

BOROUGH OF JAMESBURG

COUNCIL MEETING

Minutes - AUGUST 13, 2008

CALL TO ORDER: 7:00 pm - 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, the members of the audience were requested to take notice of the exits at the front and rear of the Council Chambers as well as in the main hallway.

FLAG SALUTE: Led by Mayor LaMantia

ROLL CALL: Those Present: Mayor LaMantia
Council President Kostbar
Council member Bodall
Council member Carpenter
Council member Grimes
Council member Longo
Attorney Raffetto
Denise Jawidzik, Business Administrator

Those Absent: Council member Jennings

ORDINANCES - FIRST READING:

ORDINANCE #16-08

AN ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE SEWER SYSTEM AND APPROPRIATING THE SUM OF \$39,660 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG IN THE COUNTY OF MIDDLESEX, NEW JERSEY HAS DETERMINED TO IMPROVE THE SEWER SYSTEM; AND

WHEREAS, THE BOROUGH OF JAMESBURG HAS \$38,660.00 IN THE SEWER CAPITAL IMPROVEMENT FUND AND \$1,000.00 IN SEWER CAPITAL FUND BALANCE.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, NEW JERSEY, THAT:

SECTION 1. THE IMPROVEMENTS DESCRIBED IN SECTION 2 OF THIS ORDINANCE ARE HEREBY AUTHORIZED AS SEWER CAPITAL IMPROVEMENTS TO BE UNDERTAKEN IN AND BY THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, NEW JERSEY.

SECTION 2. THE IMPROVEMENTS HEREBY AUTHORIZED TO BE UNDERTAKEN CONSIST OF IMPROVEMENTS TO THE SEWER SYSTEM, TOGETHER WITH ALL ITEMS NECESSARY, INCIDENTAL OR APPURTENANT THERETO.

SECTION 3. THE 2008 CAPITAL BUDGET OF THE BOROUGH OF JAMESBURG IS HEREBY AMENDED TO CONFORM TO THE PROVISIONS OF THIS ORDINANCE.

SECTION 4. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE TERMS OF THIS ORDINANCE BE AND THE SAME ARE HEREBY REPEALED TO THE EXTENT OF THEIR INCONSISTENCY.

SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT 10 DAYS AFTER THE FIRST PUBLICATION THEREOF AFTER FINAL ADOPTION, AS PROVIDED BY LAW.

Motion to Approve on First Reading, Authorize Publication, and Set Public Hearing/Second Reading Date on Ordinance #16-08:

Proposed by: Longo

Seconded by: Kostbar

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

Absent: Jennings

None Opposed, None Abstaining.

ORDINANCE #17-08

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."

WHEREAS, THE BOROUGH OF JAMESBURG HAS DETERMINED THAT IT IS NECESSARY AND DESIRABLE TO AMEND THE EXISTING LAND USE PROCEDURES CHAPTER (XXVII) OF THE BOROUGH CODE IN ORDER TO CREATE A NEW ARTICLE THEREOF (XXII) REGARDING THE PLACEMENT OF SIGNS WITHIN THE BOROUGH; AND

WHEREAS, THE BOROUGH BELIEVES THAT THE WITHIN AMENDMENT IS IN FURTHERANCE OF PROTECTING AND PROMOTING THE HEALTH, SAFETY AND WELFARE OF THE BOROUGH AND ITS RESIDENTS.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX AND STATE OF NEW JERSEY, THAT CHAPTER XXVII, "LAND USE PROCEDURES," OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY," IS HEREBY AMENDED AND SUPPLEMENTED IN ORDER TO CREATE A NEW ARTICLE THEREOF (XXII), ENTITLED "SIGNS," AS FOLLOWS:

ARTICLE XXII SIGNS.

Section 27-162 General Regulations. The erection, placement and/or maintenance of signs within the Borough shall be subject to all of the regulations that are set forth in Sections 14-4 and 27-139 of the Borough Code.

Section 27-163 Signs on Municipal Property. No sign shall be erected upon any property that is owned or maintained by the Borough, unless said sign has been initiated by the Borough.

BE IT FURTHER ORDAINED, THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON FINAL PASSAGE AND PUBLICATION IN ACCORDANCE WITH THE LAW.

BE IT FURTHER ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE SEVERABLE. IN THE EVENT THAT ANY PORTION OF THIS ORDINANCE IS FOUND TO BE INVALID FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT SHALL BE LIMITED IN ITS EFFECT ONLY TO THE PORTION OF THE ORDINANCE ACTUALLY ADJUDGED INVALID AND SHALL NOT BE DEEMED TO AFFECT THE OPERATION OF ANY OTHER PORTION THEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

BE IT FURTHER ORDAINED, THAT ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH ARE HEREBY REPEALED TO THE EXTENT OF SUCH INCONSISTENCIES.

Attorney Raffetto explained the specifics of the ordinance being a prohibition of signs on Borough maintained property for maintenance reasons. Mayor LaMantia stated that feels that the numerous signs, especially during certain pre-election months, are causing the opposite effects of revitalization and beautification. Council member Longo stated that there is currently ordinances to deal with political signs and temporary signs are dealt with for approximately one month, but are a part of the political process. Mr. Longo stated that he cannot support this ordinance. Council member Carpenter raised concern about violation of rights, particularly freedom of speech. Attorney Raffetto explained that all signs, not just political signs would be prohibited and this ordinance would not preclude others from placing signs on private property, just Borough owned/maintained property. Council member Grimes stated that he is personally against this ordinance – that it is a freedom of speech issue. Council member Longo stated that the Land Use Board has reviewed the sign ordinance regarding temporary signs and an ordinance is currently in place, giving citizens their rights to be informed.

Motion to Approve on First Reading, Authorize Publication, and Set Public Hearing/Second Reading Date on #17-08:

Proposed by: Kostbar

Seconded by: Bodall

All In Favor: Bodall, Kostbar.

Opposed: Carpenter, Grimes, Longo.

Absent: Jennings

None Abstaining.

ORDINANCES - SECOND READING:

THE FOLLOWING ORDINANCE WAS APPROVED ON FIRST READING AT THE MEETING OF THE MAYOR AND COUNCIL HELD ON JULY 9, 2008, AND PUBLISHED IN FULL IN THE JULY 18, 2008 EDITION OF THE CRANBURY PRESS. COPIES HAVE BEEN POSTED ON THE MUNICIPAL BULLETIN BOARD AND MADE AVAILABLE TO THE PUBLIC SINCE INTRODUCTION.

ORDINANCE #14-08

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 (GENERAL LICENSING), CREATING SECTION 9 (PERMITS FOR SPECIAL EVENTS) OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY "

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

1. THAT CHAPTER 4 OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY (2000)", IS HEREBY AMENDED AND SUPPLEMENTED TO CREATE SECTION 9, ESTABLISHING NEW PROVISIONS RELATING TO "PERMITS FOR SPECIAL EVENTS" AS FOLLOWS:

4-9 Permits for Special Events

4-9.1 Purpose and Intent

The purpose and intent of this Section is to enable the Borough of Jamesburg and its Governing Body to have control over the type and scope of special events to be held within the confines of the Borough, while insuring the protection of the interest of those in the community upon whom such special events shall impact.

4-9.2 Permit Required

Any person or organization desiring to hold any concert, race, walkathon, fair, carnival, celebration, sporting event, show, or any event which involves festival seating, or any other similar event in or upon any public grounds or private property, park or road of the Borough of Jamesburg, must first apply for and obtain a special events permit in accordance with the requirements of this Section.

4-9.3 Application

- a. A person or organization seeking issuance of a permit hereunder shall file an application with the Municipal Clerk, on a form to be provided for that purpose, on which form the applicant shall furnish pertinent information to include but not limited to the following:
 1. The name, address and telephone number of the applicant.
 2. The name, address and telephone number of the person or persons, corporation, organization or association sponsoring the activity.
 3. A detailed description of the proposed event and a sketch that shows the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners and restroom facilities, more commonly referred to as a "footprint".
 4. The date(s) and hours for which the permit is desired.
 5. The location of the event for which the permit is desired, and complete details as to how the applicant intends to provide for security, traffic control, site cleanup, separation of recyclables and disposal of trash and debris.
 6. The number of attendees, participants, spectators, contestants and/or other people that are reasonably anticipated to attend the event.
 7. A detailed description of the Borough's resources or services that shall be required to be provided in connection with the event.
 8. Any applicant claiming status as a non-profit organization shall be required to provide the necessary documentation to that effect.
- b. Upon verification that the application is complete, the Municipal Clerk shall submit to the appropriate Councilmatic committee for preliminary review. The committee may require the applicant to supplement its application with any pertinent documentation that may be of assistance to the committee. The committee shall make a recommendation to the Mayor and Council. The Mayor and Council will make the final decision on the approval of the application. Issuance of a permit may be subject to such conditions and restrictions as may be determined necessary by the Mayor and Council.

- c. All completed applications must be submitted to the Municipal Clerk at least sixty (60) days prior to the desired event unless the application is for a special event of the type covered by subsection d below.
- d. Permits for public gatherings and assemblies protected by the First Amendment to the United States Constitution and the New Jersey State Constitution shall receive expedited review. Such permits shall be granted or denied by the Business Administrator, acting on behalf of the Mayor and Council, within five (5) business days of receipt of a fully completed application. The application must clearly state that it is for a constitutionally protected activity and must be hand delivered directly to the Business Administrator.

4-9.4 Fees

The Special Event Permit application fee shall be set forth in the Schedule of Fees Ordinance. The application fee is non-refundable. Other fees may be required as determined by the Mayor and Council to be necessary depending on the nature and extent of the proposed activity. These fees may include the cost of providing municipal services for the proposed event. The resolution authorizing the special event shall set forth all other required fees to be paid by the applicant. All required fees shall be due and payable ten (10) days prior to the event. Failure to pay such fees within the prescribed time period shall void the approval. In addition to the fees payable prior to each event, the applicant shall be required to pay for any additional unanticipated expenses which were occasioned or became necessary during or after the event, as a direct result of the event.

4-9.5 Standards

The standards for the issuance of a permit pursuant to this Section shall include but shall not necessarily be limited to the following findings:

- a. That the proposed event will not unreasonably interfere with or detract from the general public's enjoyment of public parks, roadways or facilities to be utilized.
- b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
- c. That the proposed activity and uses that are reasonably anticipated will not likely include violence, crime or disorderly conduct.
- d. That the facilities desired have not been reserved for other use at the date and time requested in the application.
- e. That the applicant will maintain the premises in the same condition which existed prior to the event.

4-9.6 Denial of Permit

The standards for denial of a permit pursuant to this Section shall include but shall not be limited to the following:

- a. That the proposed event will disrupt traffic within the Borough beyond practicable solutions.
- b. That the location of the event will cause undue hardship to adjacent property owners.
- c. That the proposed event will require the diversion of so many public employees that allowing the event would unreasonably deny service to, or jeopardize the safety of, the remainder of the Borough's residents.
- d. That the application contains incomplete or inaccurate information, or that the applicant has failed or refused to provide necessary or requested information upon request from the Borough.
- e. That the application fails to comply with all the terms and conditions of this Section.

4-9.7 Responsibility, Liability, Performance Guarantees/Security Deposit, Insurance Coverage and Indemnification

a. Responsibility

1. It shall be the permit applicant's responsibility to secure all necessary other permits, licenses and/or approvals which may be required (i.e. by State, local or other outside agencies), in conjunction with the proposed event.
2. All permit applicants shall assume all risks associated with premature advertisement of any event prior to the time of issuance of a permit by the Mayor and Council, as well as any and all costs which may have been expended prior to the time of official approval of the application by the Mayor and Council.
3. All permit holders shall be required to abide by all requirements set forth in the permit, as well as all Borough Ordinances, State Statutes (including but not limited to the New Jersey Riot Act, N.J.S.A. 2C:33-1 et. seq.), and all other rules and regulations which may be applicable to the event.
4. All permit holders shall be responsible for any and all additional costs that are incurred as a result of the event, including costs which may have been unforeseen at the time the permit was issued but which became necessary.

5. Any personnel provided by the Borough in connection with any special event sponsored by an outside party shall not be considered employees or agents of the outside party. If emergency services are required for any special event, then only Jamesburg's emergency personnel may be utilized.

b. Liability; Performance Guarantees/Security Deposit

1. All permit holders shall be liable for all losses, damages and/or injuries sustained by any person whatsoever by reason of the event or activities associated with the event.
2. The terms of this Section shall not be construed as imposing upon the Borough of Jamesburg or its officers or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit was issued. The Borough and its official and employees should not be deemed to have assumed any liability or responsibility by reason of any inspections performed, the issuance of any permits, or the approval for use of any Borough property in connection with a permit issued hereunder.
3. All permit holders shall assume full responsibility for the acts and conduct of all persons admitted to the event by or with the consent of the permit holder, or any person acting for or on behalf of the permit holder.
4. If any portion of Borough property or other premises where the event is held is damaged by the act or omission of the permit holder, or by the permit holder's agents, employees, patrons, customers, guests, invitees, or any other person admitted to the premises by the permit holder, the permit holder shall be responsible for all costs associated with the restoration of the property or premises to the condition that existed prior to the occurrence of such damage. The amount of such damage shall be considered an additional fee.
5. A performance bond issued by a surety company acceptable to the Borough or a cash security deposit sufficient to cover any damages occasioned as a result of the special event may be required by the Mayor and Council. Additionally, a cash security deposit may be required to ensure compliance with all terms and conditions imposed by the Mayor and Council in connection with the issuance of the permit.

c. Insurance Coverage

All permit holders must submit minimum liability insurance coverage in an amount to be determined by the Mayor and Council, depending on the size and nature of the event planned. The Borough of Jamesburg, its officers, employees, agents and representatives must be named as additional insured parties on the policy.

d. Indemnification

All permit holders shall defend, indemnify and hold the Borough of Jamesburg, its officers, employees, contractors, agents and representatives harmless from and against any and all liability for claims, demands, damages, suits, judgments, fines, losses and expenses, of any nature, which are sustained as a result of the event, and shall execute an indemnification and hold harmless agreement in a form acceptable to the Borough prior to the event.

4-9.8 No Rights Conveyed; Revocation

All permits issued pursuant to this Section shall be temporary and do not invest any permanent or continuing rights. No permit issued pursuant to this Section shall convey any right, interest or title in any Borough property to the permit holder. Any permit may be revoked at any time by the Business Administrator, acting on behalf of the Mayor and Council, for violation of the conditions for which the permit was issued, or for violation of any Ordinance which relates to the conducting of the event, or for any violation of the terms of this Section, or when the event is found not to be in the best interests of the Borough, or for other good cause shown.

4-9.10 Offenses and Penalty

- a. *Offenses.* A person commits an offense if he or she:
 1. Commences or conducts an event that is subject to the requirements of this Section without a permit, or;
 2. Fails to comply with any condition, requirement or provision of the permit, or otherwise violates any Ordinance, rule or regulation that is applicable to the event.
- b. *Penalty.* A person who violates a provision of this Section shall be guilty of a separate offense for each day or part thereof during which the violation is committed or continued and shall be liable, upon conviction, to the penalty as stated in Chapter 1, Section 1-5 of the Revised General Ordinances of the Borough of Jamesburg, or as provided by State Statute.

2. THAT, IN THE EVENT THAT ANY PORTION OF THIS ORDINANCE IS FOUND TO BE INVALID FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT SHALL BE LIMITED IN ITS EFFECT ONLY TO THE PORTION OF THE ORDINANCE ACTUALLY ADJUDGED INVALID AND SHALL NOT BE DEEMED TO AFFECT THE OPERATION OF ANY OTHER PORTION THEREOF.

3. THAT ALL OTHER ORDINANCES OR PART(S) OF ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF THEIR INCONSISTENCY.

4. THAT THIS ORDINANCE SHALL TAKE EFFECT UPON FINAL PASSAGE AND PUBLICATION AS PROVIDED BY LAW.

Motion to Open to Public Comment on Ordinance #14-08

Proposed by: Grimes

Seconded by: Longo

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

Absent: Jennings.

None Opposed, None Abstaining.

Public Comment on Ordinance #14-08

Elliott Stroul – 110 Mendoker Drive

- Asked whether the JRC would now need to get a permit under this ordinance for the Farmers Market.
- Inquired what the fee would be for such a permit.

Motion to Close to Public Comment on Ordinance #14-08

Proposed by: Longo

Seconded by: Grimes

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

Absent: Jennings.

None Opposed, None Abstaining.

Motion to Adopt Ordinance #14-08 on Second Reading:

Proposed by: Bodall

Seconded by: Kostbar

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

Absent: Jennings.

None Opposed, None Abstaining.

ORDINANCE #15-08

AN ORDINANCE REQUESTING THE CLERK OF THE MIDDLESEX COUNTY BOARD OF ELECTIONS TO PLACE A PUBLIC QUESTION ON THE BALLOT FOR CONSIDERATION BY THE VOTERS OF THE BOROUGH OF JAMESBURG AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2008, REGARDING THE CONTINUATION OF THE JAMESBURG FREE PUBLIC LIBRARY.

WHEREAS, IN ACCORDANCE WITH N.J.S.A. 40:54-1, ET SEQ., THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, HAS ESTABLISHED A FREE PUBLIC LIBRARY WITHIN ITS CORPORATE LIMITS; AND

WHEREAS, THE JAMESBURG FREE PUBLIC LIBRARY (THE "LIBRARY") WAS CREATED PURSUANT TO A PUBLIC REFERENDUM, AT WHICH TIME THE LEGAL VOTERS OF THE MUNICIPALITY DETERMINED, BY A MAJORITY VOTE, TO ESTABLISH THE LIBRARY; AND

WHEREAS, THE LIBRARY IS OPERATED WITH THE ASSISTANCE OF FUNDING FROM THE BOROUGH OF JAMESBURG; AND

WHEREAS, DUE TO EXTREME BUDGETARY CONSTRAINTS WHICH HAVE BEEN EXPERIENCED BY THE BOROUGH OVER A NUMBER OF YEARS, THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG HAVE DETERMINED THAT IT MAY NO LONGER BE FEASIBLE FOR THE BOROUGH TO CONTINUE TO PROVIDE FUNDING TO THE LIBRARY; AND

WHEREAS, WITHOUT THE FUNDING PROVIDED BY THE BOROUGH, THE LIBRARY WILL NOT BE ABLE TO CONTINUE ITS OPERATIONS; AND

WHEREAS, THE MAYOR AND BOROUGH COUNCIL HAVE THEREFORE DETERMINED THAT IT IS APPROPRIATE TO PLACE A BINDING PUBLIC REFERENDUM QUESTION ON THE BALLOT AT THE NEXT GENERAL ELECTION, IN ACCORDANCE WITH N.J.S.A. 40:54-1, ET SEQ., TO OBTAIN DIRECTION FROM THE BOROUGH'S VOTERS AS TO WHETHER THE BOROUGH SHOULD DISCONTINUE THE SUPPORT, MAINTENANCE AND CONTROL OF THE LIBRARY; AND

WHEREAS, THE MAYOR AND BOROUGH COUNCIL WISH TO REQUEST THAT THE CLERK OF THE MIDDLESEX COUNTY BOARD OF ELECTIONS PLACE SUCH A BINDING PUBLIC REFERENDUM QUESTION ON THE BALLOT AT THE NOVEMBER 4, 2008 GENERAL ELECTION, IN THE FORM AS STATED BELOW; AND

WHEREAS, IF A MAJORITY OF THE VOTES CAST ON THE BINDING PUBLIC REFERENDUM QUESTION AT THE SAID NOVEMBER 4, 2008 GENERAL ELECTION SHALL BE IN FAVOR OF DISCONTINUANCE OF THE LIBRARY, THEN THE BOROUGH SHALL TAKE ALL APPROPRIATE ACTIONS THAT ARE CONSISTENT WITH SAID DETERMINATION.

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

1. THAT THE CLERK OF THE MIDDLESEX COUNTY BOARD OF ELECTIONS IS HEREBY REQUESTED TO PLACE THE FOLLOWING BINDING PUBLIC REFERENDUM QUESTION ON THE BALLOT FOR CONSIDERATION BY THE LEGAL VOTERS OF THE BOROUGH OF JAMESBURG AT THE NEXT GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2008:

“SHALL THE BOROUGH OF JAMESBURG DISCONTINUE THE SUPPORT, MAINTENANCE AND CONTROL OF THE JAMESBURG FREE PUBLIC LIBRARY?”

2. THAT THE BOROUGH CLERK AND THE BOROUGH ATTORNEY ARE HEREBY AUTHORIZED AND DIRECTED TO PREPARE AN “EXPLANATORY STATEMENT” WHICH SHALL BE FORWARDED TO THE CLERK OF THE MIDDLESEX COUNTY BOARD OF ELECTIONS, AND WHICH SHALL ACCOMPANY THE ABOVE-REFERENCED BINDING PUBLIC REFERENDUM QUESTION AND APPEAR ON THE BALLOT FOR JAMESBURG BOROUGH VOTERS AT THE NEXT GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2008.

3. THAT, SHOULD THE MAJORITY OF ALL VOTES CAST UPON THE PROPOSITION ON NOVEMBER 4, 2008 BE IN FAVOR OF THE PROPOSITION, THEN THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG SHALL TAKE ALL APPROPRIATE STEPS TO CLOSE THE LIBRARY WITHIN A REASONABLE PERIOD OF TIME THEREAFTER.

4. THAT, FOLLOWING FINAL ADOPTION, THE BOROUGH CLERK SHALL FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE CLERK OF THE MIDDLESEX COUNTY BOARD OF ELECTIONS.

5. THAT THE BOROUGH CLERK, THE BOROUGH ATTORNEY AND ALL OTHER RELEVANT BOROUGH OFFICIALS ARE HEREBY AUTHORIZED AND DIRECTED TO PERFORM ALL ACTIVITIES THAT ARE NECESSARY IN ORDER TO CARRY OUT THE INTENTIONS OF THE WITHIN ORDINANCE.

6. THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE SEVERABLE. IN THE EVENT THAT ANY PORTION OF THIS ORDINANCE IS FOUND TO BE INVALID FOR ANY REASON BY ANY COURT OF COMPETENT JURISDICTION, SUCH JUDGMENT SHALL BE LIMITED IN ITS EFFECT ONLY TO THE PORTION OF THE ORDINANCE ACTUALLY ADJUDGED INVALID AND SHALL NOT BE DEEMED TO AFFECT THE OPERATION OF ANY OTHER PORTION THEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

7. THAT ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH ARE HEREBY REPEALED TO THE EXTENT OF SUCH INCONSISTENCIES.

8. THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON FINAL PASSAGE AND PUBLICATION IN ACCORDANCE WITH THE LAW.

Mayor LaMantia made a brief statement regarding a proposed shared services agreement with Monroe Township, the utilization of a “bookmobile” and the possibility of certain transportation services for residents to get to the Monroe Township library should an Interlocal agreement be entered into. Council member Carpenter related her experiences with the bookmobile through her employment, and the services offered via the bookmobile.

Motion to Open to Public Comment on Ordinance #15-08

Proposed by: Grimes

Seconded by: Carpenter

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

Absent: Jennings.

None Opposed, None Abstaining.

Public Comment on Ordinance #15-08

Gregory Newton – 5 Sedgwick Street

- Made a statement in opposition to this ordinance.
- Called the savings to be realized minimal.
- Feels a bus is not the answer due to wait times.

- Stated that “many children” use the library for research.
- Feels this would assist the Governor’s plan to dismantle small towns.

Carol Hetzell – 36 Woodland Road

- “Penny wise, pound foolish”

Anna Aschkenes – 191 Gatzmer Avenue and Director of Middlesex County Cultural & Heritage Committee

- Feels it would be horrible to lose the library as Jamesburg is a walking town.
- Would like to see legislators come to the aid of Jamesburg.
- Requested further information regarding the Borough’s need for this ordinance.

Carol Hetzell – 36 Woodland Road

- Disagreed with the Mayor’s statements
- Stated that the Library Board agreed to pay “charge backs” though they never had to in the past.

Mike Valiant – 14 Antoinette Court

- Informed Council that he is 16 years old.
- Termed the library a “social facility”
- Has used the library to complete numerous assignments
- Is a three season athlete and does not have time to wait for a bookmobile or a ride to or from Monroe.

Linda Newton – 5 Sedgwick Street

- Stated that, for her, paying higher taxes is worth being able to walk to everything in town.
- Feels the Borough should be able to find the money in the budget to keep the library open.
- Cultural value is greater than savings to be realized.
- Expressed willingness to assist finding the money in the budget.

Joe Valdez – 191 Gatzmer Avenue

- Inquired why a vote is necessary.
- Inquired what would happen if the voters voted to keep the library open.
- Inquired about partnering with other municipalities.
- Inquired what would happen if the Borough did not agree to follow the States budget cap rules.

Mike Valiant – 14 Antoinette Court

- Inquired why the Borough’s predicament has not been reported in the newspapers.

Elliott Stroul – 110 Mendoker Drive

- Reported that the J.R.C. and the J.C.A. mounted petition drives last year that fell on deaf ears at the State level.

Ann Sabatino – 8 Woodland Road

- Suggested use of volunteers instead of employees to help keep costs down.

Dorothy Klotzbeacher – 149 Buckelew Avenue

- Inquired why the library was now included in the budget cap when they were not before.
- She hears a lot about revitalization – why only for the downtown area?
- Feels this is no time to take away cultural and social availability for revitalization purposes.

Motion to Close to Public Comment on Ordinance #15-08

Proposed by: Kostbar

Seconded by: Grimes

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

Absent: Jennings.

None Opposed, None Abstaining.

Motion to Adopt Ordinance #15-08 on Second Reading:

Proposed by: Grimes

Seconded by: Longo

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

Absent: Jennings.

None Opposed, None Abstaining.

CONSENT AGENDA DEFINED:

ALL MATTERS LISTED ON TONIGHT’S CONSENT AGENDA ARE TO BE CONSIDERED AS ONE VOTE BY THE BOROUGH COUNCIL AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. ANY RESOLUTIONS LISTED ON THE AGENDA WITH ** NEXT TO THEIR

RESPECTIVE NUMBER ARE TO BE CONSIDERED AS PART OF THE CONSENT AGENDA. THERE WILL BE NO DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Resolution #175-08-13-08 was removed by Council member Longo, while the remainder of the Consent Agenda was approved on the following vote:

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

RESOLUTIONS:

RESOLUTION #169-08-13-08**

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL
July 9, 2008

RESOLUTION #170-08-13-08**

RESOLUTION ACCEPTING MONTHLY REPORTS

BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE FOLLOWING REPORTS BE AND ARE HEREBY RECEIVED AND FILED:

Tax Collector	June 2008
Investment Report	June 2008
Finance Officer	June 2008
Sewer Administrator	June 2008
Sewer Administrator	July 2008
Police Chief	July 2008
Library Board of Trustees	May 19, 2008 minutes
Library Board of Trustees	June 16, 2008 minutes

RESOLUTION #171-08-13-08**

REDEMPTIONS OF TAX LIEN

WHEREAS, THE TAX COLLECTOR HAS CONFIRMED RECEIPT OF PAYMENT IN THE AMOUNT OF TWO THOUSAND THREE HUNDRED FIFTY-TWO DOLLARS AND FOUR CENTS (\$2,352.04)AS VERIFIED IN THE CERTIFICATION ATTACHED HERETO; AND

WHEREAS, THIS PAYMENT HAS BEEN MADE FOR THE REDEMPTION OF THE TAX SALE CERTIFICATE 07-00012.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE TAX COLLECTOR BE AND IS HEREBY AUTHORIZED TO ISSUE A CHECK THE AMOUNT OF TWO THOUSAND THREE HUNDRED FIFTY-TWO DOLLARS AND FOUR CENTS (\$2,352.04), TO THE LIEN-HOLDER SPECIFIED IN THE ATTACHED CERTIFICATION.

RESOLUTION #172-08-13-08**

RESOLUTION AUTHORIZING TAX EXEMPTION

WHEREAS, THE TAX COLLECTOR HAS PREVIOUSLY CERTIFIED, THAT A CERTAIN TAX ACCOUNT IS ELIGIBLE FOR A DISABLED VETERAN PROPERTY TAX EXEMPTION; AND

WHEREAS, THE TAX BILL FOR THIS ACCOUNT DOES NOT CURRENTLY REFLECT THE APPROPRIATE EXEMPTION FOR 2008 AND MUST BE ADJUSTED FOR THE 3RD AND 4TH TAX QUARTERS:

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 ADJUST THE TAX ACCOUNT FOR BLOCK 73.04, LOT 23 IN ORDER TO APPLY THE PROPERTY TAX EXEMPTION FOR THE 3RD AND 4TH TAX QUARTERS OF 2008 IN THE TOTAL AMOUNT OF FOUR THOUSAND TWO HUNDRED TWENTY DOLLARS AND FOURTEEN CENTS (\$4,220.14).

RESOLUTION #173-08-13-08**

RESOLUTION AUTHORIZING DEDUCTION ALLOWANCE

WHEREAS, THE TAX COLLECTOR HAS CERTIFIED, ON THE LETTER OF REQUEST ATTACHED HERETO, THAT A CERTAIN TAX ACCOUNT IS ELIGIBLE FOR A VETERANS PROPERTY TAX DEDUCTION; AND

WHEREAS, THE TAX BILL FOR THIS ACCOUNT DOES NOT CURRENTLY REFLECT THE APPROPRIATE DEDUCTION AND MUST BE ADJUSTED:

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 ADJUST THE TAX ACCOUNT FOR BLOCK 52, LOT 9, FOR A VETERANS' DEDUCTION, AS SPECIFIED ON THE ATTACHED LETTER OF REQUEST.

RESOLUTION #174-08-13-08**

APPROVE TATTOO LICENSE

WHEREAS, AN APPLICATION HAS BEEN SUBMITTED BY EDWARD SPINELLI OF HERITAGE TATTOOING FOR A TATTOO/PIERCING LICENSE; AND

WHEREAS, THE HEALTH OFFICER HAS INSPECTED THE PLACE OF BUSINESS LOCATED AT 16-A WILLOW STREET, AS TO CONFORMITY WITH BOROUGH ORDINANCE

WHEREAS, THE CLERK'S OFFICE IS IN RECEIPT OF THE APPROPRIATE FEES FOR THE AFOREMENTIONED LICENSES:

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT THE TATTOO LICENSE IN THE NAME OF EDWARD SPINELLI OF HERITAGE TATTOOING BE AND IS HEREBY APPROVED.

RESOLUTION #176-08-13-08**

RESOLUTION AUTHORIZING A CHANGE ORDER (KNOWN AS CHANGE ORDER #1) TO THE CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND LANCHA CONSTRUCTION INC., FOR THE IMPROVEMENTS TO MAPLE DRIVE, CEDAR LANE, AND FERNWOOD LANE PROJECT.

WHEREAS, DUE TO UNANTICIPATED CIRCUMSTANCES WHICH HAVE ARISEN DURING THE IMPROVEMENTS TO MAPLE DRIVE, CEDAR LANE, AND FERNWOOD LANE PROJECT, THE BOROUGH ENGINEER HAS RECOMMENDED A CHANGE ORDER (KNOWN AS CHANGE ORDER #1) IN ORDER TO AMEND THE CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND LANCHA CONSTRUCTION INC. AND

WHEREAS, THE PROPOSED CHANGE ORDER IS DESCRIBED IN MORE DETAIL IN THE ATTACHED FORM, LAST DATED BY BOROUGH ENGINEER ON JULY 24, 2008; AND

WHEREAS, THE PROPOSED CHANGE ORDER SHALL CHANGE THE AMOUNT OF THE ORIGINAL CONTRACT BY AN INCREASE IN THE CONTRACT AMOUNT OF FIVE THOUSAND, FIVE HUNDRED FIFTEEN DOLLARS AND SEVENTY CENTS (\$5,515.70); AND

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

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

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

1. THAT THE BOROUGH IS AUTHORIZED TO ENTER INTO THE ATTACHED CHANGE ORDER (KNOWN AS CHANGE ORDER #1) WHICH SHALL BE CONSIDERED AN AMENDMENT TO THE ORIGINAL CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND LANCHA CONSTRUCTION, INC. FOR THE IMPROVEMENTS TO MAPLE DRIVE, CEDAR LANE, AND FERNWOOD LANE PROJECT.

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

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

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

RESOLUTION #177-08-13-08**

RESOLUTION OF THE BOROUGH OF JAMESBURG APPROVING PAYMENT CERTIFICATE #2 FOR THE MAPLE DRIVE, CEDAR LANE, AND FERNWOOD LANE IMPROVEMENT PROJECT

WHEREAS, THE CONTRACTOR, LANCHA CONSTRUCTION, INC., HAS SUBMITTED AS-BUILT QUANTITIES FOR THE MAPLE DRIVE, CEDAR LANE, AND FERNWOOD LANE IMPROVEMENT PROJECT; AND

WHEREAS, THE BOROUGH ENGINEER HAS REVIEWED SAID QUANTITIES AND IS IN AGREEMENT WITH SAME; AND

WHEREAS, THE ENGINEER RECOMMENDS THE APPROVAL OF PAYMENT CERTIFICATE #2, DATED JULY 24, 2008, IN THE AMOUNT OF NINETY-FOUR THOUSAND, EIGHT HUNDRED THIRTY-FOUR DOLLARS AND THIRTY-TWO CENTS (\$94,834.32): AND

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PAYMENT CERTIFICATE #2 IN THE AMOUNT OF NINETY-FOUR THOUSAND, EIGHT HUNDRED THIRTY-FOUR DOLLARS AND THIRTY-TWO CENTS (\$94,834.32) BE HEREBY AUTHORIZED FOR PAYMENT TO LANCHA CONSTRUCTION, INC.

RESOLUTION #178-08-13-08**

RESOLUTION ELEVATING PROBATIONARY DETECTIVE TO DETECTIVE

WHEREAS, PROBATIONARY DETECTIVE KEVIN WILSON WAS APPOINTED TO HIS CURRENT RANK, EFFECTIVE JANUARY 1, 2008; AND

WHEREAS, JAMESBURG POLICE CHIEF MARTIN HORVATH HAS ISSUED A LETTER OF RECOMMENDATION, WHICH ENDORSES THE TERMINATION OF THE MANDATORY SIX MONTH PROBATIONARY PERIOD FOR THIS OFFICER.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PROBATIONARY DETECTIVE KEVIN WILSON BE AND IS HEREBY PROMOTED TO THE POSITION OF DETECTIVE, EFFECTIVE IMMEDIATELY.

RESOLUTION #179-08-13-08**

RESOLUTION ELEVATING PROBATIONARY SERGEANT TO SERGEANT

WHEREAS, PROBATIONARY SERGEANT LOUIS HORNBERGER WAS APPOINTED TO HIS CURRENT RANK, EFFECTIVE JANUARY 1, 2008; AND

WHEREAS, JAMESBURG POLICE CHIEF MARTIN HORVATH HAS ISSUED A LETTER OF RECOMMENDATION, WHICH ENDORSES THE TERMINATION OF THE MANDATORY SIX MONTH PROBATIONARY PERIOD FOR THIS OFFICER.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PROBATIONARY SERGEANT LOUIS HORNBERGER BE AND IS HEREBY PROMOTED TO THE POSITION OF SERGEANT, EFFECTIVE IMMEDIATELY.

RESOLUTION #180-08-13-08**

RESOLUTION ELEVATING PROBATIONARY LIEUTENANT TO LIEUTENANT

WHEREAS, PROBATIONARY LIEUTENANT JAMES CRAPAROTTA WAS APPOINTED TO HIS CURRENT RANK, EFFECTIVE JANUARY 1, 2008; AND

WHEREAS, JAMESBURG POLICE CHIEF MARTIN HORVATH HAS ISSUED A LETTER OF RECOMMENDATION, WHICH ENDORSES THE TERMINATION OF THE MANDATORY SIX MONTH PROBATIONARY PERIOD FOR THIS OFFICER.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PROBATIONARY LIEUTENANT JAMES CRAPAROTTA BE AND IS HEREBY PROMOTED TO THE POSITION OF LIEUTENANT, EFFECTIVE IMMEDIATELY.

RESOLUTION #181-08-13-08**

RESOLUTION APPOINTING FULL TIME EMERGENCY SERVICES DISPATCHER

WHEREAS, THE JAMESBURG POLICE DEPARTMENT HAS BEEN EXPERIENCING A VACANCY IN THE POSITION OF EMERGENCY SERVICE DISPATCHER DUE TO THE RESIGNATION OF RYAN GALWAY, EFFECTIVE AUGUST 7, 2008; AND

WHEREAS, THE POLICE CHIEF HORVATH HAS MADE RECOMMENDATION OF A CANDIDATE TO FILL THE VACANCY; AND

WHEREAS, THE PERSONNEL COMMITTEE HAS MET THE SUGGESTED DISPATCHER CANDIDATE AND ARE IN AGREEMENT WITH THE POLICE CHIEF'S RECOMMENDATION:

NOW, THEREFORE, I, MAYOR ANTHONY LAMANTIA, WITH THE ADVICE AND CONSENT OF THE BOROUGH COUNCIL DO HEREBY APPOINT RYAN HOLTZ TO THE FULL-TIME POSITION OF EMERGENCY SERVICES DISPATCHER, RETROACTIVE TO AUGUST 4, 2008.

RESOLUTION #182-08-13-08**

RESOLUTION APPOINTING DEPUTY COURT ADMINISTRATOR

WHEREAS, IT IS NECESSARY FOR THE CURRENT DEPUTY COURT ADMINISTRATOR OF THE BOROUGH OF JAMESBURG TO TAKE MEDICAL LEAVE CAUSING THE NEED TO FILL THE VACANCY IN HER APPOINTED POSITION DURING SAID LEAVE;

NOW, THEREFORE, I, MAYOR ANTHONY LAMANTIA, WITH THE ADVICE AND CONSENT OF THE BOROUGH COUNCIL, DO HEREBY APPOINT TANYA ROLLAND AS DEPUTY COURT ADMINISTRATOR FOR THE BOROUGH OF JAMESBURG RETROACTIVE FROM JULY 15, 2008 TO DECEMBER 31, 2008.

BE IT FURTHER RESOLVED, THAT MS. ROLLAND WILL PAID HOURLY RATE OF PAY FOR SAID POSITION OF DEPUTY COURT ADMINISTRATOR, SPECIFICALLY \$13.27.

RESOLUTION #183-08-13-08**

APPROVE PAYMENT OF VOUCHERS

WHEREAS, THE CHIEF MUNICIPAL FINANCE OFFICER HAS CERTIFIED AND SUBMITTED A CONSOLIDATED BILL LIST FOR THE PAYMENT OF CLAIMS; AND

WHEREAS, ALL VOUCHERS LISTED HERewith HAVE BEEN ENCUMBERED AND SUFFICIENT FUNDS ARE AVAILABLE FOR PAYMENT; AND

WHEREAS, THE REQUIRED SIGNATURES OF THE DEPARTMENT HEAD OR COMMITTEE CHAIR, THE FINANCE CHAIRPERSON, THE VENDOR, AND THE CHIEF FINANCIAL OFFICER , HAVE ALL BEEN OBTAINED ON EACH VOUCHER PRESENTED ON THE ATTACHED LIST.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, THAT THE VOUCHER LIST SUBMITTED IS HEREBY APPROVED FOR PAYMENT IN THE TOTAL AMOUNT OF \$506,067.07

END OF CONSENT AGENDA

RESOLUTION #175-08-13-08**

A RESOLUTION ENDORSING S-1976/A-2982, AN INCREASE IN STATE POLICE SURCHARGES TO DEFRAID COSTS OF LOCAL POLICE SERVICES

WHEREAS, GOVERNOR CORZINE'S FISCAL YEAR 2009 BUDGET REDUCED STATE POLICE FUNDING FOR MUNICIPALITIES, AND

WHEREAS, MUNICIPAL BUDGETS WILL BE NEGATIVELY IMPACTED BY THE REQUIREMENT TO PAY FOR STATE POLICE SERVICES AND THUS BE FORCED TO RAISE LOCAL PROPERTY TAXES, AND

WHEREAS, MANY MAYORS AND OTHER ELECTED AND APPOINTED MUNICIPAL OFFICIALS MET WITH THE ATTORNEY GENERAL AND STATE POLICE OFFERING A SOLUTION TO THE STATE POLICE BUDGET SHORTFALL, NAMELY, INCREASING SURCHARGES ON FINES LEVIED BY THE STATE POLICE, AND

WHEREAS, CHARGING THOSE WHO VIOLATE STATE LAWS WOULD FUND THE SHORTFALL IN LIEU OF RELYING ON NEW JERSEY PROPERTY TAXPAYERS IS A SENSIBLE SOLUTION TO ADDRESS THE PROBLEM, AND

WHEREAS, SENATE BILL NO. 1976, SPONSORED BY SENATOR VAN DREW, AND ASSEMBLY COMPANION, A-2982 (MILAM) IMPOSE A \$40 SURCHARGE ON ALL MOTOR VEHICLE VIOLATIONS TO DEFRAID SOME OF THE COSTS OF PROVIDING LOCAL POLICE SERVICES, AND

WHEREAS, S-1976/A-2982 ESTABLISH TWO FUNDS INTO WHICH REVENUES FROM THE SURCHARGE WILL BE DIVIDED EQUALLY BETWEEN THE RURAL POLICE SERVICES PROPERTY TAX RELIEF PATROL SERVICES FUND AND THE POLICE SERVICES PROPERTY TAX RELIEF FUND.

WHEREAS, S-1976/A-2982 PROVIDE THAT MONIES IN THESE FUNDS ARE TO BE USED EXCLUSIVELY TO REDUCE THE AMOUNT A MUNICIPALITY IS REQUIRED TO RAISE THROUGH LOCAL PROPERTY TAXATION TO COVER THE COSTS OF PROVIDING POLICE SERVICES.

NOW, THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX DO HEREBY ENDORSE THE SENSIBLE SOLUTION AND APPROPRIATE SURCHARGE RATES AS PROPOSED IN S-1976/A-2982 AND SUPPORT ITS ADOPTION THEREOF.

AND BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE SENT TO THE GOVERNOR, THE MEMBERS OF THE STATE LEGISLATURE AND THE NEW JERSEY LEAGUE OF MUNICIPALITIES

Council member Longo expressed disagreement with this legislation that would not benefit Jamesburg. Mayor LaMantia agreed with Mr. Longo's statement.

Motion to TABLE INDEFINITELY

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

RESOLUTION #184-08-13-08

RESOLUTION APPROVING THE CHIEF OF POLICE CONTRACT COVERING THE PERIOD FROM JANUARY 1, 2008 THROUGH DECEMBER 31, 2010

WHEREAS, THE BOROUGH OF JAMESBURG WISHES TO ENTER INTO A CONTRACT WITH CHIEF OF POLICE MARTIN HORVATH, COVERING THE TIME PERIOD BEGINNING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2010; AND

WHEREAS, THE PERSONNEL COMMITTEE HAS NEGOTIATED SUCH A CONTRACT WITH THE CHIEF OF POLICE;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE ATTACHED CONTRACT BETWEEN THE BOROUGH OF JAMESBURG AND THE JAMESBURG CHIEF OF POLICE, COVERING THE TIME PERIOD FROM JANUARY 1, 2008 THROUGH DECEMBER 31, 2010 BE ACCEPTED;

BE IT FURTHER RESOLVED, THAT THE MAYOR IS AUTHORIZED TO EXECUTE AND THE BOROUGH CLERK TO ATTEST THE ATTACHED CONTRACT BETWEEN THE BETWEEN THE BOROUGH OF JAMESBURG AND THE JAMESBURG CHIEF OF POLICE MARTIN HORVATH.

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

RESOLUTION #185-08-13-08

RESOLUTION AWARDING BID FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES TO CENTRAL JERSEY WASTE & RECYCLING, INC.

WHEREAS, THE BOROUGH OF JAMESBURG ADVERTISED FOR OPEN COMPETITIVE BIDS FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND BIDS WERE RECEIVED ON JULY 30,2008; AND

WHEREAS, CENTRAL JERSEY WASTE & RECYCLING, INC., OF EWING, NEW JERSEY SUBMITTED THE LOWEST BID FOR A 1 YEAR PERIOD IN THE AMOUNT OF \$95,400.00 WITH THE TIPPING FEE TO BE PAID BY THE BOROUGH; AND

WHEREAS, THE PURCHASING OFFICIAL HAS REVIEWED THE BID DOCUMENTS SUBMITTED BY CENTRAL JERSEY WASTE & RECYCLING, INC. AND HAS DEEMED THEM TO BE SATISFACTORY; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED TO THE AVAILABILITY OF FUNDS;

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT A CONTRACT BE AWARDED TO CENTRAL JERSEY WASTE & RECYCLING, INC. FOR A ONE YEAR CONTRACT AS SET FORTH IN THEIR BID PROPOSAL IN THE AMOUNT OF \$95,400.

BE IT FURTHER RESOLVED, THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AND THE BOROUGH CLERK TO ATTEST THE AUTHORIZED CONTRACT.

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

DISCUSSION

Request for waiver of food handler's license late fees

Borough Clerk informed Council of a request received for a waiver of late fees by a food handlers license applicant, Dunkin Donuts. The applicant seeks relief from paying late fees on the license because they report that they did not own the business until April. Mayor LaMantia stated that new owners of businesses are responsible to inquire about Borough licensing requirements and further feels that the fees should not be waived as the Borough does not have the ability to track changes in ownership. Council President Kostbar raised concern about setting a precedent in waiving the fees. After further discussion, council consensus was reached to not waive late fees and to charge them from April 1. Council member Longo proposed the motion, seconded by Council member Kostbar, with Council members Bodall, Carpenter, Grimes, Kostbar and Longo in favor of not waiving late fees and requiring applicant Dunkin Donuts to pay late fees from April 1.

COUNCILMATIC COMMITTEE REPORTS

LIBRARY COMMITTEE & HOLIDAY EVENTS/PATRIOTIC COMMITTEE

Council member Carpenter reported planned library events.

COMMITTEE ON EDUCATION

Councilmember Grimes reported that the Jamesburg History lesson plan has been approved by the Board of Education. Also reported on a new "Genesis" program to be up and running at the schools by fall. An act of vandalism was reported at the JFK School. The Board of Education has discussed the possible utilization of Monroe Township Board of Education's late bus for library users.

COMMITTEE ON PERSONNEL/NEGOTIATIONS

Council member Jennings was absent.

POLICE COMMITTEE/COMMISSIONER & COMMITTEE ON FINANCE & BUDGETING

Councilmember Kostbar reported that the Police Committee met prior to the Council meeting. Ticket issuance has risen, fuel costs were discussed as well as any areas of possible savings. Complaints of speeding were also discussed – the utilization of more patrols will try to alleviate the problem. Council discussed greater use of the Speed Alert trailers to deter speeders. Council member Bodall complained of speeders at the Saturday Farmers' Markets.

TECHNOLOGY COMMITTEE

Council member Bodall reported that the Borough web site has been updated.

COMMITTEE ON BUILDINGS, GROUNDS

Council member Longo reported that the Buckelew House renovation plans should be completed by the end of the month.

COMMITTEE ON PUBLIC SAFETY/ EMERGENCY SERVICES COMMITTEE ON PUBLIC WORKS

Mayor Anthony LaMantia reported that the D.P.W. has been experiencing time consuming sewer issues. The Mayor also reported on Fire Department and First Aid Squad training drills. Mayor LaMantia requested Council to direct any complaints received to the Council member in charge of the department that would handle the matter. Any new business owners should be directed to the Zoning Officer.

Members of the public wishing to address the Mayor and Borough Council must approach the podium and state their name and address for the record. There is a five (5) minute time limit for all comments and questions.

MOTION TO OPEN TO PUBLIC COMMENT:

PROPOSED BY: Longo

SECONDED BY: Bodall

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

ABSENT: Jennings

None Opposed, None Abstaining.

PUBLIC COMMENT:

Elliott Stroul – 110 Mendoker Drive

- Informed the Mayor and Council of the success of the Farmers Market
- Requested a "committee meeting" be held soon to address certain issues.
- The Jamesburg Revitalization Coalition is seeking funding to place street clocks in the downtown area.

Arlene Munkacsi – 53 Hickory Court

- Inquired how many schools were located in the Borough.
- Stated that the pedestrian crossing signs are largely ignored by motorists - the police need to enforce.

- Does walk to the library – her computer is down.

MOTION TO CLOSE TO PUBLIC COMMENT:

PROPOSED BY: Kostbar

SECONDED BY: Bodall

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

ABSENT: Jennings

None Opposed, None Abstaining.

MOTION TO ADJOURN:

PROPOSED BY: Kostbar

SECONDED BY: Longo

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

ABSENT: Jennings

TIME OF ADJOURNMENT:

___ 8:35 ___ PM