

**BOROUGH OF JAMESBURG
COUNCIL MEETING
MINUTES
JUNE 8, 2011
7:00 PM**

CALL TO ORDER: Mayor Anthony LaMantia called the meeting to order and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met. Any contracts awarded tonight require the contractor to comply with N.J.S.A.10:5-31 et.seq. and N.J.A.C. 17:27. Also announced, in the event of a fire and pursuant to the N.J. Uniform Fire Code, that the members of the audience are requested to take notice of the exits at the front and rear of the Council Chambers as well as in the main hallway.

FLAG SALUTE: To be led by Mayor LaMantia

ROLL CALL:

Mayor LaMantia - Present
Council President Kostbar - Present
Council Member Busco - Present
Council Member Carpenter - Present
Council Member Deans - Present
Council Member Ludas - Present
Council Member Newton - Present
Administrator Jawidzik - Present
Borough Attorney Youssouf – Arrived at 7:05 PM

1ST PUBLIC HEARING – AGENDA ITEMS ONLY – EXCLUDES ORDINANCES (they have their own public hearing): Members of the public wishing to address the Mayor and Borough Council must approach the podium and state their name and address for the record. There is a five (5) minute time limit for all comments and questions.

MOTION TO OPEN PUBLIC COMMENT

Proposed By: Council President Kostbar
Seconded By: Council Member Carpenter
All in favor.

Mr. Tom Van de Sande - 2 Fernwood Lane – Mr. Van de Sande inquired about Resolution #136-06-08-11 Refund Tax Overpayments, specifically the relevant quarter affected and the impact to a reduction in the event of a successful appeal. Borough Administrator Jawidzik addressed.

Mr. George Tarantino – Lincoln Avenue Car Wash – Mr. Tarantino introduced himself as a part-owner in a local car wash located near the proposed Farmers Market site being considered and voiced several concerns about the Market’s impact to his business. The Mayor asked Mr. Elliot Stroul of 110 Mendoker Drive and President of the Jamesburg Revitalization Coalition to address Mr. Tarantino’s concerns. Mr. Stroul described in detail the proposed set-up of the Market and shared details of discussions held with the Chief of Police concerning traffic flow and parking. Council President Kostbar and Council Member Deans expressed concerns about the potential for precedent setting by holding the Market in the park and voiced the need to establish specific criteria to be met by the Revitalization Coalition and any future applicants. Borough Administrator Jawidzik referred Council Members to the Resolution which outlined the criteria in question. Council President Kostbar asked Chief Horvath about the need for additional police coverage and any other potential costs. Chief Horvath noted that no additional manpower, and therefore no additional costs, is necessary. Mr. Tarantino

reiterated his concerns noting that as the first business located off the park he felt sure the Market would disrupt his normal Saturday traffic flow. Mr. Tarantino also commented that unlike himself, the farmers are not Jamesburg taxpayers and as a taxpayer in Jamesburg he did not believe the Market should be approved.

Mr. Tom Van de Sande - 2 Fernwood Lane – Mr. Van de Sande commented that he frequently sees cars backed up and blocking the road at the car wash on Lincoln Avenue without issue or complaint. Mr. Van de Sande stated that there are no farms in Jamesburg and that he feels they should be able to sell their products.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Council Member Busco
 Seconded By: Council Member Kostbar
 All in favor.

ORDINANCES – SECOND READING BY TITLE – PUBLIC HEARING

The following ordinance was approved on first reading at the meeting of the Mayor and Council held on April 13, 2011, and published in the April 22, 2011 edition of the Cranbury Press. Copies have been posted on the municipal bulletin board and made available to the public since introduction.

ORDINANCE #08-11

AN ORDINANCE AMENDING AND ESTABLISHING LIMITS FOR SALARY AND COMPENSATION OF CERTAIN OFFICES, POSITIONS, AND EMPLOYEES IN THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY.

COUNCIL	MOTION TO ADOPT	2ND	VOTE
Council President Kostbar	X		N
Council Member Busco			Y
Council Member Carpenter		X	N
Council Member Deans			N
Council Member Ludas			N
Council Member Newton			N

ORDINANCES – SECOND READING BY TITLE – PUBLIC HEARING

The following ordinances were approved on first reading at the meeting of the Mayor and Council held on May 11, 2011, and published in the May 20, 2011 edition of the Cranbury Press. Copies have been posted on the municipal bulletin board and made available to the public since introduction.

ORDINANCE #09-11

AN ORDINANCE PROVIDING FOR THE REMEDIATION OF UNDERGROUND STORAGE TANK SITES AND APPROPRIATING THE SUM OF \$30,000 THEREFORE, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

Mr. Elliot Stroul - 110 Mendoker Drive – Mr. Stroul asked if this was the last time we’ll need to appropriate money for this effort. Borough Administrator Jawidzik responded that it was not.

Mr. Tom Van de Sande - 2 Fernwood Lane – Mr. Van de Sande asked if there were additional sites. Borough Administrator Jawidzik noted that there are two (2) sites that are being monitored. Ms. Jawidzik reported that the Borough hopes to obtain a “no further action” notice but until such time the Borough is compelled by law to

continue to monitor the sites and comply with the rather stringent requirements set forth by the Department of Environmental Protection. Borough Attorney Youssof interjected that it could take up to twelve (12) years to obtain such a “no further action” letter and that the Borough is required to continue to monitor and remediate when necessary.

COUNCIL	MOTION TO OPEN	2nd	MOTION TO CLOSE	2nd	MOTION TO ADOPT	2nd	VOTE
Council President Kostbar	X		X		X		Y
Council Member Busco							Y
Council Member Carpenter							Y
Council Member Deans							Y
Council Member Ludas		X		X			Y
Council Member Newton						X	Y

ORDINANCE #10-11

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO SEDGWICK STREET AND APPROPRIATING THE SUM OF \$269,000 THEREFORE, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

COUNCIL	MOTION TO OPEN	2nd	MOTION TO CLOSE	2nd	MOTION TO ADOPT	2nd	VOTE
Council President Kostbar	X		X		X		Y
Council Member Busco							Y
Council Member Carpenter						X	Y
Council Member Deans							Y
Council Member Ludas		X		X			Y
Council Member Newton							AB

ORDINANCE #11-11

AN ORDINANCE TO ESTABLISH A FEE SCHEDULE FOR RETAIL FOOD ESTABLISHMENT RE-INSPECTIONS AND RETAIL FOOD ESTABLISHMENT INITIAL PLAN REVIEWS BETWEEN THE MIDDLESEX COUNTY PUBLIC HEALTH DEPARTMENT AS THE CONTRACTING AGENCY AND THE BOROUGH OF JAMESBURG

COUNCIL	MOTION TO OPEN	2nd	MOTION TO CLOSE	2nd	MOTION TO ADOPT	2nd	VOTE
Council President Kostbar	X		X		X		Y
Council Member Busco							Y
Council Member Carpenter				X		X	Y
Council Member Deans							Y
Council Member Ludas		X					Y
Council Member Newton							Y

ORDINANCES – FIRST READING BY TITLE (Public Hearing set for July 13, 2011)

ORDINANCE #12-11

AN ORDINANCE AMENDING AND ESTABLISHING SALARY AND COMPENSATION OF CERTAIN OFFICES, POSITIONS, AND EMPLOYEES IN THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY.

COUNCIL MEMBER	MOTION	2nd	VOTE
Council President Kostbar	X		Y
Council Member Busco			Y
Council Member Carpenter		X	Y
Council Member Deans			Y
Council Member Ludas			Y
Council Member Newton			Y

ORDINANCE #13-11

AN ORDINANCE OF THE BOROUGH OF JAMESBURG AMENDING AND SUPPLEMENTING CHAPTER XXVII, “LAND USE PROCEDURES,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY,” IN ORDER TO CREATE A NEW ARTICLE THEREOF (XXII) ENTITLED “SIGNS.”

Council Member Newton reported that after reviewing the topic further he feels compelled to oppose moving forward with the Ordinance. He noted that he feels the current Ordinance effectively addresses the issues voiced at previous Council Meetings. Mayor LaMantia requested a legal opinion of Borough Attorney Youssouf specific to the issue of free speech. Attorney Youssouf reported that the laws were quite clear that broad discretion should be granted when considering political signage. Attorney Youssouf further noted that even though the Borough’s DPW maintains the property, its (the Borough’s) consent to post signs is secondary to the consent of the owners of the property. Mayor LaMantia suggested that the owners be contacted to see how they feel about the posting of signs.

COUNCIL MEMBER	MOTION TO TABLE	2nd	VOTE
Council President Kostbar			N
Council Member Busco			N
Council Member Carpenter			N
Council Member Deans			Y
Council Member Ludas		X	Y
Council Member Newton	X		Y
Mayor LaMantia			N

ORDINANCE #14-11

AN ORDINANCE PROVIDING FOR RESTORATION OF THE BUCKELEW MANSION PHASE II AND APPROPRIATING THE SUM OF \$498,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

Mayor LaMantia thanked Council President Kostbar for his attendance at the meeting and expressed his thanks to the County for their assistance. Council President thanked the Mayor for keeping after the topic thus allowing the Borough to move forward with the Second Phase.

COUNCIL MEMBER	MOTION	2nd	VOTE
Council President Kostbar	X		Y
Council Member Busco			Y
Council Member Carpenter			Y
Council Member Deans			Y
Council Member Ludas			Y
Council Member Newton		X	Y

Resolution #152-06-08-11 - Cancellation of Gatzmer Traffic Light Reserve

COUNCIL	MOTION	SECOND	VOTE
Council President Kostbar			Y
Council Member Busco		X	Y
Council Member Carpenter			Y
Council Member Deans			Y
Council Member Ludas	X		Y
Council Member Newton			Y

ORDINANCE #15-11

AN ORDINANCE PROVIDING FOR THE REMEDIATION OF UNDERGROUND STORAGE TANK SITES AND APPROPRIATING THE SUM OF \$30,000 THEREFORE, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

COUNCIL MEMBER	MOTION	2nd	VOTE
Council President Kostbar			Y
Council Member Busco			Y
Council Member Carpenter		X	Y
Council Member Deans			Y
Council Member Ludas	X		Y
Council Member Newton			Y

ORDINANCE #16-11

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO HALF ACRE ROAD AND APPROPRIATING THE SUM OF \$36,384 THEREFORE, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

Council Member Carpenter thanked Council President Kostbar for his efforts on this project.

COUNCIL MEMBER	MOTION	2nd	VOTE
Council President Kostbar		X	Y
Council Member Busco			Y
Council Member Carpenter	X		Y
Council Member Deans			Y
Council Member Ludas			Y
Council Member Newton			Y

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. Any resolutions listed on the agenda with an** 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.

CONSENT RESOLUTIONS:

- #133-06-08-11** Accept Minutes of May 11, 2011
- #134-06-08-11** Accepting Monthly Reports
- #135-06-08-11** Payment of Vouchers
- #136-06-08-11** Refund Tax Overpayments
- #137-06-08-11** Temporary Emergency Appropriations
- #138-06-08-11** Approving Liquor License Renewal – Aayushi, Inc. (Village Liquor)
- #139-06-08-11** Approving Liquor License Renewal – Jamesburg Elks #2180
- #140-06-08-11** Approving Liquor License Renewal – Parkside Tavern, Inc.
- #141-06-08-11** Approving Liquor License Renewal – Karan Purva, Inc. (Jamesburg Wine & Liquors)
- #142-06-08-11** Approving Liquor License Renewal – Jamesburg Volunteer Fire Department
- #143-06-08-11** Approving Liquor License Renewal – Talkhouse Inc.
- #145-06-08-11** Release Performance Bond – Phoenix Construction Services

COUNCIL	MOTION	SECOND	VOTE
Council President Kostbar	X		Y
Council Member Busco			Y
Council Member Carpenter			Y
Council Member Deans			Y
Council Member Ludas		X	Y
Council Member Newton			Y

NON-CONSENT RESOLUTIONS:

#146-06-08-11

Approve Special Event Permit – Jamesburg Revitalization Coalition – Farmers Market

COUNCIL	MOTION	SECOND	VOTE
Council President Kostbar			N
Council Member Busco		X	N
Council Member Carpenter			Y
Council Member Deans			N
Council Member Ludas	X		N
Council Member Newton			N

#147-06-08-11

Appointing Borough Tax Assessor – Kenneth A. Pacera

COUNCIL	MOTION	SECOND	VOTE
Council President Kostbar	X		Y
Council Member Busco			Y
Council Member Carpenter			Y
Council Member Deans			Y
Council Member Ludas		X	Y
Council Member Newton			Y

#148-06-08-11

Authorizing the Mailing of Estimated Tax Bills

COUNCIL	MOTION	SECOND	VOTE
Council President Kostbar			Y
Council Member Busco			Y
Council Member Carpenter		X	Y
Council Member Deans			Y
Council Member Ludas	X		Y
Council Member Newton			Y

#149-06-08-11

Accepting Agreement Phase II Buckelew Mansion Project – Middlesex County

COUNCIL	MOTION	SECOND	VOTE
Council President Kostbar	X		Y
Council Member Busco			Y
Council Member Carpenter		X	Y
Council Member Deans			Y
Council Member Ludas			Y
Council Member Newton			Y

#150-06-08-11

Authorize State Contract – Copy Machine Purchase

COUNCIL	MOTION	SECOND	VOTE
Council President Kostbar		X	Y
Council Member Busco			Y
Council Member Carpenter	X		Y
Council Member Deans			Y
Council Member Ludas			Y
Council Member Newton			Y

#151-06-08-11

Accepting Agreement with Middlesex County for Acquisition of Personal Radiological Detectors (PRDs)

Council Member Newton asked for more information. Borough Administrator shared details from the Agreement. Lieutenant James Craparotta offered his knowledge of the PRDs. Council Member Newton made a Motion to Table to allow for further research.

COUNCIL	MOTION TO TABLE	SECOND	VOTE
Council President Kostbar			N
Council Member Busco			Y
Council Member Carpenter		X	Y
Council Member Deans			Y
Council Member Ludas			N
Council Member Newton	X		Y

#153-06-08-11

Amending Resolution #087-03-09-11 Community Development Block Grant Allocation

COUNCIL	MOTION	SECOND	VOTE
Council President Kostbar	X		Y
Council Member Busco			Y
Council Member Carpenter		X	Y
Council Member Deans			Y
Council Member Ludas			Y
Council Member Newton			Y

DISCUSSION ITEMS:

COUNCIL PRESIDENT REPORT

COUNCILMATIC COMMITTEE REPORTS:

- COMMITTEES ON FINANCE/GRANTS and INFRASTRUCTURE
Council President Kostbar
No report.
- POLICE COMMITTEE/COMMISSIONER and COMMITTEE ON ETHICS
Council Member Deans

Council Member Deans reported that the police have developed a duty schedule for the two of the three cells phones within the department. The third phone will be held by Detective Wilson. Council Member Deans further reported that they have candidates who have expressed interested in being part of the Ethics Board and that she will report back to the Council at a later date.

- COMMITTEES ON PERSONNEL/POLICY
Council Member Newton

Council Member Newton reported that negotiations are continuing with regards to the Police and Police Chief Contracts. Council Member Newton further reported that radios are being tested to ensure adequate communication in their continued efforts to balance communication and cost.

- COMMITTEE ON PUBLIC WORKS and BUILDING/GROUNDS
Council Member Busco
No report.

- COMMITTEE ON PUBLIC EVENTS
Council Member Carpenter

Council Member Carpenter reported on the following:

- § Memorial Day Parade – The parade was a huge success including 49 marching units and a Fly Over by the US Airforce. A DVD has been made, an appreciation lunch will be held on June 9th and a special thanks to Allan Brown and Elliott Stroul for their efforts.
- § Fall Festival – Set for October 2nd. A first meeting will be held in July.
- § Library – A survey has been developed to help determine the needs of its services and overall library usage. Class visits from both schools continued in May. A Summer Reading Program runs from July 7th through August 18th. A children’s program will be held on Tuesdays. Computer classes are underway. A mineral exhibit of the collection of Stan Pepka is on display. Volunteers continue to help relocate books to create dedicated space for a children’s reading area.

- COMMITTEE ON EDUCATION, COMMITTEE ON SAFETY and BUSINESS OUTREACH LIAISON
Council Member Ludas

Council Member Ludas reported on the following:

- § The Board of Education recognized Lisa D’Andrea and Nidia Delovaria as Teachers of the Year.
- § NJ ASK Testing will be completed in the first week of June. Results will be available during the summer.
- § Dr. Gail Verona publicly thanked Chief Horvath and Detective Wilson for their efforts in connection with a recent bomb threat.
- § The 8th Grade Dance was a success.
- § Important dates include June 8 – PTA International Night, June 14 – Activities Day; June 17 – Graduation; June 20 – Staff In-service; June 22 – end of year inspection
- § The Board will review/revise the anti-bullying policy, cell phone policy and look into new evacuation procedures.
- § The next meeting is scheduled for June 30th.
- § The Fire Commission Meeting was held on May 19th. There were 13 calls for the month of May.
- § The new repeater is currently being fit into the consoles.
- § The JFD is currently obtaining prices for Scott Packs and a new Truck.
- § A SERV meeting was held on June 6th; property landscaping is underway and being maintained on a weekly basis.
- § Businesses are being visited on a continuous basis.

- ADMINISTRATOR’S REPORT
Denise Jawidzik

Administrator Jawidzik reported that specifications are being prepared for the West Railroad Avenue project which is expected to begin in the next month or two. The project includes the reconstruction of a collapsed storm sewer near PNC Bank and the paving of a portion of Forsgate Drive.

- MAYOR’S REPORT
Mayor Anthony LaMantia
No report.

2nd PUBLIC HEARING – NON-AGENDA ITEMS: Members of the public wishing to address the Mayor and Borough Council must approach the podium and state their name and address for the record. There is a five (5) minute time limit for all comments and questions.

MOTION TO OPEN TO PUBLIC COMMENT:

Proposed By: Council Member Carpenter

Seconded By: Council President Kostbar

All in favor.

Mr. Tom Van de Sande - 2 Fernwood Lane – Mr. Van de Sande asked if the Tax Assessor is in attendance at the Personnel Committee Meetings. Council President Kostbar responded that he has not and reported that it should be noted that the Assessor voluntarily took a pay freeze. Mr. Van de Sande suggested that he be invited to attend the meetings and report on the recent drop in property values, impact on property taxes and share what he sees happening in way of property values in other towns. Mayor LaMantia agreed to reach out to Mr. Pacera and assess his availability to attend a meeting.

Mr. Elliot Stroul - 110 Mendoker Drive – Mr. Stroul commented that by voting down the Farmers Market the council was in essence keeping Jamesburg in the dark ages.

MOTION TO CLOSE TO PUBLIC COMMENT:

Proposed By: Council President Kostbar

Seconded By: Council Member Ludas

All in favor.

MOTION TO ADJOURN:

Proposed By: Council President Kostbar

Seconded By: Council Member Newton

All in favor.

TIME OF ADJOURNMENT:

7:58 PM