

**BOROUGH OF JAMESBURG  
GOVERNING BODY MEETING  
MINUTES  
JANUARY 16, 2013  
7:00 PM**

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**CALL TO ORDER:** This meeting is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met. Any contracts awarded require the contractor to comply with N.J.S.A.10:5-31 et.seq. and N.J.A.C. 17:27. Also, in the event of a fire and pursuant to the N.J. Uniform Fire Code, 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:** Led by Mayor Lowande

**ROLL CALL:** Mayor Lowande  
Council President Carpenter  
Council Member Busco  
Council Member Kostbar  
Council Member Ludas  
Council Member Sussman  
Council Member Taylor  
Administrator Jawidzik  
Borough Attorney Raffetto

**MAYORAL PROCLAMATIONS:**  
Presentation to Retired Zoning Officer – Bernie Long; Mayor Lowande presents Mr. Long with a Mayoral Proclamation acknowledging his retirement.

**1<sup>ST</sup> PUBLIC COMMENT PERIOD – 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 Open to Public Comment:**  
Proposed By: Ludas  
Seconded By: Carpenter  
All in Favor

Tom Van de Sande – 2 Fernwood Lane: Mr. Van de Sande had a question regarding Purchase Order #12-00881 for the Concession Stand on the bill list; Administrator Jawidzik clarified that was a payment made to I.C.C. Heating & A/C for winterizing the concession stand.

**Motion to Close to Public Comment:**  
Proposed By: Kostbar  
Seconded By: Ludas  
All in Favor

**ORDINANCES – SECOND READING BY TITLE – PUBLIC HEARING**

The following ordinances were approved on the first reading at the meeting of the Mayor and Council held on January 2, 2013 and published in the January 11, 2013 edition of the Cranbury Press. Copies have been posted on the municipal bulletin board and made available to the public since introduction.

**ORDINANCE #01-13**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE SCHEDULE OF FEES OF THE BOROUGH OF JAMESBURG**

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

1. "Revised General Ordinances of the Borough of Jamesburg New Jersey (2000)" is hereby amended and supplemented to read as follows:

**SCHEDULE OF FEES**

**ALCOHOLIC BEVERAGE CONTROL LICENSES**

RETAIL CONSUMPTION	\$2,500.00
RETAIL DISTRIBUTION	\$2,500.00
CLUB	\$ 188.00

**BALLFIELD PERMIT**

PER DAY	\$75.00
PER NIGHT	\$100.00

**CATS**

KENNEL FEES – STRAY ANIMALS – SURRENDER - FLAT FEE	\$ 100.00
IMPOUNDMENT/QUARANTINE - PER DAY	\$ 21.20
ADMINISTRATION FEE	\$ 100.00

**LICENSE:**

SPAYED/NEUTERED	\$10.00
NON SPAYED/NEUTERED	\$14.00
REPLACEMENT TAG	\$ 1.00
LATE FEE - April 1 through December 31 - each license (Excluding cats less than 7 mos. of age)	\$ 10.00

**COPIES ON BOROUGH COPIER (OPRA-FEES PER STATUTE)**

LETTER SIZE	PER COPY	\$ .05
LEGAL SIZE	PER COPY	\$ .07
ELECTRONIC TRANSMITTALS		\$ FREE
OTHER FORMS OF DUPLICATION		ACTUAL COST TO BOROUGH

**DOGS**

KENNEL FEES – STRAY ANIMALS - FLAT FEE	\$ 100.00
IMPOUNDMENT/QUARANTINE - PER DAY	\$ 21.20
ADMINISTRATION FEE	\$ 100.00

**LICENSE:**

SPAYED/ NEUTERED	\$ 10.00
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NON SPAYED/NEUTERED	\$ 12.00
STATE POPULATION CONTROL	\$ 3.00
STATE REGISTRATION FEE	\$ 1.00
N.J. PILOT CLINIC FEE	\$ .20
REGISTRATION TAG	\$ 1.00
REPLACEMENT TAG	\$ 1.00
LATE FEE - April 1 through December 31 - each license (excluding dogs less than 7 mos. of age)	\$ 10.00

**FINGERPRINTING FEE**

\$60.00

**FIRE PREVENTION FEES:**

**REGISTRATION PERMITS**

REGISTRATION PERMITS ARE REQUIRED ON ALL COMMERCIAL PROPERTIES AND/OR BUSINESSES LOCATED WITHIN THE JURISDICTION OF THE BOROUGH OF JAMESBURG. REGISTRATION PERMITS SHALL BE REQUIRED ON ALL COMMERCIAL AND OTHER PUBLIC PLACES NOT OUTLINED OR FALLING UNDER THE LIFE HAZARD USE CATEGORY. IT SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING: MERCANTILE, PROFESSIONAL OFFICE, BUSINESS OFFICE, WAREHOUSE, STORAGE BUILDING, EATING ESTABLISHMENT, BANK, CHURCH, MAINTENANCE BUILDING, CLUB HOUSE. ALL PROPERTIES AND/OR BUSINESSES

THE FEES FOR REGISTRATION PERMITS ARE DUE IN THE MONTH OF JANUARY OF EACH YEAR. THOSE FEES NOT RECEIVED IN THE OFFICE OF THE FIRE PREVENTION BUREAU WITHIN 1 MONTH OF DATED INVOICES ARE SUBJECT TO A LATE PENALTY OF THAT EQUAL TO AND INCLUDING THE REGISTRATION FEE FOR THAT YEAR, WHICH ARE:

1 through 300 square feet	<del>\$ 35.00</del> <u>\$45.00</u>
301 through 1,000 square feet	<del>\$ 65.00</del>
<u>\$115.00</u>	
1,001 through 3,000 square feet	<del>\$ 100.00</del> <u>\$150.00</u>
3,001 through 5,000 square feet	<del>\$ 150.00</del>
<u>\$200.00</u>	
5,001 through 10,000 square feet	<del>\$ 200.00</del> <u>\$250.00</u>
10,001 through 20,000 square feet	<del>\$ 250.00</del> <u>\$300.00</u>
20,001 square feet and larger	<del>\$ 300.00</del>
<u>\$350.00</u>	

**CERTIFICATE OF SMOKE AND CARBON MONOXIDE DETECTOR COMPLIANCE**

**INITIAL INSPECTION**

Within ten (10) days prior to closing	<del>\$ 35.00</del>
<u>\$45.00</u>	
Within four (4) days prior to closing	<del>\$ 70.00</del>
<u>\$80.00</u>	
Less than four (4) days prior to closing	<del>\$ 125.00</del>
<u>\$140.00</u>	
RE-INSPECTION REQUIRED DUE TO FAILURE AT INITIAL INSPECTION	<del>\$ 35.00</del>
<u>\$45.00</u>	

A CERTIFICATE OF SMOKE AND CARBON MONOXIDE DETECTOR COMPLIANCE WILL NOT BE ISSUED UNTIL ALL FEES HAVE BEEN PAID TO THE JAMESBURG FIRE PREVENTION BUREAU.

**GAMES OF CHANCE**

OFF-PREMISES DRAW RAFFLE (per occasion)	\$ 10.00
OFF-PREMISES CASE 50/50 RAFFLE (per occasion)	\$ 10.00
ON-PREMISES DRAW RAFFLE (per occasion)	\$ 10.00
ON-PREMISES DRAW RAFFLE AWARDED CASH OR MERCHANDISE(per occasion)	\$ 10.00
CARNIVAL GAMES OR WHEEL (per occasion)	\$ 10.00
CALENDAR RAFFLE (per occasion)	\$ 10.00
INSTANT RAFFLE (per day on which instant raffle tickets are sold or offered for sale)	\$ 10.00
INSTANT RAFFLE (for a one year license)	\$ 375.00
GOLF HOLE-IN-ONE (per occasion)	\$ 10.00
ARMCHAIR RACE (per day of operation)	\$ 25.00
CASINO NIGHTS (per occasion)	\$ 50.00

**JUNK YARD PERMIT** \$ 100.00

**LAUNDRIES/ LAUNDERETTES**

COIN OPERATED DRYER INSTALLED- each machine	\$ 15.00
COIN OPERATED WASHER INSTALLED - each machine	\$ 15.00
LATE FEE - per day, per machine, after March 31	\$ 1.50/DAY

**LAND USE BOARD FEES: ALL FEES ARE CUMULATIVE:**

APPEAL OF BUILDING INSPECTOR'S DECISION OR ZONING ORDINANCE INTERPRETATION	\$ 100.00
BULK VARIANCE (N.J.S.A. 40:55D-70c)	\$ 200.00
USE VARIANCE (N.J.S.A. 40:55D-70d)	\$ 500.00
ZONING CHANGES	\$ 500.00
SITE PLAN	\$ 500.00
MINOR SUBDIVISION	\$ 300.00
MAJOR SUBDIVISION	\$ 500.00
ALL OTHER APPLICATIONS	\$ 500.00

**LAND-USE BOARD PROFESSIONAL SERVICES**

ESCROW SHALL BE DEPOSITED WITH THE BOROUGH TO COVER THE COST OF PROFESSIONAL SERVICES TO BE RENDERED TO THE MUNICIPALITY OR APPROVING AUTHORITY FOR REVIEW OF APPLICATIONS FOR DEVELOPMENT, REVIEW AND PREPARATION OF DOCUMENTS FOR CONSIDERATION BEFORE THE LAND USE BODY UNDER THE PROVISIONS OF P.L. 1975,c.291 (N.J.S.A. 40:55D-1 et seq.). PRIOR TO AN APPLICATION BEING RULED COMPLETE, THE FOLLOWING SUM(S) SHALL BE SUBMITTED TO BE HELD IN ESCROW:

**LAND USE BOARD ESCROWS: 3**

ALL ZONING CHANGES - ESCROW	\$3,000.00
USE VARIANCE AND BULK VARIANCE	\$2,000.00
SUBDIVISION, MINOR	\$1,000.00

SUBDIVISION, MAJOR	\$3,000.00
ALL OTHER APPLICATIONS	\$1,000.00
SITE PLAN - (0 to 2 acres) ESCROW	\$4,000.00
(2+ acres, per acre or portion thereof)	\$ 250.00
PRE-APPLICATION MEETING ESCROW	\$ 500.00
<b><u>LICENSES (each machine)</u></b>	
COIN OPERATED GAMES/ AMUSEMENTS	\$ 60.00
NEWSRACKS	\$ 15.00
JUKE BOXES	\$ 60.00
VENDING MACHINES	\$ 25.00
POOL/ BILLIARD TABLE PINBALL, INCLUDING COIN OPERATED TABLES	\$ 60.00
LATE FEES - per day, per license, after March 31	\$ 1.50
<b><u>LIMOUSINES</u></b> license	\$ 100.00
<b><u>MAINTENANCE OF PROPERTY BY BOROUGH FEE</u></b>	\$ 500.00
<b><u>ORDINANCES</u></b>	
COMPLETE COPY OF "REVISED GENERAL ORDINANCES (2000)"	\$ 40.00
SUPPLEMENTS TO "REVISED GENERAL ORDINANCES (2000)"	\$ 10.00
COPY OF LAND-USE ORDINANCES ONLY	\$ 25.00
COPY OF CURRENT MASTER PLAN	\$ 45.00
<b><u>PUBLIC DEFENDER APPLICATION</u></b>	\$ 200.00
<b><u>POLICE REPORTS</u></b> per copy when not requested in person (first three pages)	\$ 5.00
(Each additional page after the first three)	\$ 1.00
<b><u>RECYCLING BUCKETS</u></b>	\$ 20.00
<b><u>REGISTRAR</u></b>	
MARRIAGE LICENSES/DOMESTIC PARTNERSHIP	\$ 28.00
CERTIFIED COPIES - first copy	\$ 25.00
each additional copy	\$ 2.00 each
BURIAL PERMITS	\$ 5.00
SEARCHES – per 5 year time period searched	\$ 15.00
CORRECTIONS	\$ 10.00
<b><u>RENTAL PROPERTY REGISTRATION:</u></b>	
REGISTRATION FEE (per unit)	\$ 30.00
[CERTIFICATE OF APPROVAL \$35.00]	
ROOMING/BOARDING HOUSES	\$ 30.00+
EACH INDIVIDUAL ROOM WHERE ACCOMMODATIONS ARE OFFERED	\$ 5.00
<b><u>RETAIL FOOD HANDLING PERMIT</u></b>	
PERMIT FOR ONE DAY EVENT- SALE OF NON-PACKAGED FOOD	\$ 10.00
PACKAGED FOOD SALES ONLY	\$ 60.00
ON-PREMISE PREPARATION OF FOOD	\$ 150.00
LATE FEE – per day, per license, after March 31	\$ 1.50/DAY

**RETURNED CHECK FEE:** per check, per return \$ 20.00

**SENIOR BUILDING RENTAL**

JAMESBURG BASED NON-PROFIT \$10.00/HOUR  
NON-JAMESBURG AND FOR-PROFIT \$25.00/HOUR

**STREET MAPS** \$ 1.00

**STREET EXCAVATIONS**

THE APPLICANT SHALL BE CHARGED A FEE OF SEVENTY-FIVE DOLLARS (\$75.00) FOR EACH PERMIT, IN ADDITION TO A NON-REFUNDABLE ENGINEERING INSPECTION FEE TO BE PAID AT THE TIME OF APPLICATION, IN THE AMOUNT OF \$125.00. ANY PERMITTED STREET OPENING THAT IS NOT PROPERLY RESTORED, CAUSING THE NEED FOR RE-INSPECTION BY THE BOROUGH ENGINEER'S OFFICE SHALL BE BILLED AND ADDITIONAL \$125.00 FOR EACH RE-INSPECTION OF THE STREET OPENING.

AN ADDITIONAL FEE OF \$500.00 WILL BE CHARGED TO EXCAVATE ANY ROADWAY THAT HAS BEEN IMPROVED WITHIN THE PREVIOUS FIVE (5) YEARS.

SHOULD THE APPLICANT NOT HAVE A BOND FILED WITH THE BOROUGH OF JAMESBURG, THE APPLICANT SHALL POST A CASH OR CERTIFIED CHECK DEPOSIT ACCORDING TO THE FOLLOWING SCHEDULE:

- A. UNIMPROVED ROADS OR UNPAVED SHOULDER  
PER SQUARE FOOT \$ 6.00  
MINIMUM \$ 325.00
- B. IMPROVED STONE OR ROAD OIL  
PER SQUARE FOOT \$ 6.00  
MINIMUM \$ 325.00
- C. PENETRATING MACADAM /SIMILAR SURFACE  
PER SQUARE FOOT \$ 9.00  
MINIMUM \$ 550.00
- D. REINFORCED CONCRETE OR BITUMINOUS CONCRETE/ SIMILAR SURFACE  
PER SQUARE FOOT \$ 9.00  
MINIMUM \$ 550.00

WHERE THE EXCAVATION IS MADE IN A HEAVILY TRAVELLED STREET OR WHERE FOR ANY REASON IT IS NECESSARY FOR THE BOROUGH TO STATION A POLICE OFFICER NEAR THE EXCAVATION TO DIRECT TRAFFIC, THE APPLICANT SHALL ALSO BE CHARGED THE CURRENT RATE FOR SPECIAL DUTY ASSIGNMENT OF POLICE OFFICERS.

**SEWER CONNECTION INSPECTIONS**

ENGINEERING INSPECTION - BILLED @ \$60.00 PER HOUR WITH MINIMUM FEE OF \$500.00 TO BE SUBMITTED WITH APPLICATION. UNUSED PORTION OF FEE IS TO BE RETURNED TO APPLICANT AT COMPLETION OF WORK AND SETTLEMENT OF BILLING.

**SEWER CONNECTIONS**

APPLICATION FEE \$ 50.00

DWELLINGS WITHIN THE BOROUGH OF JAMESBURG:	
SINGLE FAMILY DWELLING	\$ 500.00
TWO-FAMILY DWELLING SIDE-BY-SIDE	\$ 500.00
MULTI-FAMILY DWELLING, INCLUCING BUT NOT LIMITED TO GARDEN APARTMENTS	\$ 500.00
EACH ADDITIONAL UNIT AFTER THE FIRST SINGLE FAMILY LIVING UNIT	\$ 400.00
EACH TOWNHOUSE SINGLE-FAMILY DWELLING SIDE-BY-SIDE	\$ 500.00
PROFESSIONAL OFFICE BUILDING, INDUSTRIAL BUILDING AND ALL OTHER BUILDINGS NOT OTHERWISE PROVIDED FOR	\$ 500.00
EACH ADDITIONAL LAVATORY AFTER FIRST	\$ 300.00
LAUNDRY CLOTHES WASHING MACHINES, DOMESTIC, COMMERICAL AND INDUSTRIAL	\$ 500.00
EACH ADDITIONAL WASHING MACHINE AFTER FIRST TWO WASHING MACHINES IN A SINGLE BUILDINGSTRUCTURE	\$ 50.00
EACH ADDITIONAL FIXTURE (FIXTURES INCLUDE LAVATORIES, KITCHEN SINKS, SLOP SINKS, URINALS, BATH TUBS, SHOWER STALLS, LAUNDRY TUBS, FLOOR DRAINS, HOSE BIBB AND SUMP PUMPS)	\$ 8.00
FEE FOR A DWELLING OUTSIDE OF JAMESBURG TO BE TIED INTO THE BOROUGH'S SEWER SYSTEM.	\$ 800.00
<b><u>SOLICITORS, PEDDLERS, AUCTIONEERS</u></b>	\$ 50.00
<b><u>SIGNS</u></b> - Fine for Violation of Sign Ordinance as per Borough Code Chapter 27, sec. 139	\$ 500.00
<b><u>SPECIAL EVENT PERMIT</u></b>	
Non-Profit	\$ 50.00
All Others	\$ 200.00
<b><u>TATTOO LICENSE</u></b>	
INITIAL APPLICATION	\$ 500.00
ANNUAL RENEWAL OF LICENSE	\$ 150.00
LATE FEE - per month, after July 1	\$100.00/Month
<b><u>TAX OFFICE:</u></b>	
TAX RECORD SEARCH (per year)	\$ 15.00
COMPUTER PRINT-OUTS (each block & lot)	\$ 1.00
USE OF DUPLICATE (MEMO) TAX BILL	\$ 5.00
ELECTRONIC FILE TRANSFER FEE – PER TRANSFER	\$ 10.00
TAX SALE NOTICE IN LIEU OF ADVERTISING	\$ 25.00
REDEMPTION CALCULATIONS 1 <sup>ST</sup> AND 2 <sup>ND</sup>	FREE

REDEMPTION CALCULATIONS 3<sup>RD</sup> OR MORE \$ 50.00/EA

**TOWER'S LIST APPLICATION FEE** \$ 250.00

TOWING SERVICES:  
MONDAY THROUGH FRIDAY 6:00AM TO 6:00PM \$ 110.00  
MONDAY THROUGH FRIDAY 6:01PM TO 5:59AM \$ 120.00  
WEEKENDS AND HOLIDAYS \$ 130.00

STORAGE FEES:  
INSIDE STORAGE FACILITY \$ 40.00/DAY  
OUTSIDE STORAGE FACILITY \$ 30.00/DAY

HEAVY DUTY TOWING:  
CONVENTIONAL TOW 6,001 POUNDS TO 25,000 POUNDS \$ 185.00  
CONVENTIONAL TOW 25,001 POUNDS TO 55,000 POUNDS \$ 310.00  
CONVENTIONAL TOW 55,001 POUNDS TO 80,000 POUNDS \$ 460.00  
CONVENTIONAL TOW BUS COACH \$ 460.00  
NIGHTS, WEEKENDS, AND HOLIDAYS – ADDITIONAL \$ 85.00

**TRANSCRIPTS OF MEETINGS**  
DEPOSIT (PER MEETING) \$ 100.00

**TRAVELING SHOWS, CARNIVALS, & CIRCUSES**

Traveling Show/Circus License (each day of performance) \$ 25.00  
Bond to be deposited at time of application \$ 200.00  
  
Carnival License (each day) \$ 100.00  
Bond to be deposited at time of application \$ 1,000.00

**TWO HUNDRED FOOT LIST** per Block & Lot requested \$ 10.00

**ZONING**

1. APPLICATION FOR VARIANCE AS SET FORTH IN R.S. 40:55D-39a,  
APPEAL FROM ADMINISTRATIVE OFFICIAL OR AGENCY \$ 50.00
2. APPLICATION FOR VARIANCE AS SET FORTH IN R.S. 40:55D-39b,  
SPECIAL EXCEPTION \$ 50.00
3. APPLICATION FOR VARIANCE AS SET FORTH IN R.S. 40:55D-39c,  
HARDSHIP \$ 50.00
4. APPLICATION FOR VARIANCE AS SET FORTH IN R.S. 40-55D-39d,  
SPECIAL REASONS. \$  
150.00
5. ZONING PERMIT, FENCE OR POOL \$ 25.00
6. ALL OTHER ZONING PERMITS \$ 20.00

**ZONING MAP**

\$ 10.00

1. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
2. This ordinance shall take effect January 1, 2011, following adoption and publication pursuant to law.

COUNCIL MEMBER	MOTION TO OPEN	2nd	VOTE	MOTION TO CLOSE	2nd	VOTE	MOTION TO ADOPT	2nd	VOTE
Council Member Busco			X			X			X
Council Member Kostbar			X			X			X
Council Member Ludas		X	X		X	X		X	X
Council Member Sussman			X			X			X
Council Member Taylor			X			X	X		X
Council President Carpenter	X		X	X		X			X
Mayor Lowande									

Elliot Stroul – 110 Mendoker Drive: Mr. Stroul asked what fees were going to increase; Administrator Jawidzik responded that the only fees increasing were Fire Prevention.

**ORDINANCE #02-13**

**AN ORDINANCE AMENDING CHAPTER XV (SEWERS) OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG,(2000)"**

**BE IT ORDAINED** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AS FOLLOWS:

1. CHAPTER XV (SEWERS) OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, (2000)" IS HEREBY AMENDED AND SUPPLEMENTED TO READ AS FOLLOWS:

**SECTION 15-12.11(i) – (Formula for Operational Charge).** THE ANNUAL SEWER RATES TO BE UTILIZED FOR THE USE OF THE JAMESBURG SEWER SYSTEM, ARE AS FOLLOWS (ADDITIONS ARE UNDERLINED, DELETIONS SHOWN WITH ~~STRIKETHROUGH~~):

**RATE:**

CATEGORY	DESCRIPTION	ANNUAL RATE
R01	Residential	<del>\$374.00</del> <u>\$388.00</u>
R02	Senior Citizens	<del>\$135.00</del> <u>\$140.00</u>
R03	Single Apts.	<del>\$286.00</del> <u>\$297.00</u>
C01	Laundromat	<del>\$416.00 per-washer</del> <u>\$432.00</u>
C02	Bakery	<del>\$6,084.00</del> <u>\$6,312.00</u>
C03	Office Complex	<del>\$1,986.00</del> <u>\$2,060.00</u>
C04	Small Restaurant	<del>\$913.00</del> <u>\$947.00</u>
C05	Medium Restaurant	<del>\$3190.00</del> <u>\$3,309.00</u>
C06	Large Restaurant	<del>\$5,412.00</del> <u>\$5,615.00</u>
C07	Gas Station	<del>\$1,138.00</del> <u>\$1,180.00</u>

C08	Schools	\$2,190.00	\$2,272.00
C09	Office	\$312.00	\$324.00
C10	333 Forsgate	\$6,550.00	\$6,795.00
C11	Car Wash	\$5,980.00	\$6,204.00
C12	NJ American Water Company	\$5.64 per 1,000 gallons	\$5.64

The Sewer Administrator is hereby given the authority to determine which rate schedule each property shall be billed under based upon past consumption and factual data. Senior citizens are those individuals who qualify for a senior citizen tax deduction as determined by the State of New Jersey. Restaurant categories shall be based upon a combination of: 1.) the seating capacity, as determined by the Jamesburg Fire Official and; 2.) Assessed property value, as determined by the Jamesburg Tax Assessor.

2. ALL OTHER ORDINANCES OR PART OF ORDINANCES HEREWITH ARE HEREBY REPEALED.
3. THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE AND PUBLICATION IN ACCORDANCE WITH THE LAW.

COUNCIL MEMBER	MOTION TO OPEN	2nd	VOTE	MOTION TO CLOSE	2nd	VOTE	MOTION TO ADOPT	2nd	VOTE
Council Member Busco			X			X			X
Council Member Kostbar		X	X		X	X			X
Council Member Ludas			X			X		X	X
Council Member Sussman			X			X			X
Council Member Taylor	X		X	X		X	X		X
Council President Carpenter			X			X			X
Mayor Lowande									

Administrator Jawdzik explained that in 2012 the Borough budgeted \$600,000 for MUA which was adopted with our regular budget in May. In June we received the projected billing from MUA in the amount of \$716,000 and then received in November their audit which had an additional amount of \$149,000 due. This is a \$265,000 increase which is obviously more than we had budgeted for; the balance will be paid from the Cell Tower Lease Revenue. The increase in our sewer rate will generate an additional \$33,000. The problem is we are not receiving their audit until after the year closes and Administrator Jawdzik has been in touch with them to tell them that is unacceptable. Council Member Taylor reiterated that the County MUA bills Monroe Twp. MUA for total flow and we in turn get billed. Monroe Twp. MUA gives us an estimate based on the previous year, but we do not receive those bills until June. Monroe Twp. MUA's estimate was low and when we received their audit in November it showed that the Borough owed them more money.

Elliot Stroul – 110 Mendoker Drive: Mr. Stroul asked for confirmation that this billing is from the prior year and if the aftermath of Hurricane Irene could be to blame for the increase – Council Member Taylor explained that our downtown area was underwater during Hurricane Irene and the water does seep into our system and infrastructure. Mr. Stroul asked if the lake was drained for Hurricane Irene – Council Member Kostbar responded that the lake was indeed drained but Hurricane Irene was such a powerful super storm, there was nothing that could stop the flooding. Council Member Taylor reiterated that the money is already spent as we are obligated by contract to pay that bill.

Tom Van de Sande – 2 Fernwood Lane: – Mr. Van de Sande asked for clarification on how and why there is a 4% increase because of an increase in flows, when the town has not changed in size and there has been no major development that would increase sewage flow. Administrator Jawdzik explained. Mr. Van de Sande also asked about where in the budget the fee that goes to Monroe Twp. is located -Administrator Jawdzik explained it is under

other expenses. Mr. Van de Sande asked if that can be broken down even further – Administrator Jawidzik explained that the budget document comes from the State but we do have further documentation that explains those other expenses and can be requested to be seen at any time. Mr. Van de Sande asked how there is an increase in flow – Council Member Taylor and Administrator Jawidzik responded that it is because people are not being conservative with their water usage. Mr. Van de Sande asked why we are paying a separate tax for sewer and who sets the rate and how is it calculated – Administrator Jawidzik explained that she is making a recommendation to the council on what the rate should be based on the bills received and the amount we need to raise. She explained further that she would have rather raise the rate by 20% but feels the residents are unable to handle that increase, and we have the revenue from the Cell Tower Lease to help pay for the increase owed. Mr. Van de Sande asked why we cannot bill out based on each resident’s actual usage – Administrator Jawidzik explained that in the past we used to do readings and assign a rate to them based on what the resident was using at the time, now we bill out on a flat rate system because we do not have the capacity to enter that information into our computer system from New Jersey American Water; bottom line everyone needs to start conserving. Council Member Kostbar asked if it was possible that the increase has come from leakage in our infrastructure – Administrator Jawidzik responded that has been addressed and the problem does not come from our old infrastructure, it is strictly an increase in flow issue.

**ORDINANCE 03-13**

**AN ORDINANCE PROVIDING FOR THE REMEDIATION OF UNDERGROUND STORAGE TANK SITES AND APPROPRIATING THE SUM OF \$53,000 THEREFORE, 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 remediate underground storage tank sites; and

**WHEREAS**, the Borough of Jamesburg has \$53,000 in Capital Improvement Fund.

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

SECTION 1. The improvements described in SECTION 2 of the 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 Remediation of Underground Storage Tanks sites, together with all items necessary, incidental or appurtenant thereto.

SECTION 3. The 2013 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.

<b>COUNCIL MEMBER</b>	<b>MOTION TO OPEN</b>	<b>2nd</b>	<b>VOTE</b>	<b>MOTION TO CLOSE</b>	<b>2nd</b>	<b>VOTE</b>	<b>MOTION TO ADOPT</b>	<b>2nd</b>	<b>VOTE</b>
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Council Member Busco			X			X		X
Council Member Kostbar			X		X	X		X
Council Member Ludas		X	X			X	X	X
Council Member Sussman			X			X		X
Council Member Taylor	X		X			X	X	X
Council President Carpenter			X	X		X		X
Mayor Lowande								

Elliot Stroul – 110 Mendoker Drive: Mr. Stroul asked if this was the tank located at the old Borough Hall – Administrator Jawidzik responded that it is for the tanks located at both the DPW and Borough Hall.

Tom Van de Sande – 2 Fernwood Lane: Mr. Van de Sande asked how far we are into monitoring and how much more do we have to go – Administrator Jawidzik responded that the DPW should be finished this year and the Borough Hall has required more reports and monitoring from the DEP as they have continued to make more rules and become more stringent. The tank at Borough Hall may have a minute amount of contamination above the level that is acceptable. Mr. Van de Sande asked if the \$53,000 will be returned to the residents and business owners and will the tax rate decrease – Administrator Jawidzik explained that this question has been answered a million times, we do not know what the future is going to bring. We are spending the \$53,000 now. Council Member Kostbar clarified Mr. Van de Sande’s question asking when it is finally done will there be a decrease in taxes. Administrator Jawidzik and Council Member Taylor both explained that they cannot foresee the future and reiterated that there will not be a budget for underground storage tanks if it is not necessary. Council Member Taylor explained that our sewer increase was unaccounted for and we are lucky to have the cell tower lease revenue to help offset this. Mr. Van de Sande questioned why would the Borough tax someone for something that is no longer being paid for. Mayor Lowande responded that we do not know what the budget looks like and Council Member Taylor responded that we are not going to lie that we may not need that money for the budget. The line item will no longer be on the budget once it is completed. Mr. Van de Sande’s response is inaudible at this point.

**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 \*\* 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.

Council President Carpenter requested that the following be removed from the Consent Agenda: #044-01-16-13, as she was absent for the December 19, 2012 meeting; Acting Municipal Clerk Pannucci explained that Council President Carpenter was absent from the December 19, 2012 meeting and Council Member Sussman was not yet a member of council in December and cannot vote on this Resolution as well therefore Resolution #044-1-16-13 will be removed from the Consent Agenda and added to the Non-Consent Agenda.

#045-01-16-13\*\*                      Accepting Monthly Reports  
**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:

Investment Report	December, 2012
Finance Report	December, 2012
Report of the Tax Collector	December, 2012
Report of the Sewer Administrator`	December, 2012

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco			X			
Council Member Kostbar			X			
Council Member Ludas		X	X			
Council Member Sussman			X			
Council Member Taylor	X		X			
Council President Carpenter			X			
Mayor Lowande						

#046-01-16-13\*\* Approve Payment of Vouchers

**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 \$33,629.62.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco			X			
Council Member Kostbar			X			
Council Member Ludas		X	X			
Council Member Sussman			X			
Council Member Taylor	X		X			
Council President Carpenter			X			
Mayor Lowande						

**NON-CONSENT AGENDA RESOLUTIONS:**

#044-01-16-13 Accepting Meeting Minutes – December 19, 2012 & January 2, 2013

**RESOLUTION ACCEPTING MINUTES**

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

MAYOR AND COUNCIL

December 19, 2012  
&  
January 2, 2013

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco			X			
Council Member Kostbar			X			
Council Member Ludas		X	X			
Council Member Sussman					X	
Council Member Taylor	X		X			
Council President Carpenter					X	
Mayor Lowande						

#047-01-16-13 Transfer of Appropriation Reserves  
**TRANSFER OF APPROPRIATION RESERVES**

**WHEREAS**, various 2012 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2012 Budget Appropriations in the last two months of 2012; and

**WHEREAS**, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward at the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the previous fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Jamesburg that the transfers in the amount of \$300.00 be made between the 2012 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
20-110-020 Mayor & Council OE	\$500.00	
25-240-010 Police S&W	\$1,700.00	
31-440-020 Telephone		\$500.00
25-240-020 Police OE		\$500.00
26-310-020 Buildings & Grounds		\$1,200.00

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco			X			

Council Member Kostbar			X			
Council Member Ludas			X			
Council Member Sussman			X			
Council Member Taylor	X		X			
Council President Carpenter		X	X			
Mayor Lowande						

Council Member Taylor asked Administrator Jawidzik for clarification on what this was for; Administrator Jawidzik responded that this was to clear up some of last year's bills.

#048-01-16-13

Support Assembly Bill A-2753 – Requiring Direct Payment of Energy Taxes to Municipal Government

**RESOLUTION SUPPORTING ASSEMBLY BILL A-2753 REQUIRING DIRECT PAYMENT OF ENERGY TAXES TO MUNICIPAL GOVERNMENT**

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

**WHEREAS**, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

**WHEREAS**, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

**WHEREAS**, A2753, sponsored by Assemblymen Daniel Benson and Wayne DeAngelo, and S-1923, sponsored by Senator Linda Greenstein, would restore the \$331 million in municipal property tax relief funding, ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and adjust that amount to account for inflation; and

**WHEREAS**, the bills would require certain energy tax receipts to be paid directly to municipalities and, thereby, would assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State; and

**WHEREAS**, the time has come to restore to local budgets the millions in property tax relief that have been annually diverted to meet State needs; now therefore be it

**NOW BE IT RESOLVED**, that the Mayor and Council of the Borough of Jamesburg salutes the sponsors for listening to the Mayors in their districts and all around New Jersey and for advancing this legislation; and be it further

**RESOLVED**, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Sheila Oliver, New Jersey Assembly Republican Leader Jon Bramnick, our State Senator Linda R. Greenstein, our Assemblymen Daniel R. Benson and Wayne P. DeAngelo, and to the New Jersey League of Municipalities.

COUNCIL MEMBER	MOTION	2nd	AYES	NAYS	ABSTAIN	ABSENT
Council Member Busco			X			
Council Member Kostbar			X			
Council Member Ludas		X	X			
Council Member Sussman			X			
Council Member Taylor	X		X			
Council President Carpenter			X			
Mayor Lowande						

Administrator Jawidzik explained that we used to collect ETR from the utility companies and the State said they would do a better job at collecting it and would give it back to us in the form of what they now call State Aid, originally called ETR. Jamesburg has lost \$1.4 million in the past 11 years; we are requesting and supporting this Assembly Bill so we can get back our money.

**COUNCILMATIC COMMITTEE REPORTS:**

- FINANCE COMMITTEE  
Council Member Taylor

Finance Committee met and discussed the sewer rate increase which was already discussed by Administrator Jawidzik.

- EDUCATION COMMITTEE  
Council Member Sussman

Council Member Sussman was unable to attend the last Board of Education meeting – No Report.

- POLICE COMMITTEE  
Council Member Kostbar

Council Member Kostbar reported that the Jamesburg Police Dept. had a very busy year last year writing 1,933 traffic summonses which is a high. They continue to do a good job and are very involved with what is going on in and around town.

DWI Drive Sober was held from December 7 – January 2 and was very successful.

In light of the Sandy Hook tragedy our police department has increased their patrols and presence at the schools and have been in contact with the school administration. The extra presence has been

welcomed by concerned parents and school officials.

Chief Horvath has asked Middlesex County for money to train the dispatchers in connection with any active shooting that can happen here in town.

Capital purchases were also discussed with Council Member Taylor, as he is a member of the Police Committee and Finance Committee. Guns and vehicles is what are needed for this year.

- **PERSONNEL COMMITTEE**

Council Member Ludas

The Personnel Committee met with Borough Department Heads to see what personnel needs is for this year.

Council Member Ludas attended a County Water Resources Meeting, a presentation was given by the Middlesex County Utility Authority on the destruction of the Sayreville and Edison Pump Stations.

Restoration on the pump sites are underway.

New flood plain maps may have to be drawn up for the county since the hurricane.

- **PUBLIC WORKS COMMITTEE**

Council Member Busco

No Report.

- **PUBLIC EVENTS COMMITTEE**

Council President Carpenter

Council President Carpenter wanted to start off by acknowledging our Animal Control Officer Mr. Paul Intravartola for helping her catch her dogs who ran loose the day prior. His response was quick and efficient and goes unnoticed and is very much appreciated.

Some changes will be made this year for the Street Fair and Tree Lighting, with more information to come in the months leading up to both events. The Street Fair will be held October 13, 2013 with a raindate of October 20<sup>th</sup>. Council President Carpenter asked that these dates be noted on the Borough website. Also, the Tree Lighting ceremony will be held December 4<sup>th</sup> at 6:30pm again at Veteran's Park.

Reminder that the Library is having their 50<sup>th</sup> Anniversary celebration on April 13<sup>th</sup> and all are encouraged to attend.

- **PUBLIC SAFETY COMMITTEE**

Mayor Marlene Lowande

No Report.

- **ADMINISTRATOR'S REPORT**

Denise Jawidzik

Administrator Jawidzik read her report during the public hearing portion of Ordinance #02-13.

- **MAYOR'S REPORT**

Mayor Marlene Lowande

Mayor Lowande read a letter from SERV, the home over on East Church St., thanking the Borough for use of a generator during Hurricane Sandy.

A new free program has been implemented starting January 30<sup>th</sup> and will be held every fourth Wednesday of the month at the Recreation Center, The Happiness Club. The club will be run by a fellow resident and will

have programs such as Laughter Yoga, etc. to help brighten your mood and deal with everyday situations in a more humorous way.

**2<sup>nd</sup> PUBLIC COMMENT PERIOD – ANY ITEM - 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 TO PUBLIC COMMENT:**

Proposed By: Carpenter

Seconded By: Taylor

All in favor.

Elliot Stroul – 110 Mendoker Drive: Mr. Stroul wished everyone a Happy New Year and introduces himself as one of the newly elected board members for the Board of Education. He is their Community Liaison.

He reported that at the next meeting on January 24<sup>th</sup> the board hopes to announce their new Board Secretary.

Also, he will be in attendance at a seminar being held at TCNJ for school safety.

Mr. Stroul noted that it will be a challenging year and the Board of Education will be working on the debt solution.

Tom Van de Sande – 2 Fernwood Lane: Mr. Van de Sande asked if anyone has anyone ever attended another council meeting in another town – Mayor and Council responded yes.

What goes on during the Budget Workshop – Mayor explained that the first half of the meeting will be the budget workshop where the budget will be discussed and then we will proceed into the council meeting. Mr. Van de Sande asked what is discussed– Administrator Jawidzik responded that the budget will be discussed. Mr. Van de Sande asked if there will be a public comment period – Administrator Jawidzik explained that there is a public comment period but that this will not be the actual public hearing of the budget, just discussion and nothing definitive will be made.

Mr. Van de Sande asked if the blue minivan issue has been resolved - Council Members Kostbar and Taylor responded that action has been taken. Mr. Van de Sande asked what was the intent of the ordinance for taxi cabs and limousines – Council Member Kostbar responded that the ordinance is to license and regulate the taxis and limos in town. Mr. Van de Sande asked if the ordinance should be revised since it seems to be working negatively against the owner of JMS Taxi, LLC who is properly licensed – Mayor Lowande explained there is no need for a revision to the ordinance, as the problem is with the illegal taxi services. Council Member Kostbar explained it is an ongoing investigation and police department activity cannot be explained.

Mr. Van de Sande has brought his son Russ Van de Sande with him, who is a member of Boy Scout Troop 54, and is required to attend a council meeting and ask a question to council. His question to council is has any member of council been involved in either boy scouts or girl scouts – Mayor Lowande, Council Members Kostbar and Taylor respond yes. Mr. Van de Sande asked if Mayor Lowande could please sign his agenda as proof that Russ attended tonight's meeting – Mayor Lowande was happy to oblige.

Elliot Stroul – 110 Mendoker Drive: Mr. Stroul wanted it to be put on record that as someone who got the ball rolling doing the Fall Festival every year, he is very proud of Council President Carpenter's hard work and dedication working on the Fall Festival.

Brian Somers – 32 Pergola Avenue: Mr. Somers extended congratulations to all members of council, Bernie Long and Elliot Stroul.

Mr. Somers asked if a lock box could possibly be put on the Christmas Tree lights, as he was aware there were pranks being played and the lights being turned off while it was lit. Administrator Jawidzik responded that in actuality there were no pranks being pulled, a fuse was blown causing the lights to go out.

Mr. Somers asked if we can help solicit interest for businesses to come downtown. Council Member Kostbar explained that we cannot solicit business; Council Member Taylor agrees that we all want to attract new businesses and keep downtown vibrant. Mayor Lowande responded that a Pediatrician's Office is opening up and Jonathan's restaurant will be opening soon as well. Council Member Ludas also added that she has reached out to get publicity for our downtown area in the past and has worked to have events promoted in town to help attract visitors and prospective new businesses as well.

Mr. Somers added that if any ideas for events come about, he would be happy to volunteer and help plan to bring those ideas to fruition –Mayor Lowande added that she has been approached with ideas for other events, such as possibly holding an egg hunt, etc.

Mr. Somers wanted to share some advice to Russ Van de Sande – to stay in Boy Scouts because it is a great program and will help you become a better person.

**MOTION TO CLOSE TO PUBLIC COMMENT:**

Proposed By: Kostbar

Seconded By: Taylor

All in favor.

**MOTION TO ADJOURN:**

Proposed By: Kostbar

Seconded By: Ludas

All in favor.

**TIME OF ADJOURNMENT:**                      7:50 PM

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Tanya Pannucci  
Acting Municipal Clerk  
Borough of Jamesburg