

BOROUGH OF JAMESBURG

COUNCIL MEETING

MINUTES – October 10, 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 Vogt
Denise Jawidzik, Business Administrator

Those Absent: Gretchen McCarthy, Municipal Clerk

ORDINANCES – PUBLIC HEARING/SECOND READING:

THE FOLLOWING ORDINANCE WAS APPROVED ON FIRST READING AT THE MEETING OF THE MAYOR AND COUNCIL HELD ON SEPTEMBER 12, 2007, AND PUBLISHED IN FULL IN THE SEPTEMBER 28, 2007 EDITION OF THE CRANBURY PRESS. COPIES HAVE BEEN POSTED ON THE MUNICIPAL BULLETIN BOARD AND MADE AVAILABLE TO THE PUBLIC SINCE INTRODUCTION

ORDINANCE #15-07

AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF AN UNNAMED ALLEYWAY BEHIND LOT 2 IN BLOCK 41 IN THE BOROUGH OF JAMESBURG, MIDDLESEX COUNTY, NEW JERSEY.

WHEREAS, the Borough of Jamesburg has received a request to vacate a portion of an unnamed alleyway behind Lot 2 in Block 41, as shown on Plate 15 from the current Tax Maps of the Borough of Jamesburg, Middlesex County, New Jersey; and

WHEREAS, the area which is proposed to be vacated (the “area in question”) measures approximately 475 square feet and is more particularly described in a legal description prepared by Remington & Vernick Engineers, dated August 1, 2007, a copy of which is attached hereto as Exhibit “A” and made a part hereof; and

WHEREAS, the area in question is depicted in more detail on certain copies of the Borough’s Tax Maps (2 pages) which are collectively attached hereto as Exhibit “B” and made a part hereof; and

WHEREAS, a vacation of a right-of-way, or part thereof, under the jurisdiction of the municipality and previously used by the public may be authorized by the municipal governing body by Ordinance, pursuant to *N.J.S.A. 40:67-19, et seq.*, and/or by other applicable law, when there is no longer any need for the use of said area by the public; and

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

WHEREAS, the owners of the properties adjacent to the area in question are supportive of this action, and have requested that the Borough consider such vacation.

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. 40:67-19, et seq., the Borough of Jamesburg hereby vacates, extinguishes, releases and abandons all public right, title and interest in and to that portion of an unnamed alleyway behind Lot 2 in Block 41, as shown on Plate 15 from the current Tax Maps of the Borough of Jamesburg, Middlesex County, New Jersey, as more particularly described in the legal description attached hereto and made a part hereof as Exhibit "A" and as more particularly depicted on the Borough's Tax Maps which are attached hereto and made a part hereof as Exhibit "B."

2. That it is the intention of the Borough that once the area in question has been vacated, ownership of the underlying lands shall revert by operation of law to the owner(s) of the adjacent properties.

3. 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.

4. That, following the introduction of this Ordinance, the Borough Clerk shall cause the Ordinance, and notice of its introduction, to be published in an official newspaper of the Borough at least ten (10) days prior to the time fixed for further consideration of the Ordinance by the governing body. The notice shall comply with all requirements of N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6.

5. That, following the introduction of this Ordinance, the Borough Clerk shall also, at least one week prior to the time fixed for further consideration and final passage of the Ordinance, mail a copy of the Ordinance, together with a notice of the introduction thereof, and information as to the time and place of when and where the Ordinance will be further considered for final passage, to every person whose lands may be affected by this Ordinance, by certified mail return receipt requested and regular mail, to their last known post office address(es).

6. That, following the adoption of this Ordinance, the Borough Clerk shall, within sixty (60) days of the effective date thereof, file a copy of this Ordinance along with the attached Exhibits, certified by the Clerk, under seal of the Borough, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Middlesex County Clerk for recordation in the County's Book of "Vacations," pursuant to N.J.S.A. 40:67-21.

7. That, once the area in question has been vacated, the Borough's interests in and to the said area shall be forever released. 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, then the Borough hereby authorizes the conveyance of said underlying area(s) to the adjoining property owner(s) by Deed, for nominal consideration, pursuant to N.J.S.A. 40:67-19, et seq., N.J.S.A. 40:60-28, and N.J.S.A. 40A:12-13(b)(5), so that these portions may be combined with and become a part of the said adjacent properties.

8. 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.

9. 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.

10. That all costs associated with this matter shall be the responsibility of the adjacent property owners.

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

12. 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.

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

Motion to Open to Public Comment on Ordinance #15-07

Proposed by: Longo

Seconded by: Kostbar

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

None Opposed, None Abstaining.

Public Comment on Ordinance #15-07
GARY FILSON – 9 WEST CHURCH STREET

- Vacating the alleyway will allow the church to replace the existing garage with a larger building for the food pantry.

LARRY HRICZAK – 2 BIRCHWOOD ROAD

- In favor of vacating alley.
- Food program is valuable to the town.

Motion to Close to Public Comment on Ordinance #15-07

Proposed by: Jennings

Seconded by: Longo

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

None Opposed, None Abstaining.

Motion to Approve Ordinance #15-07 on Second Reading:

Proposed by: Longo

Seconded by: Kostbar

All In Favor: Bodall, 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.

Denise Jawidzik asked to remove Resolution #216-10-10-07, while the remainder of the Consent Agenda was adopted on the following vote:

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

RESOLUTION #212-10-10-07

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF JAMESBURG PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SUCH ITEMS OF REVENUE IN THE BUDGET OF THE COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF ANY ITEM OF APPROPRIATION FOR EQUAL AMOUNT:

NOW, THEREFORE BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, THAT IT HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET FOR THE YEAR 2007 IN THE AMOUNT OF \$227,760.00 WHICH ITEM IS NOW AVAILABLE AS REVENUE FROM STATE OF NEW JERSEY DEPARTMENT OF TRANSPORTATION, SAFE ROUTES TO SCHOOL PROGRAM; AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$227,760.00 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF;

SAFE ROUTES TO SCHOOLS - OTHER EXPENSES

RESOLUTION #213-10-10-07**

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL
September 12, 2007

RESOLUTION #214-10-10-07**

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	August 2007
Sewer Administrator	August 2007
Finance Officer	August 2007
Investment Report	August 2007
Police Department	August 2007
Library Board Minutes	July 16, 2007

RESOLUTION #215-10-10-07**

APPROVE TAXI LICENSES

WHEREAS, HASAN K. ALDEMIR HAS SUBMITTED APPLICATIONS, INCLUDING DOCUMENTATION OF INSURANCE, FOR A TWO (2) TAXI LICENSES; AND

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

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

<u>MAKE AND MODEL</u>	<u>VEHICLE I.D. NUMBER</u>
1996 LINCOLN TOWN CAR	1LNLM81W9TY724287
1999 GMC SUBURBAN	1GKFK16R7XJ732392

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION, GRANTING APPROVAL, BE FORWARDED TO HASAN K. ALDEMIR, 194 BUCKELEW AVENUE, JAMESBURG.

RESOLUTION #217-10-10-07**

REDEMPTIONS OF TAX LIEN

WHEREAS, THE TAX COLLECTOR HAS CONFIRMED RECEIPT OF PAYMENT IN THE AMOUNT OF SEVEN HUNDRED NINETY FIVE DOLLARS AND FIFTY-FOUR CENTS (\$795.54) AS VERIFIED IN THE CERTIFICATION ATTACHED HERETO; AND

WHEREAS, THIS PAYMENT HAS BEEN MADE FOR THE REDEMPTION OF TAX SALE CERTIFICATE #06-00006, THE LIEN-HOLDER BEING PARK FINANCE, LLC.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE TAX COLLECTOR BE AND IS HEREBY AUTHORIZED TO ISSUE A CHECK IN THE AMOUNT OF SEVEN HUNDRED NINETY-FIVE DOLLARS AND FIFTY-FOUR CENTS (\$795.54) TO THE ABOVE SPECIFIED LIEN-HOLDER.

RESOLUTION #218-10-10-07**

RETURN OF PREMIUM ON A TAX SALE CERTIFICATE

WHEREAS, THE TAX COLLECTOR HAS RECEIVED A PREMIUM IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) ON TAX SALE CERTIFICATE #06-00006 BEING HELD BY PARK FINANCE, LLC; AND

WHEREAS, THE AFOREMENTIONED CERTIFICATE HAS BEEN REDEEMED.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, THAT THE TAX COLLECTOR BE AND IS HEREBY AUTHORIZED TO RETURN THE PREMIUM IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) TO THE AFOREMENTIONED CERTIFICATE HOLDER.

RESOLUTION #219-10-10-07**

RESOLUTION ACCEPTING AGREEMENT WITH MIDDLESEX COUNTY REGARDING SUSTAINABLE GROWTH IMPROVEMENT GRANT MONIES FOR EAST RAILROAD AVENUE STREETScape, PHASE 3.

WHEREAS, THE COUNTY BOARD OF CHOSEN FREEHOLDERS HAS APPROVED THE GRANT APPLICATION FROM THE BOROUGH OF JAMESBURG FOR PHASE 3 OF THE EAST RAILROAD AVENUE STREETScape; AND

WHEREAS, THE GRANT MONIES FOR SAID PROJECT ARE AVAILABLE THROUGH THE MIDDLESEX COUNTY SUSTAINABLE ECONOMIC GROWTH IMPROVEMENT FUND GRANT IN THE AMOUNT OF \$100,000.00; AND

WHEREAS, THE BOROUGH OF JAMESBURG IS DESIROUS OF OBTAINING SAID GRANT FUNDING FOR THE EAST RAILROAD AVENUE STREETScape, PHASE 3; AND

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

1. THE BOROUGH OF JAMESBURG DOES HEREBY ENTER INTO THE GRANT AGREEMENT WITH THE COUNTY OF MIDDLESEX FOR A SUSTAINABLE ECONOMIC GROWTH IMPROVEMENT FUND GRANT IN THE AMOUNT OF \$100,000.00, TO BE UTILIZED FOR PHASE 3 OF THE EAST RAILROAD AVENUE STREETScape.
2. THE MAYOR IS AUTHORIZED TO EXECUTE SAID GRANT AGREEMENT ON BEHALF OF THE BOROUGH OF JAMESBURG AND THE MUNICIPAL CLERK IS HEREBY DIRECTED TO ATTEST SAID GRANT AGREEMENT AND AFFIX THERETO THE CORPORATE SEAL OF THE BOROUGH OF JAMESBURG.
3. A DULY AUTHENTICATED COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE MIDDLESEX COUNTY BOARD OF CHOSEN FREEHOLDERS.

RESOLUTION #220-10-10-07**

RESOLUTION AUTHORIZING A CHANGE ORDER (KNOWN AS CHANGE ORDER #1) TO THE CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND R & B BUILDERS, INC., FOR THE IMPROVEMENTS TO OAKLAND ROAD, FERNWOOD LANE, AND FRONT STREET PROJECT.

WHEREAS, DUE TO UNANTICIPATED CIRCUMSTANCES WHICH HAVE ARISEN DURING THE IMPROVEMENTS TO OAKLAND ROAD, FERNWOOD LANE, AND FRONT STREET PROJECT, THE BOROUGH ENGINEER HAS RECOMMENDED A CHANGE ORDER (KNOWN AS CHANGE ORDER #1) IN ORDER TO AMEND THE CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND R & B BUILDERS, INC. ; AND

WHEREAS, THE PROPOSED CHANGE ORDER IS DESCRIBED IN MORE DETAIL IN THE ATTACHED FORM, LAST DATED BY BOROUGH ENGINEER ON SEPTEMBER 4, 2007; AND

WHEREAS, THE PROPOSED CHANGE ORDER SHALL CHANGE THE AMOUNT OF THE ORIGINAL CONTRACT BY AN DECREASE IN THE CONTRACT AMOUNT OF EIGHTEEN THOUSAND, SEVENTY-EIGHT DOLLARS AND THIRTY CENTS (-\$18,078.30); AND

WHEREAS, THE PROPOSED CHANGE ORDER DOES NOT EXCEED THE TWENTY PERCENT (20%) LIMITATION IMPOSED BY LAW; AND

WHEREAS, THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG HAS RECEIVED THE RECOMMENDATIONS OF THE BOROUGH ENGINEER AND BOROUGH BUSINESS ADMINISTRATOR TO PROCEED WITH THE SAID CHANGE ORDER.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG AS FOLLOWS:

1. THAT THE BOROUGH IS AUTHORIZED TO ENTER INTO THE ATTACHED CHANGE ORDER (KNOWN AS CHANGE ORDER #1) WHICH SHALL BE CONSIDERED AN AMENDMENT TO THE ORIGINAL CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND R & B BUILDERS, INC. FOR THE IMPROVEMENTS TO OAKLAND ROAD, FERNWOOD LANE, AND FRONT STREET PROJECT.

2. THAT THE BUSINESS ADMINISTRATOR SHALL CERTIFY THAT THERE ARE SUFFICIENT FUNDS TO COVER THE AMOUNT OF THIS CHANGE ORDER.

3. THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- a. ALAN B. DITTENHOFER, P.E.,C.M.E., BOROUGH ENGINEER
- b. R & B BUILDERS, INC.
- c. DENISE JAWIDZIK, BOROUGH BUSINESS ADMINISTRATOR
- d. FREDERICK C. RAFFETTO, ESQUIRE, BOROUGH ATTORNEY.

RESOLUTION #221-10-10-07**

RELEASE OF PERFORMANCE BOND OF R & B BUILDERS, INC. BEING HELD FOR THE IMPROVEMENTS TO OAKLAND ROAD, FERNWOOD LANE, AND FRONT STREET PROJECT.

WHEREAS, THE BOROUGH OF JAMESBURG IS IN POSSESSION OF A PERFORMANCE BOND FROM R & B BUILDERS, INC. FOR THE IMPROVEMENTS TO OAKLAND ROAD, FERNWOOD LANE, AND FRONT STREET PROJECT; AND

WHEREAS, R & B BUILDERS, INC. HAS SUBMITTED MAINTENANCE BOND NUMBER #B10-007-997 AEGIS SECURITY INSURANCE COMPANY BEING THE SURETY, IN THE AMOUNT OF ONE HUNDRED FIFTY-TWO THOUSAND TWO HUNDRED EIGHTY-NINE DOLLARS AND SEVENTY CENTS (\$152,289.70) 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 IMPROVEMENTS TO OAKLAND ROAD, FERNWOOD LANE, AND FRONT STREET PROJECT.

RESOLUTION #222-10-10-07**

A RESOLUTION URGING OPPOSITION TO ASSEMBLY BILL A-4393 REGARDING ESTIMATES

WHEREAS, ASSEMBLY BILL A-4393 REQUIRES CONTRACTING UNITS REQUESTING BIDS FOR CONSTRUCTION PROJECTS TO ADVERTISE THEIR PROJECTED COST ESTIMATE RANGE AND REQUIRES THE PROJECTED COST ESTIMATE RANGE BE ATTESTED TO BY THE PERSON PREPARING THE ADVERTISEMENT FOR BID 120 DAYS PRIOR TO THE BID DUE DATE; AND,

WHEREAS, THIS BILL IS UNNECESSARY LEGISLATION THAT WILL ADVERSELY IMPACT AN ESSENTIAL FUNCTION OF LOCAL GOVERNMENT AND CREATE AN ADDITIONAL AND UNNECESSARY LEVEL OF BUREAUCRACY ON THE ALREADY CUMBERSOME LOCAL PUBLIC CONTRACTS LAW AND NUMEROUS OTHER STATUTES (I.E. NEW JERSEY BUSINESS REGISTRATION CERTIFICATE, PUBLIC WORKS CONTRACTORS REGISTRATION, "LAZY BIDDERS LAW", AFFIRMATIVE ACTION, PROMPT PAYMENT AND PAY-TO-PLAY) AFFECTING THE PUBLIC CONTRACTING PROCESS; AND,

WHEREAS, THIS BILL UNDERMINES THE EFFICIENCY NOT ONLY OF PROCUREMENT, BUT GENERAL GOVERNMENT AS WELL, PARTICULARLY WHEN THERE MAY BE A NEED TO PERFORM EXPEDITED PROCUREMENT TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC; AND,

WHEREAS, THIS BILL WILL LIKELY DIMINISH FULL, FAIR, AND OPEN COMPETITION AMONG POTENTIAL VENDORS AS CONTRACTORS WOULD HAVE LITTLE INCENTIVE TO PROVIDE A BID LOWER THAN THE PROJECTED COSTS; AND,

WHEREAS, THIS BILL RESTRAINS THE DISCRETION OF THE GOVERNING BODY IN REJECTING ALL BIDS FOR ANY OF THE SIX REASONS CURRENTLY UNDER N.J.S.A. 40A:11-13.2; AND,

WHEREAS, THIS BILL CONTAINS AMBIGUOUS LANGUAGE AND OPEN-ENDED CRITERIA THAT COULD LEAD TO PROTRACTED DISPUTES AND EVEN LITIGATION; AND,

WHEREAS, THIS BILL IGNORES PROVISIONS OF N.J.S.A. 40A:11-1 ET SEQ. WHICH HAVE BEEN IN PLACE SINCE 1971 AND HAVE ENABLED THE EFFICIENT, EFFECTIVE AND RESPONSIBLE CONSTRUCTION OF PUBLIC FACILITIES; AND,

WHEREAS, THIS BILL REPLACES A RESPONSIBLE COMPETITIVE BIDDING PROCESS THAT IS DRIVEN BY THE MARKET PLACE WITH A NEW PROCESS TIED TO ESTIMATED COSTS.

NOW THEREFORE BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG DO HEREBY PETITION THE LEGISLATURE AND THE GOVERNOR TO DEFEAT THIS BILL, AND COPIES OF THIS RESOLUTION BE SENT TO HONORABLE JOHN S. WISNIEWSKI, ASSEMBLYMAN LEGISLATIVE DISTRICT 19 AND SPONSOR OF THE BILL, AND THE OFFICE OF THE GOVERNOR.

RESOLUTION #223-10-10-07**

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 \$687,282.70.

END OF CONSENT AGENDA

RESOLUTION #216-10-10-07**

AUTHORIZE REFUNDS OF TAX OVERPAYMENTS

WHEREAS, OVERPAYMENTS OF TAXES, HAVE BEEN RECEIVED BY THE TAX COLLECTORS OFFICE IN THE AGGREGATE AMOUNT OF TWENTY-EIGHT THOUSAND, SIX HUNDRED TWENTY-FOUR DOLLARS AND FORTY-THREE CENTS (\$28,624.43); 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 TWENTY-EIGHT

THOUSAND, SIX HUNDRED TWENTY-FOUR DOLLARS AND FORTY-THREE CENTS (\$28,624.43), IN ACCORDANCE WITH THE CERTIFICATIONS ATTACHED HERETO.

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

RESOLUTION #224-10-10-07

RESOLUTION AUTHORIZING ENTERING INTO AN INTERLOCAL AGREEMENT WITH THE BOROUGH OF HELMETTA FOR THE PROVISION OF C2 LICENSED OPERATOR

WHEREAS, AS A RESULT OF THE UNEXPECTED RESIGNATION OF DAN MERTZ, THE BOROUGH OF JAMESBURG'S C2 LICENSED OPERATOR, JAMESBURG IS IN NEED OF EITHER HIRING ANOTHER C2 LICENSED OPERATOR OR ENTERING INTO AN INTERLOCAL AGREEMENT FOR THE PROVISION OF SAID SERVICES; AND

WHEREAS, THE BOROUGH OF HELMETTA HAS AN EMPLOYEE THAT IS QUALIFIED TO SERVE AS C2 LICENSED OPERATOR; AND

WHEREAS, THIS INTERLOCAL AGREEMENT WOULD BE BENEFICIAL FOR BOTH OF THE INVOLVED MUNICIPALITIES; AND

WHEREAS, THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF HELMETTA AND THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG ARE DESIROUS OF ENTERING INTO SUCH AN INTERLOCAL AGREEMENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG AS FOLLOWS:

1. THE BOROUGH OF JAMESBURG DOES AGREE TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE BOROUGH OF HELMETTA FOR THE PROVISION OF THE SERVICES OF A C2 LICENSED OPERATOR.
2. THIS AGREEMENT SHALL BE IN EFFECT ON NOVEMBER 1, 2007, AND SHALL AUTOMATICALLY RENEW UNLESS EITHER PARTY PROVIDES SIXTY (60) DAYS WRITTEN NOTICE OF THE INTENTION TO TERMINATE THIS AGREEMENT.
3. THAT THE MAYOR IS AUTHORIZED TO EXECUTE, AND THE BOROUGH CLERK TO ATTEST THE ATTACHED, AFOREMENTIONED AGREEMENT BETWEEN THE BOROUGH OF HELMETTA AND THE BOROUGH OF JAMESBURG AND ANY OTHER DOCUMENTS NECESSARY TO FACILITATE SAID AGREEMENT.

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

RESOLUTION #225-10-10-07

AUTHORIZING AGREEMENT FOR PROFESSIONAL SERVICES FOR THE PREPARATION OF A MASTER PLAN FOR PRESERVATION AND REHABILITATION OF THE BUCKELEW MANSION

WHEREAS, the Borough of Jamesburg has a need to retain an architect to prepare a Master Plan for the Preservation and Rehabilitation of the Buckelew Mansion; and

WHEREAS, the Borough Purchasing Official has determined and certified in writing that the value of this contract shall exceed \$17,500, and therefore the contract is subject to the provisions of the State's Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, et seq.; and

WHEREAS, the anticipated term of this contract is for one (1) year, and it may only be renewed upon further action of the Borough Council; and

WHEREAS, Westfield Architects & Preservation Consultants, 425 White Horse Pike Haddon Heights, New Jersey 08035 has submitted a proposal to prepare the Master Plan for the Preservation and Rehabilitation of the Buckelew Mansion; and

WHEREAS, the proposal is for an amount not to exceed \$79,950; and

WHEREAS, this contract is intended to be awarded as a "restricted" (or "non-fair and open") contract pursuant to and in accordance with the Local Unit Pay-to-Play Law; and

WHEREAS, Westfield Architects & Preservation Consultants has completed and submitted a Business Entity Disclosure Certification pursuant to the Local Unit Pay-to-Play law (specifically, at N.J.S.A. 19:44A-20.8), which certifies that Westfield Architects has not made any reportable contributions to a political or candidate committee in the Borough of Jamesburg in the previous year, and that the contract will prohibit Westfield Architects from making any reportable contributions through the term of the contract; and

WHEREAS, the services to be provided are considered "professional services" under the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "professional services" without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Borough Chief Financial Officer has certified to the availability of funds for this contract.

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 Mayor is authorized to execute and the Borough Clerk to attest the attached Agreement between the Borough of Jamesburg and Westfield Architects & Preservation Consultants regarding the above-referenced Master Plan for the Preservation and Rehabilitation of the Buckelew Mansion.
2. That this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
3. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Borough.
4. That this contract is being awarded as a "restricted" contract in accordance with the Local Unit Pay-to-Play Law, and the Business Disclosure Entity Certification, Determination of Value and other certifications required pursuant to same shall be placed on file with this Resolution.
5. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Westfield Architects & Preservation Consultants
 - b. Denise Jawidzik, Borough Administrator

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

COUNCILMAN LONGO EXPLAINED THAT THIS PRESERVATION PLAN IS THE FIRST STEP TOWARD PRESERVATION AND REHABILITATION OF THE BUCKELEW HOUSE. ARTIFACTS WILL BE DISPLAYED THROUGHOUT TOWN DURING RENOVATIONS. BUILDING IS EXPECTED TO BE CLOSED FOR TWO YEARS. ALL FUNDED THROUGH GRANT MONEY.

RESOLUTION #226-10-10-07

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF JAMESBURG PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SUCH ITEMS OF REVENUE IN THE BUDGET OF THE COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, SAID DIRECTOR MAY ALSO APPROVE THE INSERTION OF ANY ITEM OF APPROPRIATION FOR EQUAL AMOUNT:

NOW, THEREFORE BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, THAT IT HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET FOR THE YEAR 2004 IN THE AMOUNT OF \$2,117.00 WHICH ITEM IS NOW AVAILABLE AS REVENUE FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION STORMWATER MANAGEMENT GRANT; AND

BE IT FURTHER RESOLVED THAT A LIKE SUM OF \$2,117.00 BE AND THE SAME IS HEREBY APPROPRIATED UNDER THE CAPTION OF;

STORMWATER MANAGEMENT GRANT OTHER EXPENSES

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

COUNCILMATIC COMMITTEE REPORTS:

POLICE COMMITTEE – COUNCILWOMAN BARBARA CARPENTER

- Parking problem on Half Acre Road causing a problem exiting Jennifer Drive onto Half Acre Road
- Library – Spotswood also adopted resolution requesting change in funding formula
- 2008 Library appropriation is \$185,614 which is 8.9% increase over 2007
- Library Programs
- Holiday Events
- Elk's Charity Ball

EDUCATION COMMITTEE – COUNCILMAN BRIAN GRIMES

- Monroe Board of Education approved a referendum for an additional \$41.9 million in funding for the high school in the park
- High School Honor Society program to tutor Jamesburg grade school students is being discussed

PERSONNEL COMMITTEE – COUNCILMAN JOSEPH JENNINGS

- PBA negotiations are ongoing

FINANCE COMMITTEE – COUNCILMAN OTTO KOSTBAR

- 2008 Budget is in progress
- Thank Spotswood for resolution requesting change in library funding

BUILDINGS AND GROUNDS – COUNCILMAN JOHN LONGO

- Land Use Board will be hearing applications on age restricted home and Forsgate Drive site plan
- CVS flooding issue has been resolved
- SERV project is closed out, drainage fixed
- Lighting along East Railroad needs to be fixed
- JCA will provide straw for scarecrow building
- Pumpkin pickup & scarecrow building on 10/20/07
- JCA will be sponsoring carriage rides

TECHNOLOGY COMMITTEE – COUNCILMAN TOM BODALL

- Letters of interest are being sent to cell phone companies for cell tower
- Buckelew had last open house on 9/29/07
- Artifacts will be displayed at various locations

ENGINEER TERRY VOGT

- Oakland/Fernwood project is complete

PUBLIC SAFETY COMMITTEE – MAYOR ANTHONY LAMANTIA

- Fire Prevention had open house for children today to start off Fire Prevention Week.
- Thank Spotswood for adopting library funding resolution
- 10/20/07 pumpkin pickup 10am-12noon
- 10/27/07 parade 10am pumpkinfest 1pm
- Senior building asphalt work complete
- Costco – Monroe awarded contract for cleaning ditch.

There was a consensus of council to allow Attorney Raffetto to pursue further action if all aspects of the judgment are not complied with by Monroe within two weeks.

MOTION TO OPEN TO PUBLIC COMMENT:

PROPOSED BY: Longo

SECONDED BY: Kostbar

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

MOTION TO CLOSE TO PUBLIC COMMENT:

PROPOSED BY: Kostbar

SECONDED BY: Longo

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

PUBLIC COMMENT

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

MOTION TO ADJOURN:

PROPOSED BY: Jennings

SECONDED BY: Kostbar

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

TIME OF ADJOURNMENT:

___ 7:36 ___ PM