUMENTS SUBMITTED BY WASTE MANAGEMENT AND HAS DEEMED THEM TO BE SATISFACTORY; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED TO THE AVAILABILITY OF FUNDS;

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT A CONTRACT BE AWARDED TO WASTE MANAGEMENT FOR OPTION # 1 AS SET FORTH IN THEIR BID PROPOSAL, FOR A 1 YEAR PERIOD IN THE AMOUNT OF \$98,064.00.

BE IT FURTHER RESOLVED, THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AND THE BOROUGH CLERK TO ATTEST THE AUTHORIZED CONTRACT.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
BODALL			X			
CARPENTER		X	X			
GRIMES			X			
JENNINGS			X			
KOSTBAR	X		X			
LONGO			X			
MAYOR LAMANTIA						

COUNCILMATIC COMMITTEE REPORTS

POLICE COMMITTEE / COMMISSIONER & HOLIDAY EVENTS/PATRIOTIC COMMITTEE

Council member Carpenter reported that the Police Committee met this evening, prior to the Council meeting, where coverage of shifts, and the painting of crosswalks were discussed, as well as Lt. Horvath being named Acting Chief.

COMMITTEE ON EDUCATION

Councilmember Grimes reported that all school positions have been filled for the 2007/2008 school year. Mr. Grimes also stated that the Board of Education is inquiring about the Safe Routes to Schools grant funds. The Board of Education is also still awaiting word on an additional \$115,000 of State Aid.

COMMITTEE ON PERSONNEL/NEGOTIATIONS

Council member Jennings reported that P.B.A. negotiations are ongoing.

COMMITTEE ON FINANCE & BUDGETING

Councilmember Kostbar had no report.

COMMITTEE ON BUILDINGS & GROUNDS

Council member Longo reported that the next Land Use Board meeting will be held on September 13th. Also reported that a meeting was held regarding the Buckelew Mansion (Lakeview) project - foundation repairs and further archeological work will need to be performed. Mr. Longo also reported on the SERV Committee that met the previous week.

COMMITTEE ON TECHNOLOGY

Council member Bodall reported that the new Borough web site is up and running. Additionally stated that he has received correspondence from Jersey Central Power and Light regarding the placement of any signs on utility poles being illegal.

Engineer Dittenhofer reported that he has met with the Monroe Township Engineer about the Costco flooding issue and the study mandated by the settlement agreement in place between the Borough, Monroe Township and Costco. Monroe's Public Works Department will "de-snap" the drainage ditch in the area. The scope of work for the drainage study was cooperatively worked on. Bohler Engineering, (Costco's engineers) have been notified of a change in the ground water conditions. The original soil documents submitted to Monroe have been located and will be included in the drainage study. Mayor LaMantia also reported that free sump-pumps with battery back-up have been offered to the residents experiencing flooding. Middlesex County is also offering assistance with cleaning out the ditch believed to be causing the drainage problems that Quail Run residents are experiencing. The flooding issues at the CVS store are to be addressed by their contractor, beginning the third week in August.

COMMITTEE ON PUBLIC SAFETY/ EMERGENCY SERVICES COMMITTEE ON PUBLIC WORKS

Mayor Anthony LaMantia in response to the Board of Education's inquiry, reported that the Safe Routes to Schools grant funding has not been utilized as of yet. The annual "Walk your Child to School Day" will take place on October 3. The Recreation camp ended on August 2 and the Police Department supplied food as they have done in past years. August 18 is the date for the Tonkery Boulevard Street Fest. The Public Safety Committee is to meet next week and they are to discuss a town wide drill.

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: Longo

SECONDED BY: Kostbar

ALL IN FAVOR: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining

PUBLIC COMMENT:

Lydia Gray – 31 Dayton Road

- Complained that her driveway is blocked by her neighbor's shrubs, which is a danger due to no visibility of oncoming traffic.
- Requested that the Borough speak with her neighbor on the matter for safety reasons.

Julie LeHockey – 56 Quail Run Drive

- Thanked Council for the assistance with the water problems being experienced in her development and the vicinity.

Rick Thorn – Executive Director, Scouting for Sidewalks

- Congratulated the Borough on the Safe Routes to Schools Grant.
- Explained the services offered through his organization, by speaking to residents about their sidewalks and offering options to have them repaired.
- His volunteers will be surveying the Borough's sidewalks very soon.

Tom Van de Sande – 2 Fernwood Lane

- Inquired about the curbing being replaced on Fernwood Lane.
- Stated that he feels that Costco's offer for free sump-pumps means that the flooding will continue in the area.
- Inquired about studies done prior to Costco being built.

Elliott Stroul – 110 Mendoker Drive (Revitalization Coalition President)

- Will be attending the Main Street New Jersey grant application workshop in Trenton.

Barbara Bushman – 280 Gatzmer Avenue

- Thanked Council for their assistance with the Costco/flooding issues.
- Posed several questions for the Borough Engineer.

MOTION TO CLOSE TO PUBLIC COMMENT:

PROPOSED BY: Kostbar

SECONDED BY: Longo

ALL IN FAVOR: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining

MOTION TO ADJOURN:

PROPOSED BY: Kostbar

SECONDED BY: Bodall

ALL IN FAVOR: Bodall, Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

TIME OF ADJOURNMENT: 8:30 PM