

**Borough of Jamesburg
Council Meeting Minutes
May 12, 2010**

Call to Order: 7:00 p.m. – Mayor Anthony LaMantia called the meeting to order and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met. Any contracts awarded tonight require the contractor to comply with N.J.S.A. 10:5-3.1 et. seq. and N.J.A.C. 17:17. Also announced, in the event of a fire and pursuant to the NJ Uniform Fire Code, the members of the audience were requested to take notice of the exits at the front and rear of the Council Chambers as well as the main hallway.

FLAG SALUTE: Led by Mayor LaMantia

ROLL CALL:

Present: Mayor LaMantia
Council Member Busco
Council Member Carpenter
Council Member Deans
Council Member Longo
Council Member Ludas
Council Member Newton
Administrator Jawidzik
Attorney Raffetto

Absent: None

ORDINANCES - PUBLIC HEARING/SECOND READING:

The following ordinances were approved on first reading at the meeting of the Mayor and Council held on April 14, 2010, and published in the April 23, 2010 edition of the Cranbury Press. Copies have been posted on the municipal bulletin board and made available to the public since introduction.

ORDINANCE # 11-10

**THE FLOOD DAMAGE PREVENTION ORDINANCE
(60.3) D
Section 1.0**

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of Jamesburg, Middlesex County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

[1] The flood hazard areas of Borough of Jamesburg are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

[2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- [1] To protect human life and health;
- [2] To minimize expenditure of public money for costly flood control projects;
- [3] To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- [4] To minimize prolonged business interruptions;
- [5] To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- [6] To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- [7] To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- [8] To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- [3] Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Engineer's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Digital Flood Insurance Rate Map" (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Elevated building" means a non-basement building (i) built in the case of a building in an Area of Special Flood Hazard to have the top of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- [a] Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- [b] Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

[c] Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

[d] Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved State program as determined by the Secretary of the Interior; or
- (2) Directly by the Secretary of the Interior in States without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Section 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Jamesburg, Middlesex County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Jamesburg, Community No.340264, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Middlesex County, New Jersey (All Jurisdictions)" dated July 6, 2010.
- b) Flood Insurance Rate Map for Middlesex County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34023C0252F, 34023C0254F, 34023C0256F, 34023C0258F; whose effective date is July 6, 2010.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 131 Perrineville Road, Jamesburg, new Jersey 08831.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$100.00 nor more than \$1,250.00 or imprisoned for not more than 90 days or a period of community service not exceeding 90 days, or any combination thereof, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Jamesburg from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Jamesburg, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Engineer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Engineer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

[1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

[2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

[3] Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 5.3[1] are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

[1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

[2] For all new or substantially improved floodproofed structures:

[i] verify and record the actual elevation (in relation to mean sea level); and

[ii] maintain the floodproofing certifications required in Section 4.1 (3).

[3] Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

[1] Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

[2] Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

40.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

[1] The Planning Board as established by the Borough of Jamesburg shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Engineer in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by law.

[4] In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

(i) the danger that materials may be swept onto other lands to the injury of others;

(ii) the danger to life and property due to flooding or erosion damage;

(iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(iv) the importance of the services provided by the proposed facility to the community;

(v) the necessity to the facility of a waterfront location, where applicable;

(vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(vii) the compatibility of the proposed use with existing and anticipated development;

(viii) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

(ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of Section 4.4-1 [4] and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

[1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base

flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

[2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

[4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

[5] Variances shall only be issued upon:

- (i) a showing of good and sufficient cause;
- (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4- 1[4], or conflict with existing local laws or ordinances.

[6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0

PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

[1] All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

[2] All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

[1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

[2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

[1] All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

[2] New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

[3] On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

[4] Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

[1] All subdivision proposals shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

[1] In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement together with the attendant utilities and sanitary facilities either elevated to the level of the base flood elevation; and

[2] within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

[1] New Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; and

[2] within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[1] be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

[2] have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[3] be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in SECTION 4.3-3 [2] [ii].

5.2-3 MANUFACTURED HOMES

[1] Manufactured homes shall be anchored in accordance with Section 5.1-1 [2].

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

[1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

[2] If section 5.3[1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

[3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 6: ADOPTION

Upon adoption this Ordinance will be incorporated into and become part of the Code of the Borough of Jamesburg.

SECTION 7: REPEALER

All Ordinance and parts of Ordinances inconsistent with this Ordinance are hereby repealed.

RECORD OF VOTE

FIRST READING DATE: APRIL 14, 2010

COUNCIL	MOTION	VOTE
Busco		Y
Carpenter	1 st	Y
Deans		Y
Longo		AB
Ludas	2nd	Y
Newton		Y

DATE PUBLISHED IN THE CRANBURY PRESS: April 23, 2010

DATE PUBLIC HEARING HELD: May 12, 2010

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT	AYES	NAYS
Busco						2nd	X	
Carpenter			1st				X	
Deans							X	
Longo	1 st						X	
Ludas		2nd		2nd	1st		X	
Newton							X	

Public Comment:

Mr. Tom Van De Sande of 2 Fernwood Lane asked if there are any costs involved? Mayor LaMantia said no, we have to have this Ordinance in place in order to qualify for Federal funding, should a need arise.

ORDINANCE # 12-10

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF JAMESBURG, NEW JERSEY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, as follows:

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.*, and the Cable Communications Policy Act, 47 U.S.C. Section 521 *et seq.*, as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 *et seq.*, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Town" or "Municipality" is the Borough of Jamesburg, County of Middlesex, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Central New Jersey.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, *et seq.*
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal

Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board.

The consent granted herein is subject to an automatic renewal term of 10 years in accordance with N.J.S.A. 48:5A-19.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service along the public right-of-way to any person's residence or business located in those areas of the Primary Service Area as set forth herein. Any extension of the cable television system beyond the PSA will be made in accordance with the Office of Cable Television's ("OCTV") Line Extension Policy ("LEP"). For purposes of the LEP, the minimum density of homes-per-mile shall be thirty-five (35).

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).

- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designed as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company shall provide Total Preferred cable television service on one (1) outlet at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
- b. The Company shall provide Total Preferred cable television service at no cost on one (1) outlet to each police, fire, emergency management facility, Municipal Building, Senior Center, public library or any future municipal buildings that maybe constructed n the future in the Municipality, provided the facility is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets.
- c. A one-time technology grant of \$15,000 to be paid within 12-month of the BPU issuing the Certificate of Approval.

SECTION 15. TWO WAY SERVICES AND INTERCONNECTION

In the event that the Municipality determines that it is necessary and feasible for it to contract with the Company for the purpose of providing two-way or interconnection services, the Company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All costs for such application to the BPU shall be borne by the Municipality.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statues and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 20. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

RECORD OF VOTE

FIRST READING DATE: April 14, 2010

COUNCIL	MOTION	VOTE
Busco		Y
Carpenter	2nd	Y
Deans		Y
Longo		AB
Ludas	1st	Y
Newton		Y

DATE PUBLISHED IN THE CRANBURY PRESS: April 23, 2010

DATE PUBLIC HEARING HELD: May 12, 2010

DATE SECOND READING HELD: May 12, 2010

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT	AYES	NAYS
Busco			1 st				X	
Carpenter		2nd					X	
Deans					1 st		X	
Longo	1st			2nd			X	
Ludas							X	
Newton						2nd	X	

Public Comment:

There was no public comment.

ORDINANCE # 13-10

ORDINANCE AUTHORIZING THE SALE OF BOROUGH-OWNED PROPERTY NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, the Borough of Jamesburg (the "Borough") is the owner of certain real property situated in the Borough of Jamesburg and known as Block 47.10, Lots 31 and 32, on the Official Tax Map of the Borough of Jamesburg; and

WHEREAS, the real property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

WHEREAS, the Borough has determined that the aforesaid real property is no longer needed for public use and desires to sell the aforesaid real property by private auction among all contiguous property owners in accordance with the procedures authorized by N.J.S.A. 40A:12-13(b)(5);

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of Jamesburg as follows:

Section 1.

- A. Pursuant to the aforementioned statute, an auction in accordance with the provisions of N.J.S.A. 40A:12-13(b) will be held among the owners of Block 47.10, Lots 31 and 32 at a date and time to be set by the Borough Administrator, which date shall be not less than 30 days following final adoption of this Ordinance.
- B. Said lot owners shall be notified by certified mail at least (2) two weeks prior to said auction.
- C. In accordance with the provisions of N.J.S.A. 40A:12-13(b), offers for the purchase of Block 47.10, Lots 31 and 32 may be made to the Borough through the office of the Borough Administrator for a period of 20 days following advertisement of this finally adopted Ordinance, by any prospective purchaser, real estate broker or other authorized representative. In the event that any such offers are received, the governing body may reconsider this Ordinance, not later than 30 days after its enactment, and advertise the property in question for public sale pursuant to N.J.S.A. 40A:12-13(a).
- D. The Mayor and Borough Clerk are hereby authorized to execute all documents necessary for the conduct of this auction and for conveyance of said property to the highest bidder, subject to the provisions of Paragraph E below.
- E. Acceptance of any bid to purchase the said property shall be subject to the final approval of the Borough Council by Resolution at the next regularly scheduled Council meeting following the conclusion of all bidding. The Borough Council reserves the right to reject all bids where the highest bid is not accepted.
- F. That the highest bidder shall enter into a Contract of Sale with the Borough, a form of which is annexed hereto as Exhibit A.

Section 2. This Ordinance shall take effect upon its passage and publication as provided by law.

RECORD OF VOTE

FIRST READING DATE: 04 / 14 / 10

COUNCIL	MOTION	VOTE
Busco		Y
Carpenter	1 st	Y
Deans		Y
Longo		AB
Ludas	2 nd	Y
Newton		Y

DATE PUBLISHED IN THE CRANBURY PRESS: April 23, 2010

DATE PUBLIC HEARING HELD: May 12, 2010

DATE SECOND READING HELD: May 12, 2010

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT	AYES	NAYS
Busco			1 st				X	
Carpenter		2 nd					X	
Deans	1 st						X	
Longo				2 nd			X	
Ludas					1 st		X	
Newton						2 nd	X	

Public Comment:

Mr. Elliott Stroul, of 110 Mendoker Drive. asked where this parcel is located. Mayor LaMantia explained that it is a narrow strip located on Foresgate Drive, right across from Fernwood Cemetary.

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.

RESOLUTION #093-05-12-10**

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:

Sewer Administrator	March 2010
Tax Collector	March 2010
Finance	March 2010
Investments	March 2010
Chief of Police	March 2010
Zoning Officer	March 2010
Library	March 2010

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Busco</i>			X			
<i>Carpenter</i>			X			
<i>Deans</i>			X			
<i>Longo</i>		2nd	X			
<i>Ludas</i>	1st		X			
<i>Newton</i>			X			

RESOLUTION #094-05-12-10**

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 \$826,915.90.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Busco</i>			X			
<i>Carpenter</i>			X			
<i>Deans</i>			X			
<i>Longo</i>		2nd	X			
<i>Ludas</i>	1st		X			
<i>Newton</i>			X			

RESOLUTION # 095-05-12-10**

REDEMPTIONS OF TAX LIENS

WHEREAS, the Tax Collector has confirmed receipt of payments in the aggregate amount of sixteen thousand five hundred, seventy four dollars and sixty seven cents (\$16,574.67) as verified in the certification attached hereto; and

WHEREAS, this payment has been made for the redemption of the following:

Tax Sale Certificate # 09-00023	Amount \$ 15,403.42
Tax Sale Certificate # 09-00037	Amount \$ 498.21
Tax Sale Certificate # 09-00035	Amount \$ 674.04
	Total: \$ 16,574.67

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg that the Tax Collector be and is hereby authorized to issue checks in the total amount of sixteen thousand five hundred, seventy four dollars and sixty seven cents (\$16,574.67) to the lien holders specified on the attached certification.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Busco</i>			X			
<i>Carpenter</i>			X			
<i>Deans</i>			X			

Longo		2nd	X			
Ludas	1st		X			
Newton			X			

RESOLUTION # 096-05-12-10**

CANCELLATION OF UNEXPENDED BALANCES OF IMPROVEMENT AUTHORIZATIONS

WHEREAS, certain General Capital Improvement Authorization balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be canceled against the receivable.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Jamesburg that the following unexpended balances of General Capital appropriations be canceled:

ORD #	DESCRIPTION	AMT FUNDED	AMT UNFUNDED
#02-09	Birchwood/Cedar	\$3,686.87	

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Busco			X			
Carpenter			X			
Deans			X			
Longo		2nd	X			
Ludas	1st		X			
Newton			X			

RESOLUTION #097-05-12-10**

RESOLUTION AMENDING FEES FOR CERTIFIED COPIES

WHEREAS, the Registrar of Vital Statistics charges ten dollars (\$10.00) for all certified copies of vital records, and

WHEREAS, pursuant to Borough Ordinance #05-10 the schedule of fees indicate the fee for said certified copies of vital records is ten dollars (\$10.00) per copy, and

WHEREAS, an internal survey conducted indicates that some municipalities as well as the New Jersey State Registrar's Office charge over ten dollars (\$10.00) per certified copy,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Jamesburg that it hereby amends Ordinance #05-10 to reflect that the fee for all certified copies of the local Register's office be amended from ten dollars (\$10.00) per copy to fifteen dollars (\$15.00) per copy effective this date of approved Resolution No. 099-05-12-10.

BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg that a copy of this resolution be forwarded to the following:

1. Denise Jawidzik, Chief Financial Officer
2. Kelly Taylor, Registrar
3. Tanya Rolland, Deputy Registrar

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Busco			X			
Carpenter			X			
Deans			X			
Longo		2nd	X			
Ludas	1st		X			
Newton			X			

RESOLUTION #098-05-12-10**

A RESOLUTION OF THE BOROUGH OF JAMESBURG CONDITIONALLY AUTHORIZING THE JAMESBURG REVITALIZATION COALITION, INC. TO CONDUCT A WEEKLY FARMER'S MARKET ON CERTAIN BOROUGH-OWNED PROPERTY LOCATED ADJACENT TO WEST RAILROAD AVENUE, BETWEEN CHURCH AND HARRISON STREETS.

WHEREAS, the Jamesburg Revitalization Coalition, Inc. (the "applicant") has made application to the Borough of Jamesburg to conduct a weekly Farmer's Market (the "Farmer's Market") on certain Borough owned property, which is located on the east side of West Railroad Avenue between Church and Harrison Streets; and

WHEREAS, the Farmer's Market is intended to begin on Saturday, July 3, 2010, from 9:00 a.m. to 2:00 p.m., and to continue on successive Saturdays thereafter through October 2, 2010, from 9:00 a.m. to 2:00 p.m. on each Saturday; and

WHEREAS, after reviewing the proposed application, along with the recommendations made by a subcommittee of Borough Officials who reviewed this matter in more detail with the applicant, the Borough Council has determined to permit the Farmer's Market to occur as scheduled on the property, pursuant to certain terms and conditions.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Borough Council of the Borough of Jamesburg, in the County of Middlesex and State of New Jersey, as follows:

1. That the Borough hereby conditionally approves the application made by the applicant to conduct a weekly Farmer's Market on the above-referenced Borough-owned property, pursuant to the terms and conditions set forth herein.

2. That this approval is conditioned upon the following:

- a. The weekly event shall not unreasonably interfere with or detract from the general public's ability to utilize West Railroad Avenue or the adjacent streets for vehicular traffic, nor shall it unreasonably interfere with or detract from the ability of the neighboring property owners to obtain access to or from their properties.
- b. The weekly event shall not unreasonably interfere with or detract from the promotion of the public health, safety and welfare.
- c. The applicant shall ensure that the property is maintained in a clean and neat manner during each Saturday event, and that the property is cleaned up after each weekly event to the same condition which existed prior to the event.
- d. The applicant shall be responsible for ensuring that all individual vendors have obtained all necessary permits, licenses or other approvals to conduct the sales intended.
- e. The applicant shall indemnify and hold the Borough of Jamesburg harmless from and against any and all liability for damages as a result of any accident or incident that occurs during the applicant's use of the property for each weekly event. In this regard, the applicant must execute an indemnification and hold harmless document which is in a form acceptable to the Borough Attorney.
- f. The applicant shall ensure that each vendor executes a waiver of liability in favor of the Borough, which is in a form acceptable to the Borough Attorney.
- g. The applicant shall provide the Borough with proof of liability insurance coverage with a minimum limit of One Million Dollars (\$1,000,000.00) per incident or occurrence. Said insurance policy must name the Borough of Jamesburg, its officers, employees, agents and representatives as additional insured's.
- h. The applicant, and all vendors approved by the applicant, shall be required to abide by all requirements set forth in the Borough's Ordinances, State statutes (including 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.
- i. The applicant shall be required to fund any and all expenses associated with the provision of additional Borough resources to service the weekly event, such as additional manpower for set-up or clean-up of the weekly event, and additional police, fire, emergency or public works personnel to service the event.
- j. The applicant shall ensure proper crowd control during each weekly event, and shall assume full responsibility for the acts and conduct of all persons attending the weekly event.
- k. The Borough reserves the right to revoke the approval granted herein at any time should the Borough determine that the applicant is not complying with the conditions set forth herein, or for violation of any relevant Ordinance or State statute, or should the Borough determine that the weekly event is no longer in the best interests of the Borough, or for any other good cause shown.
- l. The rights granted herein shall not be construed to provide the applicant with any permanent or continuing rights.

3. That the relevant Borough Officials are hereby authorized and directed to undertake all actions, and to execute any and all documents (which must be in a form satisfactory to the Borough Attorney), in order to effectuate the matters set forth herein.

4. That a certified copy of this Resolution shall be provided to each of the following:

- (a) Jamesburg Revitalization Coalition, Inc.
- (b) Frederick C. Raffetto, Esquire, Borough Attorney
- (c) Denise Jawidzik, Borough Administrator

(d) Martin Horvath, Jamesburg Chief of Police

(e) Amy Antonides, Municipal Clerk

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Busco			X			
<i>Carpenter</i>			X			
<i>Deans</i>			X			
<i>Longo</i>		2nd	X			
<i>Ludas</i>	1st		X			
<i>Newton</i>			X			

RESOLUTION #099-05-12-10**

Resolution Authorizing the Borough of Jamesburg Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, c.72

WHEREAS, the State of New Jersey has not certified the final amounts of state aid, Jamesburg is unable to adopt the 2010 Municipal Budget and therefore Middlesex County is unable to certify a tax rate for the Borough of Jamesburg, the tax collector will be unable to mail 2010 tax bills on a timely basis; and

WHEREAS, The Jamesburg Chief Financial Officer/Tax Collector has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and has signed the certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Jamesburg, County of Middlesex, New Jersey as follows:

1. The Jamesburg Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2010 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2010 is hereby set at \$12,616,097.44
3. In accordance with law, the third installment of 2010 taxes shall not be subject to interest until the later of August 10, 2010 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date in which interest may begin to accrue.

Council	Motion	2nd	Ayes	Nays	Abstain	Absent
<i>Busco</i>			X			
<i>Carpenter</i>			X			
<i>Deans</i>			X			
<i>Longo</i>		2nd	X			
<i>Ludas</i>	1 st		X			
<i>Newton</i>			X			

RESOLUTION #100-05-12-10**

Awarding Contract Between The Borough of Jamesburg and Wu & Associates, Inc. for Buckelew Mansion Rehabilitation

WHEREAS, the Borough of Jamesburg seeks to award a contract for Buckelew Mansion Rehabilitation; and

WHEREAS, the Borough of Jamesburg hereby accepts and approves the specifications of this project as prepared by the Borough Engineer, and finds this project to be in the best interest of the Borough; and

WHEREAS, on May 3, 2010, the Borough of Jamesburg received bids for the Buckelew Mansion Rehabilitation Project; and

WHEREAS, on that date, the lowest bidder for the Bid was received from the following bidder for this project:

1. Wu & Associates, Inc. \$452,000

WHEREAS, the Borough Engineer has recommended that the contract for Buckelew Mansion Rehabilitation be awarded to Wu & Associates Inc. in the amount of \$452,000, subject to the Borough Attorney as to form; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg, County of Middlesex, New Jersey that the contract for the Buckelew Mansion Rehabilitation Project be awarded to Wu & Associates, Inc. in the amount of \$452,000 subject to the approval of the Borough Attorney.

Council	Motion	2nd	Ayes	Nays	Abstain	Absent
Longo		2nd	X			
Busco			X			
Carpenter			X			
Deans			X			
Ludas	1 st		X			
Newton			X			

RESOLUTION #101-05-12-10**

RESOLUTION AUTHORIZING AWARD OF BID FOR THE HARRISON/SEDGWICK ROADWAY IMPROVEMENT PROJECT

WHEREAS, the Borough of Jamesburg seeks to award a contract for the Harrison/Sedgwick Roadway Improvement Project; and

WHEREAS, the Borough of Jamesburg hereby accepts and approves the specifications of this project as prepared by the Borough Engineer, and finds this project to be in the best interest of the Borough; and

WHEREAS, on May 3, 2010, the Borough of Jamesburg received bids for the Harrison/Sedgwick Roadway Improvement Project; and

WHEREAS, on that date, the three lowest bids for the Base Bid were received from the following bidders for this project:

1. Jads Construction Co., Inc.. (with Alt. A) \$145,034.75
2. R&B Builders, Inc. (with Alt. A) \$150,135.10
3. Mario's Concrete & Paving. (with Alt. A) \$154,793.95; and

WHEREAS, the Borough Engineer has recommended that the contract for the Harrison/Sedgwick Roadway Improvement Project for the base bid with Alternate A be awarded to JADS Construction Company Inc. in the amount of \$145,034.75, subject to the Borough Attorney as to form; and

WHEREAS, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg, County of Middlesex, New Jersey that the contract for the Harrison/Sedgwick Roadway Improvement Project for the base bid with Alternate A be awarded to JADS Construction Company Inc. in the amount of \$145,034.75 subject to the approval of the Borough Attorney.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Busco			X			
Carpenter			X			
Deans			X			
Longo		2nd	X			
Ludas	1st		X			
Newton			X			

RESOLUTION #102-05-12-10**

Resolution of The Borough of Jamesburg Approving Payment Certificate #1 Streetscape Phase 5 Curb & Sidewalk Repair Project

WHEREAS, the Contractor, MNC General Contracting Inc., has submitted a partial payment Certificate No. 1 for the Streetscape Phase 5 Curb & Sidewalk Repair 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 #1, dated May 7, 2010, in the amount of twenty-one thousand, eight hundred seventy-six dollars and sixty-six cents (\$21,876.66),

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Jamesburg that payment Certificates No. 1 in the aggregate amount of twenty-one thousand, eight hundred seventy-six dollars and sixty-six cents (\$21,876.66), be hereby authorized for payment to MNC General Contracting Inc.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Busco</i>			X			
<i>Carpenter</i>			X			
<i>Deans</i>			X			
<i>Longo</i>		2nd	X			
<i>Ludas</i>	1st		X			
<i>Newton</i>			X			

****END OF CONSENT AGENDA**

RESOLUTION #104-05-12-10

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL
APRIL 14, 2010

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Busco</i>			X			
<i>Carpenter</i>			X			
<i>Deans</i>		2nd	X			
<i>Longo</i>					X	
<i>Ludas</i>	1st		X			
<i>Newton</i>			X			

RESOLUTION # 105-05-12-10

A RESOLUTION OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX,
FIXING SALARIES FOR BOROUGH EMPLOYEES

WHEREAS, the Borough of Jamesburg has established salary ranges for the employees of the Borough of Jamesburg; and

WHEREAS, it is the desire of the Mayor and Council to fix the salaries for Borough employees within the appropriate ranges; and

WHEREAS, the Personnel Committee makes the following recommendations;

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

1. That the following salaries be and are hereby fixed for the following positions within the Borough of Jamesburg for the year 2010, effective January 1, 2010.

<u>TITLE</u>	<u>SALARY</u>	<u>PAYABLE</u>
MAYOR	\$5,800	PER ANNUM
COUNCIL	\$4,800	PER ANNUM
BUSINESS ADMINISTRATOR	\$16,808	PER ANNUM
CHIEF FINANCIAL OFFICER	\$81,038	PER ANNUM
BOROUGH CLERK	\$ 22.00 \$450.00	PER HOUR PER Election
PURCHASING OFFICIAL	\$3,983	PER ANNUM
TAX ASSESSOR	\$16,832	PER ANNUM
TAX COLLECTOR	\$16,235	PER ANNUM
REGISTRAR	\$13,935	PER ANNUM
ASST. CHIEF FINANCIAL OFFICER	\$6,742	PER ANNUM
ADMINISTRATIVE ASSISTANT	\$24,368	PER ANNUM
PROSECUTOR	\$9,216	PER ANNUM
COURT ADMINISTRATOR	\$50,738	PER ANNUM
DEPUTY COURT ADMIN.	\$13.87	PER HOUR

COURT JUDGE	\$13,859	PER ANNUM
PUBLIC DEFENDER	\$1,500	PER ANNUM
LAND-USE BOARD SECRETARY	\$4,352	PER ANNUM
DEPUTY REGISTRAR	\$1,252	PER ANNUM
SEWER ADMINISTRATOR	\$33,614	PER ANNUM
POLICE SECRETARY	\$13.87	PER HOUR
CROSSING GUARDS	\$11.71	PER HOUR
FIRE PREVENTION INSPECTORS	\$25.00 \$15.00	PER INSPECTION PER RE-INSPECTION
FIRE PREVENTION OFFICIAL	\$9,374	PER ANNUM
SPECIAL POLICE	\$18.90	PER HOUR
PATROLMAN	PER CONTRACT	
PUBLIC WORKS DEPARTMENT	PER CONTRACT	
CDL DRIVER	\$12.00	PER HOUR
COMMUNITY DEVELOPMENT ZONING/HOUSING OFFICER	\$44,235	PER ANNUM
MUNICIPAL HOUSING LIAISON	\$3,277	PER ANNUM
DISPATCHERS FULL TIME	Per Contract	
PART TIME	\$13.00 FIRST 6 MONTHS	PER HOUR
PART TIME	\$13.50 NEXT 6 MONTHS	PER HOUR
PART TIME	\$15.00 AFTER ONE YEAR	PER HOUR
ANIMAL CONTROL OFFICER	\$14,970	PER ANNUM
DEPUTY ANIMAL CONTROL	\$1,199	PER ANNUM

COUNCIL	MOTION TO TABLE	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Busco</i>			X			
<i>Carpenter</i>	1st		X			
<i>Deans</i>		2nd	X			
<i>Longo</i>				X		
<i>Ludas</i>			X			
<i>Newton</i>			X			

(TABLED PENDING STATE CUTS AND FURTHER DISCUSSION)

RESOLUTION #106-05-12-10

RESOLUTION CERTIFYING THE GENERAL FUND TAX LEVY FOR THE JAMESBURG BOARD OF EDUCATION FOR THE SCHOOL YEAR 2010-2011, BY THE GOVERNING BODY OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

WHEREAS, the voters of the Borough of Jamesburg in a duly held election, did fail to approve the general fund tax levy of the Board of Education of the Borough of Jamesburg for the school year 2010-2011; and

WHEREAS, the education, budgets and appropriations law, N.J.S.A. 28A-22-37, requires the Governing Body of the Borough of Jamesburg, after consultation with the Jamesburg Board of Education, to determine the amount which is necessary to be appropriated in such budget and to certify to the County Board of Taxation the total amount so determined; and

WHEREAS, the Governing Body of the Borough of Jamesburg has consulted with representatives of the Jamesburg Board of Education, and has thereafter determined the amount necessary to be appropriated; and

WHEREAS, these change will not cause any additional layoffs or effect any programs;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Jamesburg, County of Middlesex, State of New Jersey, that the following determination is hereby made:

1. The original tax levy on the ballot for the base budget: \$6,674,854.00

2. The amount of reduction to the tax levy for the base budget: (\$ 24,000.00)

11-000-262-620	O & M Energy	(\$2,500.00)
11-000-291-260	Workman's Compensation	(\$3,000.00)
11-000-291-280	Tuition Reimbursement	(\$3,500.00)
10-3131 (Revenue)	Extraordinary State Aid	\$15,000.00

3. The amount of tax levy being certified for the base budget: **\$6,650,854.00**

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided by the Municipal Clerk to each of the following:

1. N.J. State Commissioner of Education
2. Middlesex County Superintendent of Schools
3. Middlesex County Board of Taxation
4. Borough of Jamesburg Board of Education
5. Borough of Jamesburg Chief Financial Officer

COUNCIL	MOTION	SECOND	AYES	NAYS	RECUSE	ABSTAIN	ABSENT
<i>Busco</i>			X				
<i>Carpenter</i>	1st		X				
<i>Deans</i>				X			
<i>Longo</i>			X				
<i>Ludas</i>		2nd	X				
<i>Newton</i>					X		

Council Member Deans explained that her no vote is because she has concerns about raising taxes but yet does not wish hardship on the students as a result and stated that she felt there could have other cuts that could have been made.

DISCUSSION TOPIC(S):

- The Placement of Public Comment on Council Meeting Agendas – Mayor LaMantia explained that there was a question about the placement of the public comment on the agenda at the last meeting and I then advised we would discuss it at tonight's meeting. Mayor LaMantia said he would have no objection to moving the public comment to the beginning of the meeting on a trial basis. This would then give the public an opportunity at the beginning of the meeting to bring up any questions they may have about something on the agenda. We would still have the same time policy of five minutes per individual. There were no further comments or questions of Council. The Council expressed their agreement with the Mayor's proposal of changing the public comment to the beginning of the meeting effective at the June 23rd meeting with an all in favor voice vote.

COUNCILMATIC COMMITTEE REPORTS:

COMMITTEES ON PERSONNEL and BUILDINGS & GROUNDS

Council President Longo reported the following:

- Personnel Committee – There is nothing to report at this time.
- Buckelew House – Council President Longo reported that now that we have approved Phase I of the renovation, our next task is to secure outside funds via grants and aid to continue to project, get the furniture out of storage and open the house to the public. Our Architect and Engineer estimate that this phase will take about seven months.
- Land Use Board – Council President Longo concluded his report by advising that there is a Land Use Board meeting tomorrow and the Board will be hearing from a developer who wants to change the application from ARR Development to general population as per the law signed by the past Governor permitting such applications due to the decrease in the sale of ARP Developments.

POLICE COMMITTEE/ COMMISSIONER

Council Member Ludas reported that there was a total of 1038 dispatch calls in April and 3631 for the year to date. There were 233 motor vehicle summons issued for various reasons. Our shared service agreement with Milltown is going very well in that they received 65 911 calls in April. The First Aid and Fire Department responded to 31 calls in April of which 20 were turned over to Monroe Township. There are various speed trailers out and about and will continue to be placed around our Borough through the Summer months. Our officers will continue to be out on bike patrol. Council Member Ludas concluded her report by saying that she would like to bring to the publics attention that May 9th through the 15th is National Police Week and is a good opportunity for local residents to remember their local and national officers. Council Member Ludas said that she thanks all the officers for protecting us each and every day.

HOMEOWNER RELATIONS COMMITTEE

Council Member Deans advised that she would like to resign from the Homeowner Relations Committee until such time that she be supplied with guidelines and objectives for this Committee.

PUBLIC EVENTS COMMITTEE

Council Member Carpenter reported the following:

- Memorial Day Parade – It's been a long road for the Parade Committee with many meetings. There will be over fifty marching units this year and over 500 people marching. Participation for this year's parade has increased significantly. Donations for this year total \$3,375. The parade will begin promptly at 10:00 a.m. from Veteran's Park. Parade participants are asked to be at the park at 9:30 a.m. for line-up instructions. There will be no meetings prior to the parade, only a post parade meeting. Once again the Elks Club will be serving hotdogs and other refreshments after the parade and closing ceremony. This year's parade will be a huge success due to the team work of the Parade Committee. A special note of thanks goes to Mr. Allan Brown, Commander of the American Legion Start Post 127 and Chair of the Parade Committee, and also to Mr. Elliot Stroul, Marching Unit Coordinator.
- Jamesburg Street Festival-The Fair Committee met this past Monday evening. Chief Marty Horvath was briefed on street closures, committee rules and regulations as well as set-up. Police Specials will be patrolling the parade route by bicycle. The Committee is looking into the possibility of renting some children's play equipment depending on cost. Registration packets are being printed and mailed. Further updates in this regard will be at the next Council meeting.
- Library – On behalf of the Friends of the Jamesburg Public Library, I will be presenting two Academic Achievement Awards. One to a GMB 8th grade student on graduation/awards night scheduled for Tuesday, June 22nd. The other to a Jamesburg/Monroe High School Senior on awards night, Thursday May 27th. The Library has hired a new part-time employee; Mr. Brett Page. The Friends of the Library sponsored their 3rd annual juried Art Show on April 18th through May 1st. There were 50 artist entries and 3 selected as 1st, 2nd and 3rd places. The Middlesex County Arts High School and Arts Middle School art will be displayed at the Library during the entire month of May. The Library Director met with the Jamesburg School Superintendent, Dr. Gail Verona, to initiate discussion on how to establish and develop an on-going partnership between the Jamesburg Schools and the Jamesburg Library. The annual Library Yard and Bake Sale is scheduled for May 22nd. Council Member Carpenter concluded her report by advising that thanks to the idea of Mr. Tom Gibbons, BOT Vice President, a brand new Children's Summer Drama Camp Program is being offered for students grades 1 thru 4 at the Library. The camp will be run by an experienced drama teacher. Registration forms were submitted to both JFK and GMB schools. Additional registrations can be obtained at the Library and Borough Hall.

COMMITTEE ON PUBLIC WORKS

Council Member Busco reported that grass cutting duties continue at Borough Hall, Green Acres Ballfield, Tilly Park, and Railroad Avenue. Brush and leaves are being hauled by DPW throughout the week. The clean-up of fallen tree limbs due to excessive winds was done on Stevens Avenue, East Railroad Avenue and Ridgeview Road. 500' of sewer pipe was cleared on Buckelew Avenue due to a sewer blockage at 137 Buckelew Avenue. Council Member Busco concluded his report by advising that DPW employees continue to maintain and service Borough equipment as needed.

COMMITTEE ON EDUCATION

Council Member Newton reported that the major issue has been the defeated school budget and the Council this evening has completed that task. On April 29th at the Board of Education meeting, certificates of achievement were given out to our children for their Honor Roll achievements. Council Member Newton concluded by expressing his praise and well wishes for a job well done by these students.

ADMINISTRATOR'S REPORT

Denise Jawidzik reported that we have received and executed the Federal Aid Agreement for the JFK School Infrastructure Improvements through the SRTS Grant. We will proceed with that project this Summer. Administrator Jawidzik further reported that construction on the Streetscape Phase V has begun and the Half Acre Road Project will begin shortly. Administrator Jawidzik concluded her report by advising that the Harrison Street Construction Project was awarded this evening and that work is expected to begin soon.

MAYOR'S REPORT – Mayor Anthony LaMantia reported that he will attend tomorrow the Keep Middlesex County Moving meeting. Mayor LaMantia added that he has been in contact with the Governor's office off and on to discuss various state imposed mandates and how they effect Jamesburg. As these meeting surface Mayor LaMantia said he intends to attend and testify on behalf of Jamesburg.

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: Newton

Seconded By: Busco

All were in favor by voice vote.

Mr. Elliot Stroul of 110 Mendoker Drive:

- Thanked all involved in administering the work at the Buckelew House to get it backing to being open to the public.
- Applications for the Fall Festival will be out between the 15th and 30th of this month.
- Thanked the Council for approving the Farmers Market application.
- The Jamesburg Historic Preservation Committee held an essay contest. Tonight we hope to narrow it down further to the top three winners.

Mr. Tom Van De Sande of 2 Fernwood Lane:

- Asked how much the Board of Education's Budget was reduced by and how it was done.
- Asked what the zoning is for Ordinance #13-10 on this evening's agenda.
- Asked what the JFK School Project is
- Asked what the status is of the budget.

MOTION TO CLOSE TO PUBLIC COMMENT

Proposed By: Longo

Seconded By: Carpenter

All were in favor by voice vote.

MOTION TO ADJOURN

Proposed By: Carpenter

Seconded By: Newton

All were in favor by voice vote.

TIME OF ADJOURNMENT: 7:34 P.M.

Amy Antonides, RMC/CMC