

Borough of Jamesburg

Council Meeting Minutes

February 11, 2009

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. 10:5-3.1 et. seq. and N.J.A.C. 17:17. Also announced, in the event of a fire and pursuant to the NJ Uniform Fire Code, 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 the main hallway.

Flag Salute: Led by Mayor LaMantia

Roll Call: Present: Mayor LaMantia
Council President Carpenter
Council member Deans
Council member Grimes
Council member Kostbar
Council member Longo
Council member Ludas
Administrator Jawidzik

Absent: Attorney Raffetto

ORDINANCES - PUBLIC HEARING/SECOND READING:

The following ordinances were approved on first reading at the meeting of the Mayor and Council held on January 28, 2009, and published in the January 31, 2009 edition of the Home News Tribune. Copies have been posted on the municipal bulletin board and made available to the public since introduction.

ORDINANCE #08-09

AN ORDINANCE CREATING A RIPARIAN BUFFER CONSERVATION ZONE

- I. Intent and Purpose
- II. Statutory Authority
- III. Definitions
- IV. Establishment of Riparian Zones
- V. Uses Permitted in Riparian Zones
- VI. Performance Standards for Riparian Zones
- VII. Nonconforming Structures and Uses In Riparian Zones
- VIII. Uses Prohibited in Riparian Zones
- IX. Activities Permitted in Riparian Zones in the Case of no Reasonable or Prudent Alternative or Extreme Hardship
- X. Riparian Zone Management Plan
- XI. Boundary Interpretation, Appeals Procedures, Inspections, Conflicts, Severability
- XII. Enforcement
- XIII. Effective Date

I. INTENT AND PURPOSE

The governing body of the Borough of Jamesburg finds that riparian lands adjacent to streams, lakes, or other surface water bodies that are adequately vegetated provide an important environmental protection and water resource management benefit. It is necessary to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of vegetation along the surface water bodies within the jurisdiction of the Borough of Jamesburg, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas. The purpose of the Ordinance is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes and other surface water bodies of the Borough of Jamesburg; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources with the Borough of Jamesburg; to protect the riparian and aquatic ecosystems of the Borough of Jamesburg; to provide for the environmentally sound use of the land resources of the Borough of Jamesburg, and to complement existing state, regional, county, and municipal stream corridor protection and management regulations and initiatives.

The specific purposes and intent of this Ordinance are to:

- A. Restore and maintain the chemical, physical, and biological integrity of the water resources of the Borough of Jamesburg;
- B. Prevent excessive nutrients, sediment, and organic matter, as well as biocides and other pollutants, from reaching surface waters by optimizing opportunities for filtration, deposition, absorption,

- adsorption, plant uptake, biodegradation, and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed flow prior to reaching receiving waters;
- C. Provide for shading of the aquatic environment so as to moderate temperatures, retain more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna;
 - D. Provide for the availability of natural organic matter (leaves and twigs) and large woody debris (trees and limbs) that provide food for habitat for aquatic organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;
 - E. Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing stream bank erosion and sedimentation and protecting habitat for aquatic organisms;
 - F. Maintain base flows in streams and moisture in wetlands;
 - G. Control downstream flooding; and
 - H. Conserve the natural features important to land and water resources, e.g., headwater areas, ground water recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.

II. STATUTORY AUTHORITY

The municipality of the Borough of Jamesburg is empowered to regulate land uses under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*, which authorizes each municipality to plan and regulate land use in order to protect public health, safety, and welfare by protecting and maintaining native vegetation in riparian areas. The Borough of Jamesburg is also empowered to adopt and implement this Ordinance under provisions provided by the following legislative authorities of the state of New Jersey:

- A. Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*
- B. Water Quality Planning Act, N.J.S.A. 58:11A-1 *et seq.*
- C. Spill Compensation and Control Act, N.J.S.A. 58:10-23 *et seq.*
- D. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 *et seq.*
- E. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 *et seq.*

III. DEFINITIONS

Acid producing soils means soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

Administrative authority means the Combined Land Use Board or Construction Office with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

Applicant means a person, corporation, government body or other legal entity applying to the Combined Land Use Board or the Construction Office proposing to engage in an activity that is regulated by the provisions of this ordinance, and that would be located in whole or in part within a regulated Riparian Zone.

Category One waters or C1 waters shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for the purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

Category Two waters or C2 waters means those waters not designated as Outstanding Natural Resource waters or Category One waters in the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards.

Floodway shall have the meaning ascribed to this term by the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 *et seq.*, and regulations promulgated there under published at N.J.A.C. 7:13 *et seq.*, and any supplementary or successor legislation and regulations from time to time enacted or promulgated.

Lake, pond, or reservoir means any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

Perennial stream means a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Riparian zone means land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any manmade lagoon or oceanfront barrier island, spit or peninsula.

Riparian Zone Management Plan means a plan approved by the Engineer of the Borough of Jamesburg. The plan shall be prepared by a landscape architect, professional engineer or other qualified professional, and shall evaluate the effects of any proposed activity/uses on any riparian zone. The plan shall identify existing condition, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected riparian zone.

Special Water Resources Protection Area or SWRPA means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle

map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

Surface water body(ies) means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

Threatened or endangered species means a species identified pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered species Act of 1973, 16 U.S.C. 1531 et seq., or the Endangered Plant Species list, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

Trout maintenance water means a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

Trout production water means a section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

IV. ESTABLISHMENT OF RIPARIAN ZONES

- A. Riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:
1. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed. This includes Special Water Resource Protection Area's or SWRPA's as identified herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).
 2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:
 - a. Any trout production water and all upstream waters (including tributaries);
 - b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body;
 - c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body; and
 - d. Any segment of a surface water body flowing through an area that contains acid producing soils.
 3. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.
- B. The portion of the riparian zone that lies outside of a surface water body is measured landward from the top of bank. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:
1. Along the linear fluvial or tidal water, such as a stream or swale, the riparian zone is measured landward of the feature's centerline;
 2. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
 3. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and
 4. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a definable channel, the riparian zone is measured landward of the feature's centerline.
- Where slopes (in excess of 15 percent) are located within the designated widths, the riparian zone shall be extended to include the entire distance of this sloped area to a maximum of 300 feet.
- For areas adjacent to surface water bodies for which the floodway has been delineated per the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-3 or the state's adopted floodway delineations, the riparian zone shall cover the entire floodway area, or the area described in Section IV.A.1. or IV.A.2. above, whichever area has the greatest extent. Requests for alterations to the adopted delineations can be provided to the New Jersey Department of Environmental Protection for consideration if site specific information is available.
- C. A riparian zone is an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the riparian zone differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply to land disturbances resulting from or related to any activity or use requiring application for any of the following permits or approvals:
- § Building permit
 - § Zoning variance
 - § Special exception
 - § Conditional use
 - § Subdivision/land development approval
- D. A map of the riparian zones of the entire municipality of the Borough of Jamesburg, including all land and water areas within its boundaries, which designates surface water bodies, is included as part of this Ordinance, and is appended as Figure 1. Maps of the municipality on which these designations have been overlain shall be on file and maintained by the offices of the Clerk of the Borough of Jamesburg. This map conforms to all applicable laws, rules and regulations applicable to the creation, modification and promulgation of zoning maps.
- E. It shall be the duty of the engineer of the Borough of Jamesburg, every second year after the adoption of this Ordinance, to propose modifications to the map delineating riparian zones required by any naturally occurring or permitted change in the location of a defining feature of a surface water body occurring after the initial adoption of the riparian zone map, to record all modifications to

the riparian zone map required by decisions or appeal under Section XI., and by changes made by the New Jersey Department of Environmental Protection in surface water classifications or floodway delineations.

- F. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area on any plan submitted to the Borough of Jamesburg in conjunction with an application for a construction permit, subdivision, lane development, or other improvement that requires plan submission or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.
- G. The municipal Master Plan provides the legal basis for zoning and land use regulation at the local level. The technical foundation for local riparian zones in this municipality should be incorporated into the Master Plan. A technical report on the need for riparian zones in the Borough of Jamesburg may be adopted as part of the Master Plan, N.J.S.A. 40:55D-28b(11). The technical report should include the following information: a statement setting forth the rationale and need to protect riparian zones; and reference to the methods used to designate and delineate riparian zones.
- H. Exemptions

Instead of the riparian zone protection requirements above, the applicant must demonstrate compliance with one of the following:

1. The proposed project or activity is not in the riparian zone established at section IV.A. above;
2. The proposed disturbance in a riparian zone is for linear development with no feasible alternative route. If the riparian zone is associated with Category One waters, the linear development must also meet the requirements for Special Water Resource Protection Areas under the Stormwater Management rules at N.J.A.C. 7:8-5.5(h);
3. The proposed disturbance in a riparian zone is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
4. The proposed disturbance of a riparian zone is necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E;
5. The proposed disturbance of a riparian zone is required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or Federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.1 1a et seq. or the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et seq.;
6. The proposed disturbance is for redevelopment that does not exceed the limits of existing impervious surfaces;
7. The proposed disturbance would prevent extraordinary hardship on the property owner peculiar to the property; or prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment; and/or
8. Demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 20 percent or greater slope, except as allowed under H.6. and H.7. above.

V. USES PERMITTED IN RIPARIAN ZONES

- A. For riparian zones in Category One waters (C1 waters), permitted uses are governed by the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area control Act rules, N.J.A.C. 7:13, unless otherwise exempt.
- B. Any other riparian zone area shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of this ordinance may be restored to a natural condition. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species. There shall be no altering of watercourses, dumping of trash, soil, dirt, fill, vegetative or other debris, regarding or construction. The following uses are permitted either by right or after review and approval by the municipality in riparian zones. No new construction, development, use, activity, encroachment, or structure shall take place in a riparian zone, except as specifically authorized in this Section. The following uses shall be permitted within a riparian zone:
 1. Open space uses that are primarily passive in character shall be permitted by right to extend into a riparian zone, provided near stream vegetation is preserved. These uses do not require approval by the Zoning Enforcement Officer or compliance with an approved Riparian Zone Management Plan. Such uses include wildlife sanctuaries, nature reserves, forest preserves, fishing areas, game farms, fish hatcheries and fishing reserves, operated for the protection and propagation of wildlife, but excluding structures. Such uses also include passive recreation areas of public and private parklands, including unpaved hiking, bicycle and bridle trails, provided that said trail have been stabilized with pervious materials.
 2. Fences, for which a permit has been issued by the Construction Code Office, to the extent required by applicable law, rule or regulation.
 3. Crossings by farm vehicles and livestock, recreational trails, roads, railroads, storm water lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to approval by the Zoning Enforcement Officer, provided that any applicable State permits are acquired, and provided that any disturbance is offset by buffer improvements in compliance with an approved Riparian Zone Management Plan and that the area of the crossing is stabilized against significant erosion due to its use as a crossing.
 4. Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved Riparian Zone Management Plan, or wetlands mitigation projects that have been approved by the New Jersey Department of Environmental Protection, subject to

approval by the Zoning Enforcement Officer and subject to compliance with an approved Riparian Zone Management Plan.

VI. PERFORMANCE STANDARDS FOR RIPARIAN ZONES

- A. All encroachments proposed into riparian zones in C1 waters shall comply with the requirements of the Stormwater Management rule at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt.
- B. For all other riparian zones, the following conditions shall apply:
1. All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the riparian zone to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.
 2. Portions of lots within the riparian zone must be permanently restricted by deed or conservation easement held by the Borough of Jamesburg, its agent, or another public or private land conservation organization which has the ability to provide adequate protection to prevent adverse impacts within the riparian zone. A complete copy of the recorded conservation restriction that clearly identifies the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county must be submitted to the municipality. The applicant shall not commence with the project or activity prior to making this submittal and receiving actual approval of the plan modification and receipt of any applicable permits from the New Jersey Department of Environmental Protection. The recorded conservation restriction shall be in the form approved by the municipality and shall run with the land and be binding upon the property owner and the successors in interest in the property or in any part thereof. The conservation restriction may include language reserving the right to make *de minimus* changes to accommodate necessary regulatory approvals upon the written consent of the municipality, provided such changes are otherwise consistent with the purpose and intent of the conservation restriction. The recorded conservation restriction shall, at a minimum, include:
 - a. A written narrative of the authorized regulated activity, date of issuance, and date of expiration, and the conservation restriction that, in addition, includes all of the prohibitions set forth at N.J.S.A. 13:8B-2b(1) through (7);
 - b. Survey plans for the property as a whole and, where applicable, for any additional properties subject to the conservation restrictions. Such survey plans shall be submitted on the surveyor's letterhead, signed and sealed by the surveyor, and shall include metes and bounds descriptions of the property, the site, and the areas subject to the conservation restriction in New Jersey State Plane Coordinates, North American Datum 1983, and shall depict the boundaries of the site and all areas subject to the conservation restriction as marked with flags or stakes onsite. All such survey plans shall be submitted on paper and in digital CAD or GIS file on a media and format defined by the municipality. The flags or stakes shall be numbered and identified on the survey plans; and
 - c. A copy or copies of deed for the property as a whole that indicate the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county.
 3. Any lands proposed for development which include all or a portion of a riparian zone shall as a condition of any major subdivision or major site plan approval, provide for the vegetation or revegetation of any portions of the riparian zone which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native and non-invasive tree and plant species to the maximum extent practicable in accordance with an approved Riparian Zone Management Plan, described in Section X.
 4. For the building lots which exist as of the date of adoption of this ordinance, but for which a building permit or preliminary site plan approval has not been obtained or is no longer valid, the required minimum front, side, and rear setbacks may extend into the riparian zone, provided that a deed restriction and/or conservation easement is applied which prohibits clearing or construction in the riparian zone.
 5. All stormwater shall be discharged outside of but may flow through a riparian zone and shall comply with the standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey", established under the Soil erosion and Sediment Control Act, N.J.S.A. 4:24-39 *et seq.* (see N.J.A.C. 2:90-1.3.)
 6. If stormwater discharged outside of and flowing through a riparian zone cannot comply with the Standard for Off-Site Stability cited in Section VI.5, then proposed stabilization measures must meet the requirements of the Flood Hazard Area control Act rules at N.J.S.C. 7:13-10.2 *et seq.*, and have an approved flood hazard area permit.

VII. NONCONFORMING STRUCTURES AND USES IN RIPARIAN ZONES

Nonconforming structures and uses of land within the riparian zone are subject to the following requirements:

- A. Legally existing but nonconforming structures or uses may be continued.
- B. Any proposed enlargement or expansion of the building footprint within the riparian zone of a C1 water shall comply with the standards in the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.
- C. For all other riparian zones:
1. Encroachment within the riparian zone shall only be allowed where previous development or disturbance has occurred and shall be in conformance with the Stormwater Management rules, N.J.A.C. 7:8, and Flood Hazard Area Control Act rules, N.J.A.C. 7:13.

2. Existing impervious cover shall not be increased within the riparian zone as a result of encroachments where previous development or disturbances have occurred.
3. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the riparian zone, as measured against the intent and purpose under Section I., than the existing or former nonconforming use. This one-year time frame shall not apply to agricultural uses that are following prescribed Best Management Practices for crop rotation. However, resumption of agricultural uses must be strictly confined to the extent of disturbance existing at the time of adoption of this ordinance.

VIII. USES PROHIBITED IN RIPARIAN ZONES

- A. Any use within a riparian zone of a C1 water shall comply with the standards in the Stormwater Management rules N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area control Act rules, N.J.A.C. 7:13.
- B. For other riparian zones, any use or activity not specifically authorized in Section V, or Section VII. Shall be prohibited within the riparian zone. By way of example, the following activities and facilities are prohibited:
 1. Removal or clearcutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.
 2. Storage of any hazardous or noxious materials.
 3. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.
 4. Roads or driveways, except where permitted in compliance with Section V.
 5. Motor or wheeled vehicle traffic in any area, except as permitted by the Ordinance.
 6. Parking lots.
 7. Any type of permanent structure, except structures needed for a use permitted by Section V.
 8. New subsurface sewage disposal system areas. The expansion and replacement of existing subsurface sewage disposal system areas for existing uses is permitted.
 9. Residential grounds or lawns, except as otherwise permitted pursuant to this Ordinance.

IX. ACTIVITIES PERMITTED IN RIPARIAN ZONES IN THE CAUSE OF NO REASONABLE OR PRUDENT ALTERNATIVE OR EXTREME HARDSHIP

- A. For riparian zones in C1 waters, requests for exemptions must be authorized by the New Jersey Department of Environmental Protection, as per the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area control Act rules, N.J.A.C. 7:13.
- B. For other riparian zones, hardship variances may be granted by the Combined Land Use Board in cases of preexisting lot (existing at the time of adoption of this ordinance) when there is insufficient room outside the riparian zone for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements, and provided the following demonstrations are made:
 1. An applicant shall be deemed to have established the existence of an extreme economic hardship, if the subject property is not capable of yielding a reasonable economic return if its present use is continued or is it is developed in accordance with provisions of this ordinance and that this inability to yield a reasonable economic return results from unique circumstances peculiar to the subject property which:
 - a. Do not apply to or affect other property in the immediate vicinity;
 - b. Relate to or arise out of the characteristics of the subject property because of the particular physical surroundings, shape or topographical conditions of the property involved, rather than the personal situations of the applicant; and are not the result of any action or inaction by the applicant or the owner or his predecessors in title.
 - c. The necessity of acquiring additional land to locate development outside the riparian zone shall not be considered an economic hardship unless the applicant can demonstrate that there is no adjacent lane that is reasonably available or could be contained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity.
 2. An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts that one of the following applies:
 - a. The proposed project will serve an essential public health or safety need;
 - b. The proposed use is required to serve an essential public health or safety need; or
 - c. There is no alternative available to meet the established public health or safety need.
 3. A variance can only be granted if it is shown that the activity is in conformance with all applicable local, state, and federal regulations, including but not limited to the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area control Act rules, N.J.A.C. 7:13, and that the exception granted is the minimum relief necessary to relieve the hardship.
- C. If such an exception is granted, the applicant shall rehabilitate an environmentally degraded riparian zone area within or adjacent to the same site, and at least equivalent in size to the riparian zone reduction permitted, or, if not possible, rehabilitate or expand a riparian zone area at least equivalent in size within a nearby site and, if available, within the same watershed. Rehabilitation shall include reforestation, stream bank stabilization and removal of debris, in accordance with a Riparian Zone Management Plan, as described in Section X below.

X. RIPARIAN ZONE MANAGEMENT PLAN

- A. Within any riparian zone, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by preparation, approval, and implementation of a Riparian Zone Management Plan.
- B. The landowner, applicant, or developer shall submit to the Borough of Jamesburg, or its appointed representative, a Riparian Zone Management Plan prepared by an environmental professional, professional engineer or other qualified professional which fully evaluates the effects of any proposed uses on the riparian zone. The Riparian Zone Management Plan shall identify the existing condition including:
 - 1. Existing vegetation;
 - 2. Field delineated surface water bodies;
 - 3. Field delineated wetlands;
 - 4. The 100-year floodplan;
 - 5. Flood Hazard Areas, including floodway and flood fringe areas, as delineated by the New Jersey Department of Environmental Protection;
 - 6. Soil classifications as found on Soil Surveys;
 - 7. Existing subdrainage areas of site with HUC (Hydrologic Unit Code) 14 designations;
 - 8. Slopes in each subdrainage area segmented into sections of slopes less than 15%; above 15% but less than 20%; and steep slopes greater than 20%.

The proposed plan shall describe all proposed uses/activities, and fully evaluate the effects of all proposed uses/activities in a riparian zone, and all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances to the riparian zone. A discussion of activities proposed as well as management techniques proposed to offset disturbances and/or enhance the site to improve the riparian zone's ability to function effectively as a riparian zone shall also be included with the Riparian Zone Management Plan submittal to the Borough of Jamesburg.
- C. The plan shall be reviewed and must be approved by the Engineer of the Borough of Jamesburg as part of the subdivision and land development process.
- D. The Riparian Zone Management Plan must include management provisions in narrative and/or graphic form specifying:
 - 1. The manner in which the area within the riparian zone will be owned and by whom it will be managed and maintained.
 - 2. The conservation and/or land management techniques and practices that will be used to conserve and protect the riparian zone, as applicable.
 - 3. The professional and personnel resources that are expected to be necessary, in order to maintain and manage the riparian zone.
 - 4. A revegetation plan, if applicable, that includes: three (3) layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that when fully mature, will form an overhead canopy. Vegetation selected must be native, non-invasive species, and consistent with the soil, slope and moisture conditions of the site. The revegetation plan shall be prepared by a qualified environmental professional, landscape architect, or professional engineer, and shall be subject to the approval of the Engineer of the Borough of Jamesburg. Dominant vegetation in the Riparian Zone Management Plan shall consist of plant species that are suited to the riparian zone environment. The Engineer of the Borough of Jamesburg may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, New Jersey Department of Environmental Protection, US Fish and Wildlife Service and/or State or Federal forest agencies.
- E. A Riparian Zone Management plan is not required where the riparian zone is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the riparian zone.
- F. Performance of the Riparian Zone Management Plan shall be guaranteed for two years by surety, such as a bond, cash or letter of credit, which shall be provided to the Borough of Jamesburg prior to the Borough of Jamesburg issuing any permits or approving any uses relating to the applicable use or activity.

XI. BOUNDARY INTERPRETATION, APPEALS PROCEDURES, INSPECTIONS, CONFLICTS, SEVERABILITY

- A. When a landowner or applicant disputes the boundaries of a riparian zone, or the defined bank-full flow or level, the landowner or applicant shall submit evidence to the Combined Land Use Board Secretary that describes the riparian zone, presents the landowner or applicant's proposed riparian zone delineation, and presents all justification for the proposed boundary change, including but not limited to, a verification issued under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-6, or an approval from the New Jersey Department of Environmental Protection to encroach within the Special Water Resource Protection Area (SWRPA) of a C1 water pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h)1 ii.
- B. Within 45 days of a complete submission of Section XI.A above, the Engineer of the Borough of Jamesburg, or appointed representative, shall evaluate all material submitted and shall make a written determination, a copy of which shall be submitted to the Combined Land Use Board Secretary and the landowner or applicant. Failure to act within the 45-day period shall not be interpreted to be an approval of the proposed boundary change.
- C. Any party aggrieved by any such determination or other decision or determination under Section XI.B. may appeal to the Business Administrator under the provisions of this ordinance. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.
- D. Any party aggrieved by any determination or decision of the Business Administrator under this Ordinance may appeal to the Mayor and Council of the Borough of Jamesburg. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.
- E. Inspections:
 - 1. Lands within or adjacent to an identified riparian zone shall be inspected by the Land Use Board Engineer when:
 - a. A subdivision or land development plan is submitted;
 - b. A building permit is requested;

- c. A change or resumption of a nonconforming use is proposed;
 - d. A discontinued nonconforming use is resumed more than a year later, as described in Section VII.
2. The riparian zone may also be inspected periodically by representatives from the Borough of Jamesburg if excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality.
- F. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.
- G. Severability:
- 1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
 - 2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
 - 3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

XII. ENFORCEMENT

A prompt investigation shall be made by the appropriate personnel of the borough of Jamesburg, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of the Borough of Jamesburg, pursuant to N.J.S.A. 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issues pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

XIII. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

FIRST READING DATE: January 28, 2009

COUNCIL	MOTION	VOTE
Carpenter	1 st	X
Deans		X
Grimes		X
Kostbar	2 nd	X
Longo		X
Ludas		X

DATE PUBLISHED IN THE HOME NEWS TRIBUNE: February 2, 2009

DATE PUBLIC HEARING HELD: February 11, 2009

DATE SECOND READING HELD: February 11, 2009

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Carpenter		X		X	2 nd	X
Deans		X		X		X
Grimes		X	1 st	X		X
Kostbar	1 st	X	2 nd	X		X
Longo		X		X	1 st	X
Ludas	2 nd	X		X		X

ORDINANCE #09-09

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE STORM SEWER SYSTEM AND APPROPRIATING THE SUM OF \$25,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Mayor and Council of the Borough of Jamesburg in the County of Middlesex, New Jersey has determined to improve the storm sewer system; and

WHEREAS, the Borough of Jamesburg has \$25,000 in the Capital Improvement Fund available for such purpose.

NOW THEREFORE, BE IT ORDAINED and enacted by the Mayor and Council of the Borough of Jamesburg, County of Middlesex, New Jersey, that:

SECTION 1. The improvements described in SECTION 2 of this ordinance are hereby authorized as General Capital Improvements to be undertaken in and by the Borough of Jamesburg, County of Middlesex, New Jersey.

SECTION 2. The improvements hereby authorized to be undertaken consist of improvements to the storm sewer system, together with all items necessary, incidental or appurtenant thereto.

SECTION 3. The 2009 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.

FIRST READING DATE: January 28, 2009

COUNCIL	MOTION	VOTE
Carpenter		X
Deans		X
Grimes	2 nd	X
Kostbar		X
Longo		X
Ludas	1 st	X

DATE PUBLISHED IN THE HOME NEWS TRIBUNE: February 2, 2009

DATE PUBLIC HEARING HELD: February 11, 2009

DATE SECOND READING HELD: February 11, 2009

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Carpenter	1 st	X		X		X
Deans		X		X		X
Grimes		X	2 nd	X	1 st	X
Kostbar	2 nd	X		X	2 nd	X
Longo		X	1 st	X		X
Ludas		X		X		X

ORDINANCE – FIRST READING

ORDINANCE #10-09

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT AND APPROPRIATING THE SUM OF \$65,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of Jamesburg, in the County of Middlesex, New Jersey has determined to acquire various equipment; and

WHEREAS, the Borough of Jamesburg has \$65,000 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 consists of the purchase of various equipment including but not limited to:

- a. 2009 or newer Public Safety 4WD SUV vehicle
- b. Jackhammer
- c. Air Compressor
- d. Sewer Jet Camera Inspection Machine

together with all items necessary, incidental or appurtenant thereto.

SECTION 3. The 2009 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.

FIRST READING DATE: February 11, 2009

COUNCIL	MOTION	VOTE
Carpenter		X
Deans		X
Grimes	2 nd	X
Kostbar		X
Longo	1 st	X
Ludas		X

Consent Agenda

Councilman Kostbar asked that Resolution #079-02-11-09 we removed for discussion

RESOLUTION #074-02-11-09**

RESOLUTION ACCEPTING MINUTES

BE IT RESOLVED, that the following minutes be and are hereby accepted and filed:

MAYOR AND COUNCIL
January 28, 2009

Executive Session January 28, 2009

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER		X			
DEANS		X			
GRIMES	2 nd	X			
KOSTBAR		X			
LONGO	1 st	X			
LUDAS		X			
MAYOR LAMANTIA					

RESOLUTION #075-02-11-09**

REDEMPTIONS OF TAX LIENS

WHEREAS, the Tax Collector has confirmed receipt of payments in the aggregate amount of Two Thousand Eighteen dollars and sixty-eight cents (\$2,018.68) as verified in the certification attached hereto; and

WHEREAS, this payment has been made for the redemption for Tax Sale Certificate #08-00020.

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 total amount of Two Thousand Eighteen dollars and sixty-eight cents (\$2,018.68) to the lienholders specified on the attached certification.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER		X			
DEANS		X			
GRIMES	2 nd	X			
KOSTBAR		X			
LONGO	1 st	X			
LUDAS		X			
MAYOR LAMANTIA					

RESOLUTION #076-02-11-09**

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:

Chief of Police
Library

December 2008
December 2008

<u>COUNCIL</u>	<u>MOTION</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X			
DEANS		X			
GRIMES	2 nd	X			
KOSTBAR		X			
LONGO	1 st	X			
LUDAS		X			
MAYOR LAMANTIA					

RESOLUTION #077-02-11-09**

APPROVE PAYMENT OF VOUCHERS

WHEREAS, The Chief Financial 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 the Committee Chair, the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher 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 \$253,840.89.

<u>COUNCIL</u>	<u>MOTION</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X			
DEANS		X			
GRIMES	2 nd	X			
KOSTBAR		X			
LONGO	1 st	X			
LUDAS		X			
MAYOR LAMANTIA					

RESOLUTION #078-02-11-09**

RESOLUTION ACCEPTING LENGTH OF SERVICE AWARD PROGRAM LIST OF ACTIVE VOLUNTEER MEMBERS

WHEREAS, pursuant to Section 16-3.7OF Chapter VXi (Length of Service Awards Program) of the "Revised General Ordinances of the Borough of Jamesburg, New Jersey (2000)", the Emergency Service Organization (Jamesburg Volunteer First Aid Squad) is to certify a list of active volunteer members who are eligible to participate in the plan to the Plan Administrator; and

WHEREAS, the Plan Administrator is to forward said certified list to the Mayor and Council for approval; and

WHEREAS, in accordance with the aforementioned citation, the Emergency Service Organization has certified a list of eligible members to the Plan Administrator, a copy of which is attached hereto and made a part hereof.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Mayor and Council of the Borough of Jamesburg grant approval of the attached list of active volunteer members of the Jamesburg Volunteer First Aid Squad for eligibility in the Length of Service Awards Program.

<u>COUNCIL</u>	<u>MOTION</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<i>Carpenter</i>		X			
<i>Deans</i>		X			
<i>Grimes</i>	2 nd	X			
<i>Kostbar</i>		X			
<i>Longo</i>	1 st	X			
<i>Ludas</i>		X			
<i>Mayor LaMantia</i>					

RESOLUTION #080-02-11-09**

RELEASE OF PERFORMANCE BOND OF SERV CENTERS OF NEW JERSEY BEING HELD FOR THE LAND USE BOARD APPLICATION FOR BLOCK 28 LOTS 6.01 AND 6.02.

WHEREAS, the Borough of Jamesburg is in possession of a Performance Bond from Serv Centers of New Jersey in connection with a Combined Land Use Board application for Block 28 Lots 6.01 and 6.02; and

WHEREAS, Serv Centers of New Jersey has submitted a Maintenance Bond #B 1044485, The Selective Insurance Company of America being the surety, in the amount of Twelve Thousand One Hundred Fifty-four dollars and sixty-five cents (\$12,154.65); and

WHEREAS, the Borough Attorney and the Borough Engineer have given approval of the form and content of the aforementioned Maintenance Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and 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 Serv Centers of New Jersey in connection with a Combined Land Use Board application for Block 28 Lots 6.01 and 6.02.

<u>COUNCIL</u>	<u>MOTION</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<i>Carpenter</i>		X			
<i>Deans</i>		X			
<i>Grimes</i>	2 nd	X			
<i>Kostbar</i>		X			
<i>Longo</i>	1 st	X			
<i>Ludas</i>		X			
<i>Mayor LaMantia</i>					

RESOLUTION #081-02-11-09**

APPROVE RAFFLE LICENSE

WHEREAS, an application has been submitted by the Jamesburg PTA, Inc. for a on-premises merchandise raffle; and

WHEREAS, the Clerk's office is in receipt of the appropriate fees for the aforementioned license.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg that Raffle License #RL-09-01 be and is hereby approved in the name of Jamesburg PTA, Inc.

<u>COUNCIL</u>	<u>MOTION</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<i>Carpenter</i>		X			
<i>Deans</i>		X			
<i>Grimes</i>	2 nd	X			
<i>Kostbar</i>		X			
<i>Longo</i>	1 st	X			
<i>Ludas</i>		X			
<i>Mayor LaMantia</i>					

RESOLUTION #082-02-11-09

RESOLUTION AUTHORIZING APPLICATION

FOR FUNDING FROM THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM

WHEREAS, the Borough of Jamesburg intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for its FY2009 sanitary sewer lining project.

NOW, THEREFORE BE IT RESOLVED, that Denise Jawidzik, Borough Administrator be the authorized representative for the Borough of Jamesburg in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust.

The Authorized Representative may be contacted at (131 Perrineville Road, Jamesburg, NJ 08831, (732)521-2222):

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Carpenter</i>	2 nd	X			
<i>Deans</i>		X			
<i>Grimes</i>		X			
<i>Kostbar</i>		X			
<i>Longo</i>	1 st	X			
<i>Ludas</i>		X			
<i>Mayor LaMantia</i>					

RESOLUTION #083-02-11-09

RESOLUTION AUTHORIZING THE AWARD OF A RESTRICTED CONTRACT FOR THE REPAIR OF THE STORM SEWER LOCATED ON HILLSIDE AVENUE

WHEREAS, the Borough of Jamesburg has a need to award a contract for the repair of a storm sewer located on Hillside Avenue, 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 contract will exceed \$17,500.00; and

WHEREAS, the anticipated term of this contract is 60 days; and

WHEREAS, S&G Paving, Inc. has submitted a proposal indicating they will provide the said necessary repairs for \$23,875.00; and

WHEREAS, S&G Paving, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that S&G Paving, 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 S&G Paving, Inc. from making any reportable contributions through the term of the contract;

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 S&G Paving, Inc. as described herein; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value Certification be placed on file with this resolution.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
<i>CARPENTER</i>			X			
<i>DEANS</i>			X			
<i>GRIMES</i>			X			
<i>KOSTBAR</i>			X			
<i>LONGO</i>	1 st		X			
<i>LUDAS</i>		2 nd	X			
<i>MAYOR LAMANTIA</i>						

Councilmatic Committee Reports

Police Committee & Holiday/Patriotic Committee – Council President Barbara Carpenter

Police Committee

- Police Committee discussed Farmers Market and were positive about the event but would like to see it moved off the street and onto private property. She contacted Reverend Filson and he was interested in having the event held at the Presbyterian Church. Possibilities also include lot by fire department or the school.
- Denise Jawidzik applied for a \$93,000 grant through Rush Holt for radio equipment

Parade

- Alan Brown is now Commander of the American Legion and will come back to the Patriotic Committee
- Commemorative Booklet
- Petty Officer of USCG will be guest of honor

Library

- February 23, 2009 meeting
- Eagle Scout completed painting of the library
- ESL has 20 adult students
- Photo Exhibit to begin on March 1st for 3 weeks
- Pre-school Programs

Discussion:

Councilman Grimes stated that the Farmers Market did not present any problems last year and that he saw no reason not to continue it for this year. Discussion ensued among council members regarding safety, liability, traffic, benefits to businesses, cost factor for police protection and benefits to the community. Councilmember Carpenter agreed to discuss again at the next police committee meeting.

Homeowner Relations Committee – Councilwoman Brenda Deans

- Committee met with local banks and representative from NJ Housing and Mortgage Finance Agency
- March 28, 2009 will be the date for the forum 11-3pm at Borough Hall
- Information will be provided to residents
- Postcards, flyers, signs and advertisements
- Mortgage crisis programs are available
- NJHMFA will present programs at the forum
- Mayor LaMantia suggested 2 separate forums so that NJHMFA could make a presentation

Street Festival Committee – Councilman Brian Grimes

- Jamesburg Fall Festival meeting will be held February 24, 2009 at 7pm
- Committee is looking for volunteers
- They are working on vendors

Committee on Finance and Budgeting – Councilman Otto Kostbar

- No finance report

Housing and Community Development

- Middlesex County had the Community Development meeting last Saturday
- Kostbar is now the County Vice-Chair
- CDBG funds are expected to be the same \$43,000 Jamesburg received last year
- No discretionary funds are being awarded
- No funding for private organizations
- County will receive extra \$500,000 if the stimulus package is approved
- Rush Holt has indicated this program will be funded
- Citizens Committee meeting was held tonight and it was decided to continue the work on Half Acre Road for this year's application

Committee on Personnel/Negotiations and Buildings/Grounds – Councilman John Longo

Personnel

- Committee has held a number of interviews for the Clerk's position
- The Personnel Policy is under review based upon recommendations from the labor attorney

Bucklew Mansion

- The plans are complete and are now at the County for review
- He will meet with the Freeholders to discuss future funding

Land Use Board

- Meeting was cancelled for tomorrow night – March 12th is the next meeting

“Spud” Dobenski Scholarship Foundation

- The scholarship dinner is to be held March 8th at the Elks
- The scholarship recipients are Eric Somers, Adam Peterson and Samantha Jawidzik - \$1,000 each
- Four GMB students will also receive an award

Education Committee – Councilwoman Daria Ludas

Education

- PTA Founders day will be held February 18th from 6-8pm at JFK School
- Next Board of Education meeting is February 26th at 7:30pm

SERV Committee

- Meeting was held February 2nd and there were no problems reported
- SERV is happy to be in Jamesburg
- Next meeting is April 6th

Public Works Committee and Public Safety Committee – Mayor LaMantia

Public Works

- weather has been bad and we have used all of the salt and sand that we purchased for the season, that is more than used in the last 2 years
- letter went to residents in the sewer bill regarding the modified public works services and snow removal regulations

Public Safety

- next meeting will be the last Monday of this month at the firehouse

- Attended a meeting with Rush Holt regarding the stimulus package
- Taxpayers and residents will not see any help
- Special Education Funding to be decided by the Governor
- Bill A3490 sponsored by Gusciora requiring mandatory consolidation of donut towns is upsetting because there is a valid argument that bigger is not better in government

Discussion:

There was discussion among council members regarding the necessity of an impact study, input from towns, mandates taking away the rights of voters and no consideration being given to how a town runs.

Conrail

Mayor LaMantia stated that he had a meeting with Bernie Long and Conrail regarding the fence on John Street and they have agreed to replace it and clean up the area

COAH

Mayor stated that the new COAH regulations will severely deter redevelopment and revitalization. One small commercial property was billed \$11,000 under the new COAH regulations.

Councilman Longo thanked Denise Jawidzik for taking on the duties of the Municipal Clerk while we are short-staffed.

Mayor LaMantia stated that we need to allow signs on commercial properties for short periods of time during this economic crisis to allow businesses to promote sales.

Open to Public:

Motion: Longo
Second: Carpenter
All in Favor

Elliot Stroul – 110 Mendoker Drive

- Signage – fees
- Farmers market

Close to Public:

Motion: Longo
Second: Carpenter
All in Favor

RESOLUTION #084-02-11-09

A RESOLUTION PERMITTING THE MAYOR AND BOROUGH COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A PUBLIC MEETING.

WHEREAS, it has been determined by the Mayor and Borough Council of the Borough of Jamesburg that it is necessary to discuss the following specific matters:

Personnel:

Terms and conditions of the employment of the Business Administrator; and

WHEREAS, the Open Public Meetings Act, specifically at N.J.S.A. 10:4-12, permits the Mayor and Borough Council to exclude the public from that portion of a public meeting during which such matters are discussed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg as follows:

1. That the Mayor and Council shall forthwith recess into a private executive session, from which the public shall be excluded, to discuss the above-referenced matters.
2. That the scope of the aforesaid executive session shall be limited to the above matters as stated.
3. That those matters discussed in executive session shall remain confidential until such time as the need for confidentiality no longer exists, pursuant to direction from the Borough Attorney.
4. That minutes of the executive session shall be prepared and maintained by the Borough Clerk, and that such minutes shall be made public at such time as the need for confidentiality no longer exists, pursuant to direction from the Borough Attorney.
5. That formal action on any of the matters discussed in the executive session may only be taken during the open public portion of a meeting of the Mayor and Borough Council.
6. That, following the conclusion of this executive session (i.e., when the Mayor and Council re-convene the open portion of the meeting), action may be taken in public by the Mayor and Borough Council upon any of the matters discussed during this executive session.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER			X			
DEANS			X			
GRIMES			X			
KOSTBAR		2 nd	X			
LONGO	1 st		X			
LUDAS			X			
MAYOR LAMANTIA						

Council went into executive session at 8pm and returned to open session at 10:15pm

RESOLUTION #079-02-11-09**

**RESOLUTION APPROVING THE BUSINESS ADMINISTRATOR CONTRACT COVERING THE PERIOD
FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2010**

WHEREAS, the Borough of Jamesburg wishes to enter into an employment contract with Business Administrator, Denise Jawidzik, covering the period of January 1, 2009 through December 31, 2010; and

WHEREAS, the Personnel Committee has negotiated such a contract with the Business Administrator.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Council of the Borough of Jamesburg that the attached contract between the Borough of Jamesburg and the Jamesburg Business Administrator covering the period of January 1, 2009 through December 31, 2010 be and is hereby accepted

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute and the Borough attorney attest (in the vacancy of the Borough Clerk position) the attached contract between the Borough of Jamesburg and Business Administrator Denise Jawidzik.

TABLED

Motion: Kostbar

Second: Ludas

In Favor: Carpenter, Deans, Grimes, Kostbar, Longo, Ludas

Adjourn: 10:20pm

Motion: Longo

Second: Kostbar

All in Favor

Denise Jawidzik
Deputy Municipal Clerk