

BOROUGH OF JAMESBURG

COUNCIL MEETING

MINUTES – MARCH 14, 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 Carpenter
Council member Grimes
Council member Jennings
Council member Kostbar
Attorney Raffetto
Denise Jawidzik, Business Administrator

Those absent: Engineer Dittenhofer

ORDINANCE – FIRST READING:
ORDINANCE #09-07

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 CHAPTERS 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 JANUARY 2007, ARE ATTACHED HERETO AND MADE A PART HEREOF; AND

WHEREAS, THE PROPOSED NEW ORDINANCE SHALL COMPLETELY SUPERSEDE THE EXISTING LAND DEVELOPMENT/ZONING ORDINANCE AND ASSOCIATED REGULATIONS OF THE BOROUGH, AS CONTAINED WITH CHAPTERS 27, 28 AND 30 OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY”; AND

WHEREAS, THE PROPOSED NEW ZONING MAP, DATED JANUARY, 2007, 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 JANUARY 2007, 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, 28, AND 30 OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY", AND THE PRIOR CHAPTERS 27, 28, AND 30 ARE HEREBY REPEALED IN THEIR ENTIRETY.
3. THAT THE ATTACHED ZONING MAP, DATED JANUARY 2007, 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 discussed various aspects of the Land Use Ordinance and the matters the ordinance addresses.

Motion to Approve Ordinance #09-06 on First Reading, Authorize Publication, and Set Public Hearing/Second Reading Date:

Proposed by: Jennings

Seconded by: Longo

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

None Opposed, None Abstaining.

ORDINANCES – SECOND READING/PUBLIC HEARING:

THE FOLLOWING ORDINANCES WERE APPROVED ON FIRST READING AT THE MEETING OF THE MAYOR AND COUNCIL HELD ON FEBRUARY 28, 2007, AND PUBLISHED IN FULL IN THE MARCH 5, 2007 EDITION OF THE HOME NEWS TRIBUNE. COPIES HAVE BEEN POSTED ON THE MUNICIPAL BULLETIN BOARD AND MADE AVAILABLE TO THE PUBLIC SINCE INTRODUCTION

ORDINANCE #06-07

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF A 2007 OR NEWER FORD MASON DUMP AND APPROPRIATING THE SUM OF \$50,000 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 ACQUIRE A MASON DUMP; AND

WHEREAS, THE BOROUGH OF JAMESBURG HAS, \$50,000 IN THE CAPITAL IMPROVEMENT FUND.

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

SECTION 2. THE ACQUISITION HEREBY AUTHORIZED TO BE UNDERTAKEN CONSIST OF THE PURCHASE OF A MASON DUMP, TOGETHER WITH ALL ITEMS NECESSARY, INCIDENTAL OR APPURTENANT THERETO.

SECTION 3. THE 2007 GENERAL CAPITAL BUDGET OF THE BOROUGH OF JAMESBURG WILL 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 #06-07

Proposed by: Kostbar

Seconded by: Longo

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

None Opposed, None Abstaining.

Public Comment on Ordinance #06-07

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

Motion to Close to Public Comment on Ordinance #06-07

Proposed by: Jennings

Seconded by: Grimes

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

None Opposed, None Abstaining.

Motion to Approve Ordinance #06-07 on Second Reading:

Proposed by: Carpenter

Seconded by: Jennings

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

None Opposed, None Abstaining.

ORDINANCE #07-07

AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL
HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING
BOROUGH OF JAMESBURG'S AFFORDABLE HOUSING PROGRAM
PURSUANT TO THE FAIR HOUSING ACT.

BE IT ORDAINED by the Borough Council of Borough of Jamesburg in the County of Middlesex and State of New Jersey that the following amendments be made to Chapter 2 of the "Revised General Ordinances of the Borough of Jamesburg."

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of the Borough of Jamesburg's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough of Jamesburg.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Borough of Jamesburg to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Borough of Jamesburg.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Jamesburg, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
 - (1) Serving as Jamesburg's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in Jamesburg's Fair Share Plan;

- (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Jamesburg as described in F. below.
- D. Subject to approval by COAH, the Borough of Jamesburg may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the Borough of Jamesburg, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Jamesburg contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison.
- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Jamesburg and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
 - (2) Household Certification
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing the random selection process as provided in the Affirmative Marketing Plan of the Borough of Jamesburg when referring households for certification to affordable units.
 - (3) Affordability Controls
 - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
 - (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;

- (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing request from unit owners
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
- (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 4. Severability.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

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

Proposed by: Jennings

Seconded by: Longo

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

None Opposed, None Abstaining.

Public Comment on Ordinance #07-07

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

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

Proposed by: Kostbar

Seconded by: Grimes

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

None Opposed, None Abstaining.

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

Proposed by: Kostbar

Seconded by: Longo

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

None Opposed, None Abstaining.

ORDINANCE #08-07

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE SEWER SYSTEM AND APPROPRIATING THE SUM OF \$24,000 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 IMPROVE THE SEWER SYSTEM; AND

WHEREAS, THE BOROUGH OF JAMESBURG HAS \$24,000 IN THE SEWER CAPITAL IMPROVEMENT FUND.

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 SEWER 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 2007 CAPITAL BUDGET OF THE BOROUGH OF JAMESBURG WILL 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 #08-07

Proposed by: Jennings

Seconded by: Kostbar

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

None Opposed, None Abstaining.

Public Comment on Ordinance #08-07

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

Motion to Close to Public Comment on Ordinance #08-07

Proposed by: Jennings

Seconded by: Longo

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

None Opposed, None Abstaining.

Motion to Approve Ordinance #08-07 on Second Reading:

Proposed by: Kostbar

Seconded by: Carpenter

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

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			
GRIMES			X			
JENNINGS			X			
KOSTBAR			X			
LONGO	X		X			
vacancy						
MAYOR LAMANTIA						

RESOLUTIONS:

RESOLUTION #099-03-14-07**

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL

February 28, 2007

RESOLUTION #100-03-14-07**

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:

Library Board of Trustees	January 22, 2007 Meeting Minutes
Tax Collector	February 2007
Sewer Administrator	February 2007
Investment Report	February 2007
Finance Officer	February 2007

RESOLUTION #101-03-14-07**

APPROVE LAUNDRY, SODA MACHINE, AND VENDING MACHINE LICENSES

WHEREAS, AN APPLICATION HAS BEEN SUBMITTED BY COLLINS LAUNDRY FOR THIRTY SEVEN (37) LAUNDRY LICENSES, ONE (1) SODA MACHINE LICENSE, AND ONE (1) VENDING MACHINE LICENSE; AND

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 THAT LICENSES #LL-11-07, THROUGH #LL-47-07, #SM-01-07, AND #VM-02-07 BE AND ARE HEREBY APPROVED IN THE NAME OF COLLINS LAUNDRY.

RESOLUTION #102-03-14-07**

REDEMPTIONS OF TAX LIENS

WHEREAS, THE TAX COLLECTOR HAS CONFIRMED RECEIPT OF PAYMENTS IN THE AGGREGATE AMOUNT OF NINETEEN THOUSAND THREE HUNDRED TWENTY DOLLARS AND FIFTY-ONE CENTS (\$19,320.51) AS VERIFIED IN THE CERTIFICATION ATTACHED HERETO; AND

WHEREAS, THESE PAYMENTS HAVE BEEN MADE FOR: THE REDEMPTION OF TAX SALE CERTIFICATE #04-0007, THE LIEN-HOLDER BEING MASTELLONE, FOR TAX SALE CERTIFICATE #06-00015, LIEN-HOLDER MOORING, AND FOR TAX SALE CERTIFICATE #99-00008, LIEN-HOLDER BEING BREEN.

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 NINETEEN THOUSAND THREE HUNDRED TWENTY DOLLARS AND FIFTY-ONE CENTS (\$19,320.51) TO THE ABOVE SPECIFIED LIEN-HOLDERS.

RESOLUTION #103-03-14-07**

RESOLUTION AUTHORIZING AWARD OF BID FOR THE SEWER REHABILITATION PROJECT, PHASE 4, TO ALLSTATE POWER VAC

WHEREAS, ON FEBRUARY 27, 2007, THE BOROUGH OF JAMESBURG RECEIVED BIDS FOR THE SEWER REHABILITATION PROJECT, PHASE 4, WITHIN THE BOROUGH; AND

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

- | | | |
|----|---------------------------------|------------------|
| 1. | ALLSTATE POWER VAC | \$79,600.00 |
| 2. | AM-LINER EAST, INC. | \$97,100.00 |
| 3. | D & D UTILITY CONTRACTORS, INC. | \$98,672.00; and |

WHEREAS, IT IS THE OPINION OF THE BOROUGH ENGINEER THAT THE CONTRACT FOR THE SEWER REHABILITATION PROJECT, PHASE 4, BE AWARDED TO ALLSTATE POWER VAC FOR AN AMOUNT OF \$79,600.00

WHEREAS, THE BOROUGH ATTORNEY HAS GRANTED APPROVAL AS TO THE FORM OF THE BID; 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 SEWER REHABILITATION PROJECT, PHASE 4, BE AWARDED TO ALLSTATE POWER VAC FOR AN AMOUNT OF \$79,600.00.

END OF CONSENT AGENDA

RESOLUTION #104-03-14-07

WHEREAS, THE BOROUGH OF JAMESBURG WISHES TO PURCHASE A 2007 FORD F-450 DRW DUMP TRUCK FROM AN AUTHORIZED VENDOR UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM 1-NJCP; AND

WHEREAS, THE PURCHASE OF GOODS AND SERVICES BY LOCAL CONTRACTING UNITS IS AUTHORIZED BY THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-12; AND

WHEREAS, WARNOCK FLEET, 175 ROUTE 10 EAST HANOVER, NJ 07936 HAS BEEN AWARDED NEW JERSEY STATE CONTRACT #A67467 FOR THESE VEHICLES; AND

WHEREAS, THE FINANCE OFFICE RECOMMENDS THE UTILIZATION OF THIS CONTRACT ON THE GROUNDS THAT IT REPRESENTS THE BEST PRICE AVAILABLE; AND

WHEREAS, THE ACTUAL COST FOR THE PURCHASE OF THE 2007 FORD F-450 DRW DUMP TRUCK IS EXPECTED NOT TO EXCEED \$38,844.70; AND

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

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT WARNOCK FLEET BE AWARDED A CONTRACT FOR THE PURCHASE OF A 2007 FORD F-450 DRW DUMP TRUCK.

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

RESOLUTION #105-03-14-07

RESOLUTION APPOINTING MUNICIPAL HOUSING LIAISON

WHEREAS, THE BOROUGH OF JAMESBURG WAS GRANTED SUBSTANTIVE CERTIFICATION OF ITS HOUSING ELEMENT AND FAIR SHARE PLAN BY THE COUNCIL ON AFFORDABLE HOUSING (C.O.A.H.) ON DECEMBER 6, 2000; AND

WHEREAS, THE BOROUGH OF JAMESBURG'S FAIR SHARE PLAN PROMOTES AN AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT (N.J.S.A. 52:27D-301, et seq) AND C.O.A.H.'S THIRD ROUND SUBSTANTIVE RULES; AND

WHEREAS, PURSUANT TO N.J.A.C. 5:94-7 AND N.J.A.C. 5:80-26.1 et seq, THE BOROUGH OF JAMESBURG IS REQUIRED TO APPOINT A MUNICIPAL HOUSING LIAISON FOR THE ADMINISTRATION OF THE BOROUGH OF JAMESBURG'S AFFORDABLE HOUSING PROGRAM TO ENFORCE THE REQUIREMENTS OF N.J.A.C.5:94-7 AND N.J.A.C. 5:80-26.1 et seq.; AND

WHEREAS, THE BOROUGH OF JAMESBURG HAS AMENDED CHAPTER HAS AMENDED CHAPTER 2, ENTITLED "ADMINISTRATION" TO PROVIDE FOR THE APPOINTMENT OF A MUNICIPAL HOUSING LIAISON TO ADMINISTER JAMESBURG'S AFFORDABLE HOUSING PROGRAM.

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, AND THE STATE OF NEW JERSEY THAT BERNARD LONG IS HEREBY APPOINTED AS THE FOR THE ADMINISTRATION OF THE AFFORDABLE HOUSING PROGRAM, PURSUANT TO AND IN ACCORDANCE WITH THE BOROUGH ORDINANCE.

BE IT FURTHER RESOLVED, THAT THE SALARY FOR THE POSITION OF MUNICIPAL HOUSING LIAISON IS SET AT \$3,000.00 PER ANNUM.

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

RESOLUTION #106-03-14-07

RESOLUTION FOR PERSON-TO-PERSON TRANSFER OF ALCOHOLIC BEVERAGE CONTROL LICENSE

WHEREAS, AN APPLICATION HAS BEEN FILED FOR A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1208-33-005-003, HERETOFORE ISSUED TO CARORIHÉ'S ENTERPRISE, INC. FOR PREMISES LOCATED AT 306 GATZMER AVENUE, JAMESBURG, NEW JERSEY; AND

WHEREAS, THE SUBMITTED APPLICATION FORM IS COMPLETE IN ALL RESPECTS, THE TRANSFER FEES HAVE BEEN PAID, AND THE LICENSE HAS BEEN PROPERLY RENEWED FOR THE CURRENT LICENSE TERM; AND

WHEREAS, THE APPLICANT IS QUALIFIED TO BE LICENSED ACCORDING TO ALL STANDARDS ESTABLISHED BY TITLE 33 OF THE NEW JERSEY STATUTES, REGULATIONS PROMULGATED THEREUNDER AS WELL AS PERTINENT LOCAL ORDINANCES AND CONDITIONS CONSISTENT WITH TITLE 33; AND

WHEREAS, THE APPLICANT HAS DISCLOSED AND THE ISSUING AUTHORITY REVIEWED THE SOURCE OF ALL FUNDS USED IN THE PURCHASE OF THE LICENSE AND THE LICENSED BUSINESS AND ALL ADDITIONAL FINANCING OBTAINED IN CONNECTION WITH THE LICENSE BUSINESS:

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, THAT THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG DOES HEREBY APPROVE, EFFECTIVE MARCH 14, 2007 THE TRANSFER OF THE AFORESAID PLENARY RETAIL CONSUMPTION LICENSE TO C AND R DOMENICS, INC. AND DOES HEREBY DIRECT THE BOROUGH CLERK TO ENDORSE THE LICENSE CERTIFICATE TO THE NEW OWNERSHIP AS FOLLOWS: "THIS LICENSE, SUBJECT TO ALL ITS TERMS AND CONDITIONS, IS HEREBY TRANSFERRED TO C AND R DOMENICS, INC. EFFECTIVE MARCH 14, 2007.

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

RESOLUTION #107-03-14-07

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 \$28,368.18.

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

RESOLUTION #109-03-14-07

RESOLUTION AUTHORIZING THE AWARD OF A RESTRICTED CONTRACT FOR THE
INSTALLATION OF FLOORING AT THE JAMESBURG PUBLIC LIBRARY

WHEREAS, THE BOROUGH OF JAMESBURG HAS A NEED TO AWARD A CONTRACT FOR THE INSTALLATION OF FLOORING 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, EXCEPTIONAL FLOORING, INC. HAS SUBMITTED A PROPOSAL INDICATING THEY WILL INSTALL SAID FLOORING FOR \$25,750; AND

WHEREAS, EXCEPTIONAL FLOORING, INC. HAS COMPLETED AND SUBMITTED A BUSINESS ENTITY DISCLOSURE CERTIFICATION WHICH CERTIFIES THAT EXCEPTIONAL FLOORING, INC. 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 EXCEPTIONAL FLOORING, INC. 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 EXCEPTIONAL FLOORING, INC. 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.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER	X		X			
GRIMES			X			
JENNINGS			X			
KOSTBAR			X			
LONGO		X	X			
vacancy						
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. The Department is currently seeking a full time dispatcher as well as a crossing guard, to fill vacancies. The committee also spoke about the parking on Half Acre Road. Mrs. Carpenter also reported on Library events and announced meeting dates for the patriotic committee.

COMMITTEE ON EDUCATION

Councilmember Grimes reported on the 2007/2008 Board of Education budget that will realize over a \$300,000 increase in State aid, however, \$109,000 of that amount is not guaranteed, as per the Board President. The Board of Education will be presenting the budget at the meeting to be held on March 29 at 7:00pm.

COMMITTEE ON PERSONNEL/NEGOTIATIONS

Council member Jennings reported that interviews are to be held for the dispatcher position.

COMMITTEE ON FINANCE & BUDGETING

Councilmember Kostbar reported that the Borough is awaiting Extraordinary Aid figures from the State before moving forward with adopting the 2007 Local Municipal Budget.

COMMITTEE ON BUILDINGS, GROUNDS & COMMITTEE ON TECHNOLOGY

Council member Longo reported that the Revitalization Coalition will be meeting the following evening and a good resident turnout is needed for participation and opinions. Also reported on the town wide yard sale.

COMMITTEE ON PUBLIC SAFETY/ EMERGENCY SERVICES COMMITTEE ON PUBLIC WORKS
Mayor Anthony LaMantia reported that the Office of Emergency Management is going to be holding a drill sometime over the summer months and a new printer is to be sent by the County for the printing of maps and aerial views of the Borough. The storm drain at West Railroad Avenue and Church Street is being worked on – the piping is done on that project. The Mayor also spoke to the matter of certain bills that are pending in the State legislature that he is actively opposing as the bills will dramatically harm the Borough should they be signed into law.

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: Carpenter, Grimes, Jennings, Kostbar, Longo.

None Opposed, None Abstaining.

PUBLIC COMMENT

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

MOTION TO CLOSE TO PUBLIC COMMENT:

PROPOSED BY: Jennings

SECONDED BY: Longo

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

None Opposed, None Abstaining.

RESOLUTION #108-03-14-07

RESOLUTION FOR COUNCIL TO ADJOURN TO EXECUTIVE SESSION

WHEREAS, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231 P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND

WHEREAS, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;

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

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF ANY ACTION UPON THE HEREINAFTER SPECIFIED SUBJECT MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTER TO BE DISCUSSED IS AS FOLLOWS:

**LITIGATION:
(SERV CENTER V. BOROUGH OF JAMESBURG)**

3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE STATED SUBJECT MATTER SHALL BE MADE PUBLIC AND EXCLUSIVELY UPON AUTHORIZATION OF THE BOROUGH ATTORNEY.
4. ACTION MAY BE TAKEN BY THE BOROUGH COUNCIL, UPON THE CLOSE OF EXECUTIVE SESSION AND THE RETURN TO OPEN PORTION OF THE MEETING. ANYONE WISHING TO REMAIN OUTSIDE COUNCIL CHAMBERS AND RETURN TO VIEW ANY ACTIONS WHICH MAY BE TAKEN IN PUBLIC BY THE COUNCIL AT THE CONCLUSION OF THE EXECUTIVE SESSION MAY DO SO.
5. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

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

Upon the adjournment of Executive Session, Council considered the following Resolution:

RESOLUTION #110-03-14-07

A RESOLUTION AUTHORIZING THE BOROUGH OF JAMESBURG TO SETTLE CERTAIN LITIGATION KNOWN AS SERV CENTERS OF NEW JERSEY, INC. VS. BOROUGH OF JAMESBURG, ET ALS.

WHEREAS, the Borough of Jamesburg (the “Borough”) is currently a party to certain litigation that is pending before the Superior Court of New Jersey, Law Division, Middlesex County, known as SERV Centers of New Jersey, Inc. vs. Borough of Jamesburg, bearing Docket No. MID-L-8018-05; and

WHEREAS, said litigation relates to certain alleged environmental contamination which affects the property owned by the Plaintiff which is located on East Church Street in the Borough, which is more commonly known and designated as Block 28, Lots 6.01 and 6.02 (the “subject property”); and

WHEREAS, the Plaintiff has constructed a residential health care facility at the subject property which is used to provide assistance to patients with various mental disorders; and

WHEREAS, among other things, the Plaintiff has alleged that the Borough is responsible for the contamination which affects the subject property, and that said contamination results from the presence of certain underground storage tanks that were located at the former Borough Hall site located at 31 East Railroad Avenue in the Borough (the “former Borough Hall property”); and

WHEREAS, the former Borough Hall property is a site that is currently undergoing active environmental remediation efforts, under the direct oversight of the New Jersey Department of Environmental Protection; and

WHEREAS, since initiation of the litigation, the parties have engaged in discovery and a mediation session was held on March 8, 2007, with Judge Mark Epstein, a retired Judge of the Superior Court of New Jersey, Middlesex County; and

WHEREAS, as a result of the mediation session, the parties have negotiated an amicable settlement of this matter which will result in the Borough making a payment to the Plaintiff in the total amount of \$150,000.00 in return for the Plaintiff dismissing its claims against the Borough and releasing the Borough from any and all further liability in this matter; and

WHEREAS, the proposed \$150,000.00 amount shall be paid out to the Plaintiff in fifteen (15) annual installments of \$10,000.00 each; and

WHEREAS, the Borough’s Business Administrator 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 litigation, in the manner as set forth above.
2. That the Borough Attorney and/or the Mayor and Borough Clerk, are hereby authorized and directed to execute any and all settlement documents on behalf of the Borough, which shall be in a form satisfactory to the Borough Attorney, in accordance with the terms and conditions referenced above, which resolves the above-referenced litigation.
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 referenced above.
4. That a certified copy of this Resolution shall be provided to each of the following:
 - (a) Frederick C. Raffetto, Esquire, Borough Attorney
 - (b) Denise Jawidzik, Borough Administrator

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
<i>CARPENTER</i>			X			
<i>GRIMES</i>			X			
<i>JENNINGS</i>	X		X			
<i>KOSTBAR</i>			X			
<i>LONGO</i>		X	X			
<i>vacancy</i>						
<i>MAYOR LAMANTIA</i>						

MOTION TO ADJOURN:

PROPOSED BY: Carpenter

SECONDED BY: Kostbar

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

None Opposed, None Abstaining.

TIME OF ADJOURNMENT:

7:36 PM