

# BOROUGH OF JAMESBURG

## COUNCIL MEETING

### MINUTES – June 13, 2007

**CALL TO ORDER:** 7:00pm - Mayor Anthony LaMantia called the meeting to order and announced that same is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met. Any contracts awarded tonight require the contractor to comply with N.J.S.A. 10:5-31 et.seq. and N.J.A.C. 17:27. Also announced, in the event of a fire and pursuant to the N.J. Uniform Fire Code, that the members of the audience 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 Longo  
Council member Bodall  
Council member Carpenter  
Council member Grimes  
Council member Jennings  
Council member Kostbar  
Attorney Raffetto  
Engineer Dittenhofer  
Denise Jawdzik, Business Administrator

Those Absent: None

**ORDINANCE – PUBLIC HEARING/SECOND READING:**

THE FOLLOWING ORDINANCE WAS APPROVED ON FIRST READING AT THE MEETING OF THE MAYOR AND COUNCIL HELD ON MAY 23, 2007, AND PUBLISHED IN FULL IN THE JUNE 1, 2007 EDITION OF THE CRANBURY PRESS. COPIES HAVE BEEN POSTED ON THE MUNICIPAL BULLETIN BOARD AND MADE AVAILABLE TO THE PUBLIC SINCE INTRODUCTION

**ORDINANCE # 11-07**

**AN ORDINANCE AUTHORIZING THE BOROUGH OF JAMESBURG TO ACQUIRE AND CONVEY CERTAIN LAND AREAS IN CONNECTION WITH THE GULYA DRIVE RIGHT-OF-WAY ADJUSTMENT PROJECT.**

**WHEREAS**, in connection with a public project intended to re-align the Borough's right-of-way line along Gulya Drive, it is necessary for the Borough of Jamesburg (the "Borough") to acquire certain land areas that are located adjacent to Gulya Drive; and

**WHEREAS**, also in connection with this re-alignment project, it is necessary for the Borough to convey certain land areas that are located within the existing Gulya Drive to the adjacent property owner(s); and

**WHEREAS**, the proposed re-alignment of the right-of-way line will allow for the Borough to install street lighting within the right-of-way area, which is in the best interests of the health, safety and welfare of the public; and

**WHEREAS**, the land areas to be acquired by the Borough are all part of tracts that are under the record ownership of the Fernwood Cemetery, and are identified as follows:

<b><u>Block</u></b>	<b><u>Lot</u></b>	<b><u>Area to be Acquired by the Borough</u></b>
76.01	1.01	1,754 square feet (0.040 acres)
76	1.02	2,013 square feet (0.046 acres)
76	2.04	168 square feet (0.004 acres); and; and

**WHEREAS**, the land areas to be conveyed from the Borough shall be transferred to the only adjacent property owner, Fernwood Cemetery, and include a 1,563 square foot area (0.036 acres) to be conveyed to Block 76, Lot 2.04, and a 1,853 square foot area (0.043 acres) to be conveyed to Block 76.01, Lot 1.01; and

**WHEREAS**, the affected land areas are more specifically described in certain legal descriptions prepared by Remington, Vernick and Vena Engineers, dated April 4, 2007, copies of which are on file for public inspection and review in the Borough Clerk's Office; and

**WHEREAS**, the affected land areas are also more specifically depicted on a Right-of-Way Adjustment Plan prepared by Remington, Vernick and Vena Engineers, dated February 22, 2007, a copy of which is also on file for public inspection and review in the Borough Clerk's Office; and

**WHEREAS**, it is anticipated that the land areas to be acquired by the Borough shall be dedicated by the Fernwood Cemetery without the necessity for the expenditure of any public funds; and

**WHEREAS**, it is anticipated that the land areas located within the existing Gulya Drive to be conveyed from the Borough to the Fernwood Cemetery shall be so conveyed for nominal consideration; and

**WHEREAS**, the New Jersey "Local Lands and Buildings Law," N.J.S.A. 40A:12-1, et seq., and the New Jersey "Eminent Domain Act," N.J.S.A. 20:3-1, et seq., authorize a municipality to acquire interests in real property for public purposes by conveyance (including dedication) or by condemnation, respectively; and

**WHEREAS**, the Local Lands and Buildings Law also authorizes a municipality to convey undersized parcels of real property to an adjacent property owner.

**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, as follows:

1. That, in connection with the afore-mentioned public project intended to re-align the Borough's right-of-way line along Gulya Drive, the Borough is hereby authorized to undertake acquisition proceedings in order to acquire by conveyance (including dedication), pursuant N.J.S.A. 40A:12-1, et seq., or by condemnation, pursuant to N.J.S.A. 20:3-1, et seq., portions of the properties known and designated as Block 76.01, Lot 1.01, Block 76, Lot 1.02, and Block 76, Lot 2.04, as described in the legal descriptions and as depicted in the Plan referenced above.

2. That, in connection with the afore-mentioned public project intended to re-align the Borough's right-of-way line along Gulya Drive, and pursuant N.J.S.A. 40A:12-1, et seq., the Borough is hereby also authorized to convey certain land areas that are located within the existing Gulya Drive to the only adjacent property owner, Fernwood Cemetery, as follows: a 1,563 square foot area (0.036 acres) shall be conveyed to Block 76, Lot 2.04, and a 1,853 square foot area (0.043 acres) shall be conveyed to Block 76.01, Lot 1.01. The said land areas are described and depicted in the legal descriptions and Plan, respectively, as referenced above.

3. That the Borough Attorney and Borough Engineer are hereby authorized and directed to undertake all necessary actions in order to undertake the matters set forth above on behalf of the Borough.

4. That the Mayor is authorized to execute and the Municipal Clerk to attest all necessary documents, which shall be in a form acceptable to the Borough Attorney, in order to effectuate the intentions of the within Ordinance.

5. That, following the introduction of this Ordinance, a copy of the Ordinance, along with a copy of the relevant legal descriptions and Plan, and a notice of the public hearing date, shall be mailed to the Fernwood Cemetery, by regular mail and certified mail, return receipt requested, at least seven (7) days prior to the date scheduled for the public hearing

6. That this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

7. 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.

8. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Motion to Open to Public Comment on Ordinance #11-07

Proposed by: Longo

Seconded by: Kostbar

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

None Opposed, None Abstaining.

Public Comment on Ordinance #11-07

No members of the public wished to be heard at this time.

Motion to Close to Public Comment on Ordinance #11-07

Proposed by: Jennings

Seconded by: Longo

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

None Opposed, None Abstaining.

Motion to Approve Ordinance #11-07 on Second Reading:

Proposed by: Kostbar

Seconded by: Carpenter

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

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.

**RESOLUTIONS:**

The whole of the Consent Agenda was approved on the following vote:

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

**RESOLUTION #153-06-13-07\*\***

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL  
May 23, 2007

**RESOLUTION #154-06-13-07\*\***

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:

Library Board of Trustees Minutes      April 2007

**RESOLUTION #155-06-13-07\*\***

APPROVE CIRCUS LICENSE

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED BY THE JAMESBURG CIVIC ASSOCIATION FOR A CIRCUS TO BE HELD ON JUNE 29, 2007; AND

**WHEREAS**, THE CLERK'S OFFICE IS IN RECEIPT OF THE APPROPRIATE FEES FOR THE AFOREMENTIONED LICENSE;

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT A CIRCUS LICENSE ISSUED IN THE NAME OF JAMESBURG CIVIC

ASSOCIATION BE AND IS HEREBY APPROVED WITH THE CONDITION THAT THE APPROPRIATE PERMITS MUST BE OBTAINED FROM THE JAMESBURG FIRE PREVENTION BUREAU, PRIOR TO THE DATE OF JUNE 29, 2007.

**RESOLUTION #156-06-13-07\*\***

RESOLUTION AUTHORIZING APPLICATION AND AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE APPLICATIONS FOR RECYCLING ENHANCEMENT GRANT.

**WHEREAS**, THE COUNTY OF MIDDLESEX IN CONTINUING TO RECOGNIZE THE IMPORTANCE OF RECYCLING AND THE ROLE THAT THE INDIVIDUAL MUNICIPALITIES PLAY IN CONJUNCTION WITH THE COUNTY TOWARDS ACHIEVING AN EXEMPLARY RECYCLING RATE HAS PROPOSED TO PROVIDE GRANT MONIES TO MUNICIPALITIES THROUGH THE RECYCLING ENHANCEMENT (REG) PROGRAM; AND

**WHEREAS**, IT IS THE INTENT OF THE REG PROGRAM TO PROVIDE MATCHING FUNDS TO QUALIFYING MUNICIPALITIES TO BE USED FOR SCHOOL RECYCLING PROJECTS, RECYCLING EDUCATION PROJECTS OR IMPROVEMENTS TO RECYCLING DROP-OFF CENTERS/PUBLIC WORKS FACILITIES TO ENHANCE A MUNICIPALITY'S RECYCLING PROGRAM; AND

**WHEREAS**, IT APPEARS TO BE IN THE INTEREST OF THE BOROUGH OF JAMESBURG AND ITS CITIZENS TO APPLY FOR THIS GRANT:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE BOROUGH RECYCLING COORDINATOR BE AND IS HEREBY AUTHORIZED TO SUBMIT THE ATTACHED APPLICATION FOR CONSIDERATION OF A MATCHING GRANT TO THE MIDDLESEX COUNTY DIVISION OF SOLID WASTE MANAGEMENT.

**RESOLUTION #157-06-13-07\*\***

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR TRASH REIMBURSEMENT BETWEEN THE BOROUGH OF JAMESBURG AND 6 GEORGE STREET, LLC

**WHEREAS**, THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG WISH TO ENTER INTO A TRASH REIMBURSEMENT AGREEMENT 6 GEORGE STREET, LLC IN ORDER TO COMPLY WITH CHAPTER 26 OF THE LAWS OF THE STATE OF NEW JERSEY (SIGNED INTO LAW MAY 11, 2000); AND

**WHEREAS**, THE BOROUGH OF JAMESBURG AND 6 GEORGE STREET, LLC HAVE AGREED TO THE TERMS OF THE ATTACHED CONTRACT.

**NOW, THEREFORE BE IT RESOLVED**, THAT THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, IN THE COUNTY OF MIDDLESEX, NEW JERSEY APPROVE OF THE ATTACHED AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND 6 GEORGE STREET LLC.

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

**RESOLUTION #158-06-13-07\*\***

AUTHORIZE MAYOR TO EXECUTE C.D.B.G. DISCRETIONARY GRANT AGREEMENT

**WHEREAS**, THE BOROUGH OF JAMESBURG HAS BEEN NOTIFIED BY THE MIDDLESEX COUNTY PUBLIC HOUSING AGENCY, THAT JAMESBURG HAS BEEN AWARDED A DISCRETIONARY GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF NINE THOUSAND NINE HUNDRED DOLLARS (\$13,830.00); AND

**WHEREAS**, THE GRANT FUNDS ARE TO BE UTILIZED FOR IMPROVEMENTS TO THE SENIOR CITIZENS' CENTER LOCATED ON STEVENS AVENUE IN THE BOROUGH; AND

**WHEREAS**, AN AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND THE COUNTY OF MIDDLESEX FOR THE AFOREMENTIONED GRANT, MUST BE EXECUTED BY BOTH PARTIES;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED** BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE MAYOR IS AUTHORIZED TO EXECUTE, AND THE BOROUGH CLERK TO ATTEST THE ATTACHED AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND THE COUNTY OF MIDDLESEX, FOR A DISCRETIONARY C.D.B.G. GRANT IN THE AMOUNT OF NINE THOUSAND, NINE HUNDRED DOLLARS (\$13,830.00) WHICH IS TO BE UTILIZED FOR RENOVATIONS TO THE SENIOR CITIZENS CENTER.

**RESOLUTION #159-06-13-07**

RESOLUTION ELEVATING PROBATIONARY DETECTIVE TO DETECTIVE

**WHEREAS**, PROBATIONARY DETECTIVE LOUIS HORNBERGER WAS APPOINTED TO HIS CURRENT RANK, EFFECTIVE JANUARY 1, 2007; AND

**WHEREAS**, JAMESBURG POLICE CHIEF PAUL KARKOSKA 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 LOUIS HORNBERGER BE AND IS HEREBY PROMOTED TO THE POSITION OF DETECTIVE, EFFECTIVE JULY 1, 2007.

**RESOLUTION #160-06-13-07**

RESOLUTION ELEVATING PROBATIONARY SERGEANT TO SERGEANT

**WHEREAS**, PROBATIONARY SERGEANT LOUIS CERAS WAS APPOINTED TO HIS CURRENT RANK, EFFECTIVE JANUARY 1, 2007; AND

**WHEREAS**, JAMESBURG POLICE CHIEF PAUL KARKOSKA 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 CERAS BE AND IS HEREBY PROMOTED TO THE POSITION OF SERGEANT, EFFECTIVE JULY 1, 2007.

**RESOLUTION #161-06-13-07**

RESOLUTION ELEVATING PROBATIONARY LIEUTENANT TO LIEUTENANT

**WHEREAS**, PROBATIONARY LIEUTENANT MARTIN HORVATH WAS APPOINTED TO HIS CURRENT RANK, EFFECTIVE JANUARY 1, 2007; AND

**WHEREAS**, JAMESBURG POLICE CHIEF PAUL KARKOSKA 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 MARTIN HORVATH BE AND IS HEREBY PROMOTED TO THE POSITION OF LIEUTENANT, EFFECTIVE JULY 1, 2007.

**RESOLUTION #162-06-13-07\*\***

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 \$36,894.12:

**RESOLUTION #163-06-13-07\*\***

RESOLUTION FIXING TERM OF OFFICE FOR MEMBER OF LIBRARY BOARD OF TRUSTEES

**WHEREAS**, THE DIRECTOR OF THE JAMESBURG LIBRARY HAS RECEIVED CORRESPONDENCE FROM THE STATE LIBRARY ASSOCIATION REGARDING THE TERMS OF OFFICE OF THE LIBRARY BOARD OF TRUSTEES, WHICH THE STATE LIBRARIAN INDICATES COULD CAUSE A LOSS OF STATE PER CAPITA AID FOR THE JAMESBURG LIBRARY DUE TO A LACK OF COHERENCE WITH STATE STATUTE; AND

**WHEREAS**, SINCE PRIOR TO 1993, THERE SEEMS TO BE A DISCREPANCY IN THE TERM OF OFFICE OF THE LIBRARY BOARD OF TRUSTEES, CAUSING MEMBERS TERMS TO NOT ROTATE APPROPRIATELY; AND

**WHEREAS**, UPON MUCH REVIEW OF THE BOROUGH'S RECORDS BY THE BOROUGH CLERK, IT IS SUGGESTED THAT THE TERM OF OFFICE OF ONE (1) MEMBER BE EXTENDED BY ONE (1) YEAR TO DECEMBER 2009:

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, NEW JERSEY THAT THE TERM OF OFFICE FOR MARY JEAN POPOWSKI SHALL NOW END ON DECEMBER 31, 2009.

**RESOLUTION #164-06-13-07\*\***

RESOLUTION APPOINTING BOROUGH TAX ASSESSOR

**WHEREAS**, THE TAX ASSESSOR OF THE BOROUGH OF JAMESBURG, EDWARD HEINDEL HAS ANNOUNCED HIS RETIREMENT FROM THE BOROUGH TO TAKE PLACE ON JUNE 30, 2007 WHICH WILL CAUSE A VACANCY TO BE CREATED IN SAID POSITION; AND

**WHEREAS**, THE POSITION OF TAX ASSESSOR MUST BE FILLED; AND

**WHEREAS**, THE PERSONNEL COMMITTEE HAS ADVERTISED THE POSITION OPENING, ACCEPTED APPLICATIONS AND HELD INTERVIEWS IN ORDER TO FILL THE POSITION OF BOROUGH TAX ASSESSOR ; AND

**WHEREAS**, THE PERSONNEL COMMITTEE NOW RECOMMENDS THE APPOINTMENT OF KENNETH A. PACERA, CTA, TO FILL THE AFOREMENTIONED POSITION:

**NOW, THEREFORE, I, ANTHONY LAMANTIA, MAYOR**, WITH THE ADVICE AND CONSENT OF THE BOROUGH COUNCIL, DO HEREBY APPOINT KENNETH A. PACERA, CTA, TO THE POSITION OF TAX ASSESSOR OF THE BOROUGH OF JAMESBURG, EFFECTIVE JULY 1, 2007, THIS TERM TO EXPIRE JUNE 30, 2011, OR TO BE HELD UNTIL A SUCCESSOR IS DULY APPOINTED AND QUALIFIED.

**RESOLUTION #165-06-13-07\*\***

APPROVAL OF RENEWAL OF LIQUOR LICENSE

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED, WITH THE PROPER DOCUMENTATION AS REQUIRED BY THE STATE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, BY TALKHOUSE, INC. FOR RENEWAL OF LIQUOR LICENSE #1208-33-003-007 FOR THE 2007-2008 LICENSE YEAR ; AND

**WHEREAS**, THE BOROUGH CLERK HAS REVIEWED SAID APPLICATION AND HAS DEEMED IT TO BE COMPLETE; AND

**WHEREAS**, THE CORRESPONDING FEES WERE SUBMITTED WITH THE APPLICATION FOR RENEWAL OF THE AFOREMENTIONED LICENSE:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT APPROVAL BE AND IS HEREBY GRANTED FOR THE RENEWAL OF THE LICENSE HELD BY TALKHOUSE, INC.'S PLENARY RETAIL CONSUMPTION LICENSE NUMBER #1208-33-003-007 AS A POCKET LICENSE.

**RESOLUTION #166-06-13-07\*\***

APPROVAL OF RENEWAL OF LIQUOR LICENSE

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED, WITH THE PROPER DOCUMENTATION AS REQUIRED BY THE STATE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, BY KARAN PURVA INC. FOR RENEWAL OF LIQUOR LICENSE #1208-44-001-003 FOR THE 2007-2008 LICENSE YEAR; AND

**WHEREAS**, THE BOROUGH CLERK HAS REVIEWED SAID APPLICATION AND HAS DEEMED IT TO BE COMPLETE; AND

**WHEREAS**, THE CORRESPONDING FEES WERE SUBMITTED WITH THE APPLICATION FOR RENEWAL OF THE AFOREMENTIONED LICENSE:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT APPROVAL BE AND IS HEREBY GRANTED FOR THE RENEWAL OF THE LICENSE HELD BY KARAN PURVA INC. PLENARY RETAIL DISTRIBUTION LICENSE NUMBER #1208-44-001-003, LICENSED PREMISES LOCATED AT 235 FORSGATE DRIVE.

**RESOLUTION #167-06-13-07\*\***

APPROVAL OF RENEWAL OF LIQUOR LICENSE

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED, WITH THE PROPER DOCUMENTATION AS REQUIRED BY THE STATE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, BY PARKSIDE TAVERN INC. FOR RENEWAL OF LIQUOR LICENSE #1208-33-004-001 FOR THE 2007-2008 LICENSE YEAR; AND

**WHEREAS**, THE BOROUGH CLERK HAS REVIEWED SAID APPLICATION AND HAS DEEMED IT TO BE COMPLETE; AND

**WHEREAS**, THE CORRESPONDING FEES WERE SUBMITTED WITH THE APPLICATION FOR RENEWAL OF THE AFOREMENTIONED LICENSE:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT APPROVAL BE AND IS HEREBY GRANTED FOR THE RENEWAL OF THE LICENSE HELD BY PARKSIDE TAVERN INC. PLENARY RETAIL CONSUMPTION LICENSE NUMBER #1208-33-004-001, LICENSED PREMISES LOCATED AT 2 LINCOLN AVENUE.

**RESOLUTION #168-06-13-07\*\***

APPROVAL OF RENEWAL OF LIQUOR LICENSE

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED, WITH THE PROPER DOCUMENTATION AS REQUIRED BY THE STATE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, BY AAYUSHI INC. FOR RENEWAL OF LIQUOR LICENSE #1208-44-006-006 FOR THE 2007-2008 LICENSE YEAR; AND

**WHEREAS**, THE BOROUGH CLERK HAS REVIEWED SAID APPLICATION AND HAS DEEMED IT TO BE COMPLETE; AND

**WHEREAS**, THE CORRESPONDING FEES WERE SUBMITTED WITH THE APPLICATION FOR RENEWAL OF THE AFOREMENTIONED LICENSE:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT APPROVAL BE AND IS HEREBY GRANTED FOR THE RENEWAL OF THE LICENSE HELD BY AAYUSHI INC. PLENARY RETAIL DISTRIBUTION LICENSE NUMBER #1208-44-006-006, LICENSED PREMISES LOCATED AT 63 EAST RAILROAD AVENUE.

**RESOLUTION #169-06-13-07\*\***

APPROVAL OF RENEWAL OF LIQUOR LICENSE

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED, WITH THE PROPER DOCUMENTATION AS REQUIRED BY THE STATE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, BY BENEVOLENT & PROTECTIVE ORDER OF ELKS #2180 FOR RENEWAL OF LIQUOR LICENSE #1208-31-008-002 FOR THE 2007-2008 LICENSE YEAR; AND

**WHEREAS**, THE BOROUGH CLERK HAS REVIEWED SAID APPLICATION AND HAS DEEMED IT TO BE COMPLETE; AND

**WHEREAS**, THE CORRESPONDING FEES WERE SUBMITTED WITH THE APPLICATION FOR RENEWAL OF THE AFOREMENTIONED LICENSE:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT APPROVAL BE AND IS HEREBY GRANTED FOR THE RENEWAL OF THE LICENSE HELD BY BENEVOLENT & PROTECTIVE ORDER OF ELKS #2180 CLUB LICENSE NUMBER #1208-31-008-002, LICENSED PREMISES LOCATED AT 74 WEST RAILROAD AVENUE.

**RESOLUTION #170-06-13-07\*\***

APPROVAL OF RENEWAL OF LIQUOR LICENSE

**WHEREAS**, AN APPLICATION HAS BEEN SUBMITTED, WITH THE PROPER DOCUMENTATION AS REQUIRED BY THE STATE DIVISION OF ALCOHOLIC BEVERAGE CONTROL, BY C and R DOMENICS INC. FOR RENEWAL OF LIQUOR LICENSE #1208-33-005-004 FOR THE 2007-2008 LICENSE YEAR ; AND

**WHEREAS**, THE BOROUGH CLERK HAS REVIEWED SAID APPLICATION AND HAS DEEMED IT TO BE COMPLETE; AND

**WHEREAS**, THE CORRESPONDING FEES WERE SUBMITTED WITH THE APPLICATION FOR RENEWAL OF THE AFOREMENTIONED LICENSE:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT APPROVAL BE AND IS HEREBY GRANTED FOR THE RENEWAL OF THE LICENSE HELD BY C and R DOMENICS INC. PLENARY RETAIL CONSUMPTION LICENSE NUMBER #1208-33-005-004, LICENSED PREMISES LOCATED AT 306 GATZMER AVENUE.

**END OF CONSENT AGENDA**



**RESOLUTION #171-06-13-07**

RESOLUTION OF THE BOROUGH OF JAMESBURG APPROVING PAYMENT CERTIFICATE #3 (FINAL) FOR THE VARIOUS ROAD REPAIRS PROJECT, PHASE 2

**WHEREAS**, THE CONTRACTOR, BIG DADDY CONSTRUCTION, INC., HAS SUBMITTED AS-BUILT QUANTITIES FOR THE VARIOUS ROAD REPAIRS PROJECT, PHASE 2; AND

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

**WHEREAS**, THE ENGINEER RECOMMENDS THE APPROVAL OF PAYMENT CERTIFICATE #3 (FINAL) DATED JUNE 6, 2007, IN THE AMOUNT OF NINE THOUSAND NINETY DOLLARS AND SIXTY-TWO CENTS (\$9,090.62).

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PAYMENT CERTIFICATE #3 (FINAL) IN THE AMOUNT OF NINE THOUSAND NINETY DOLLARS AND SIXTY-TWO CENTS (\$9,090.62) IS HEREBY AUTHORIZED FOR PAYMENT TO BIG DADDY CONSTRUCTION, INC.

Council member Kostbar stated that he would need to abstain from this resolution as well as the next due to Big Daddy, Inc. being a client of his law practice.

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

**RESOLUTION #172-06-13-07**

RELEASE OF PERFORMANCE BOND OF BIG DADDY CONSTRUCTION, INC. BEING HELD FOR THE SHERIDAN STREET AND STEVENS AVENUE RECONSTRUCTION PROJECT.

**WHEREAS**, THE BOROUGH OF JAMESBURG IS IN POSSESSION OF A PERFORMANCE BOND FROM BIG DADDY CONSTRUCTION, INC., FOR THE SHERIDAN STREET AND STEVENS AVENUE RECONSTRUCTION PROJECT; AND

**WHEREAS**, BIG DADDY CONSTRUCTION, INC. HAS SUBMITTED MAINTENANCE BOND NUMBER #B10 006 406, AEGIS SECURITY INSURANCE COMPANY BEING THE SURETY, IN THE AMOUNT OF ONE HUNDRED FORTY-SEVEN THOUSAND FIVE HUNDRED THIRTY-FIVE DOLLARS AND ONE CENT (\$147,535.01) AND

**WHEREAS**, THE BOROUGH ATTORNEY AND BOROUGH ENGINEER HAVE GIVEN APPROVAL OF THE AMOUNT AND ACCEPTANCE DATE OF THE AFOREMENTIONED MAINTENANCE BOND:

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, BY THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, THAT THE BOROUGH CLERK IS HEREBY AUTHORIZED TO ACCEPT THE AFOREMENTIONED MAINTENANCE BOND AND RELEASE THE PERFORMANCE BOND HELD FOR THE SHERIDAN STREET AND STEVENS AVENUE RECONSTRUCTION PROJECT.

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

**DISCUSSION:**

Town Meeting

Mayor LaMantia turned the meeting over the Council member Kostbar, as the chair of the Finance Committee. Mr. Kostbar made presentation regarding the budget process and the issues and/or problems that may be encountered due to the recent changes to the cap on the tax levy. It was explained that any increases in next year's spending must be capped at the level of 4% and the Borough Council is trying to be proactive due to this situation. The Governor's office has been contacted and the Borough is continuing their efforts to seek a solution to the issue at the State level. Certain areas of spending are out of the Borough's control, such as fuel, health benefits, and other State mandated items, such as Stormwater management. There exists, only four areas to be considered when contemplating cuts; 1.) Police Department and the Council is very adverse to cuts in that department for public safety issues; 2.) Public Works Department – the Borough hired a 4<sup>th</sup> man for the department last year, due to the increased burden placed on the department due to storm water management mandates, which makes cuts to that department untouchable; 3.) trash collection – which is currently paid through property taxes and the Council feels that privatizing this area would severely affect the public health, especially should the bill not be paid by the homeowner and collection was interrupted; 4.) the library, which is also paid for through tax dollars and the amount paid is governed by State Statute per property valuations. If the current trend continues, the library appropriation will increase by approximately \$27,000. Taxes will need to be increased to cover the increase to the library. On average, property tax payers are paying \$138 to fund the library. Since the library was created by a referendum, it can only be eliminated by a referendum. Council wants to be proactive and does not want to reach budget time in January realizing that cuts will be necessary in the Police Department or the Public Works Department. Every option that the Borough has explored, has been blocked by the State Library, citing numerous laws.

Mayor LaMantia reported that Monroe Township has expressed willingness to accept Jamesburg Library cards through the LMxAC participation of an association library. The Borough Council is informing the residents what their options are and leaving the matter up to the voters. The Borough continues to work

with the Governor's office, but it appears that change to the current laws, is far in the future, if coming at all. Council member Kostbar also stated that although the Borough has contacted State government, they move slowly and usually only respond to crises. Council member Carpenter stated that this is a serious problem and this meeting is being held to educate everyone on the importance of this matter. Council member Jennings agreed, stating that this is an unfortunate effect of a law put in place to cap municipal spending, yet mandates increase in other areas. Council member Kostbar concurred, that there is no "fat" in the budget, thereby compounding the dilemma. Council President Longo, stated that the Borough Council wishes to keep the library open, but due an antiquated law stands in the way. The Library increase needs to be capped at 4%, bringing all Borough departments in line, in an effort to moderate and control spending. Council member Grimes agreed with Mr. Longo's comments, that spending needs to be controlled. The Borough should be able to negotiate library funding then this matter would not be being discussed. The laws need to be updated. Council member Bodall feels that this will be a difficult matter for the Borough residents, but the State needs to be pushed to change these antiquated laws.

**Motion to Open to Public Comment (town meeting):**

Proposed by: Jennings

Seconded by: Kostbar

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

None Opposed, None Abstaining.

**Public Comment (town meeting)**

Sharon Simon – 186 Gatzmer Avenue

- Requested an explanation of an "association" library.
- Questioned about Monroe Township accepting Jamesburg library cards.
- Does not want library closed.

Richard Reinhardt – 35 East Railroad Avenue

- Stated its OK to raise his taxes for the library to stay open.

Michael Tehan – 68 Dayton Road

- Bad idea to close the library
- Hurts the perception of the town.
- A library gives to the community and is a safe haven for kids.

Dorothy Klotzbeacher – 149 Buckelew Avenue (Library Board Trustee and teacher)

- Stated she is a 30 year resident of the Borough of Jamesburg
- The library's services and programs are vital to literacy.
- Library serves as the only public town center.

Ellen Burke – 77 East Railroad Avenue, Apartment B

- Stated she is a library volunteer
- Feels the library gives a sense of community and is central to the community

Carole Hetzell – 36 Woodland Road

- 39 year resident of the Borough
- feels the library affects many people in town and is accessible
- An association library cannot be guaranteed funding.
- Jamesburg always seems to have a budget problem or crisis.

Pauline Smith – 10 Vine Street

- 60 year resident of Jamesburg
- Is against an association library – they do not work.

Frank Forst – 8B Michael Street

- Inquired who makes the decision that property values have risen
- Inquired whether the Borough can negotiate the property valuations.
- Thanked the Mayor and Council for bringing this matter to the people's attention.

Jim Martin – 6 Hilltop Court

- Inquired why the library always needs to be cut.
- Feels Council is using mandates as a "crutch"

Council member Jennings replied that the Mayor and the Board of Trustees have been working together to find a solution but the State and the State Library Board gave the Borough only two options; either fully fund the library or close it. If cuts are made elsewhere, lay-offs will occur and if we increase the budget more than 4%, the State will not approve the Borough's budget.

Matty Messina – 26 Sedgwick Street

- Feels Jamesburg is a safe town and when her children go to the library she knows they are safe there.

- Feels the library is very accommodating to the Spanish Community, citing that no other library does a Cinco de Maya celebration.

Ann Toth – 27 Birchwood Road

- Stated that she knows the State is a “slow turning wheel” , and that the people will need to come out to decide about the library and since the library is a “core” of the community, she hopes they will vote with their hearts.

Pam Duke – 60 Half Acre Road

- A large number of citizens that will be affected are children and are too young to vote.

James Smith – 50 Sand Hill Road

- Sponsors and uses the library very much
- Feels children would be deprived in this age of “co child left behind”
- Borough residents cannot walk to the Monroe Township library
- Potential closing of the library brings up quality of life issues.

Jim Strych – 13 Woodland Road

- Inquired what 4% equates to in dollar figures.
- Inquired whether the library can donate money back to the Borough
- Inquired what would happen if the Borough did not give the mandated amount to the library
- What legal recourse does the Borough have?

Pat Tumulty – Trenton Resident, Representative of the State Library Board Association

- Feels that property valuations will eventually level off.
- Her organization feels very strongly for the libraries and has passed a resolution, which was forwarded to the Assembly, to exclude libraries from CAP, because communities are being burdened.
- Her association would like to see a separate, dedicated line item on tax bills, for library purposes.
- Asked Council to consider that the \$138 dollars per year per household for the library, equates to less than \$12 per month.

Elliott Stroul – 110 Mendoker Drive

- Library card holder
- Challenged citizens to write letters to the legislature and the State Library Board

Paul Bouzane – 235A Dayton Road

- Inquired whether the referendum can be postponed

Margaret Digangi – 2 Oakland Road

- Supporter of the library, though not a member
- Formerly “volunteered” on the Board of Education
- Feels Council should “give up benefits” as well as their pay.

Gregory Newton – 5 Sedgwick Street

- Member of the Library Board of Trustees
- Thanked Council for working diligently on this matter, but feels Council may be acting too quickly and prematurely, especially since property valuations may level.
- Feels closing the library would give the community a “black eye”.
- Feels the community is being threatened with the closure.

Barbara Reinhart

- Supporter of the library
- Feels the library gives the town “class”
- Inquired why the Public Works Foreman position couldn’t be a volunteer position.
- Feels Council is using scare tactics to close the library.
- The last thing that should be cut is a police officer.
- Wanted a promise from the Mayor that the Police Department would be the last area cut from the budget.

Daria Ludas – 38 Ridgeview Road

- Thanked the Mayor and Council for working with the library.

**Motion to Close to Public Comment (town meeting):**

Proposed by: Longo

Seconded by: Grimes

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

None Opposed, None Abstaining.

## **COUNCILMATIC COMMITTEE REPORTS**

### **POLICE COMMITTEE / COMMISSIONER & HOLIDAY EVENTS/PATRIOTIC COMMITTEE**

Council member Carpenter reported that the Police Committee met this evening prior to the Council meeting, and the committee was given a demonstration of the new patrol video camera. The D.A.R.E. program graduated 52 sixth graders who were treated to a trip to Great Adventure. Mrs. Carpenter also reported on library and patriotic committee events. The Jamesburg Civic Association will be holding their annual circus at the JFK School field on June 29<sup>th</sup>, and it is being sponsored by EPHenry and Gray Rock Supply.

### **COMMITTEE ON EDUCATION**

Councilmember Grimes reported that the vacancy on the Board of Education has been filled by Linda Newton.

### **COMMITTEE ON PERSONNEL/NEGOTIATIONS**

Council member Jennings reported that the committee has held interviews for the Tax Assessor's position.

### **COMMITTEE ON FINANCE & BUDGETING**

Councilmember Kostbar reported that the Borough continues to await Extraordinary Aid figures from the State in order to adopt this year's budget.

### **COMMITTEE ON BUILDINGS & GROUNDS**

Council member Longo reported that the June Land Use Board meeting has been canceled. A meeting was held with the Engineer's office regarding Buckelew House upgrades/repairs. The Presbyterian Church has sent a request to vacate a portion of the alleyway that lies behind the parsonage, in order to expand the Deacon's food pantry space. Council consensus to move forward with the vacation of the alleyway, provided that all costs are covered by the Presbyterian Church. Mr. Longo expressed thanks to the Public Works Department for their assistance with the Memorial Day Parade. The Jamesburg Area Chamber of Commerce has been re-named, after a vote by its members, to the Jamesburg/Monroe Chamber of Commerce. SERV Committee matters were also reported, as well as Mr. Longo's attendance to the Senior Athletic Award Banquet in Monroe Township.

### **COMMITTEE ON TECHNOLOGY**

Council member Bodall reported that he has received notice from Comcast that tax will now be charged on their service fees.

### **COMMITTEE ON PUBLIC SAFETY/ EMERGENCY SERVICES COMMITTEE ON PUBLIC WORKS**

Mayor Anthony LaMantia reported that he, as well as the Borough Attorney and Borough Engineer have been in contact with Monroe Township regarding the flooding issues being experienced by Gatzmer Avenue homeowners. It is hoped that something will be resolved by the next Council meeting. The CVS flooding matter is in the process of being rectified. The Mayor also reported that he attended the 8<sup>th</sup> grade award ceremony. Council was reminded of the Elks Lodge Annual Flag Day Ceremony to be held on June 14 at the Elks Lodge.

Council member Grimes inquired whether Monroe Township approved of alterations to the detention basin at the Costco warehouse site. Mayor LaMantia replied that that has yet to be determined.

Council member Bodall wished to acknowledge the efforts of an eagle scout, Monroe resident George Leonard, who has painted the fence at the Buckelew House. Mr. Bodall also directed questions to Council President Longo regarding the Buckelew House repairs/upgrades.

**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: Carpenter

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

None Opposed, None Abstaining.

### **PUBLIC COMMENT:**

Elliott Stroul – 110 Mendoker Drive

- Announced that the Revitalization Committee meeting has been moved to June 27.
- Inquired whether the Street Festival is "on track"
- The JCA would like to have a booth at the Street Festival and in conjunction would like to hold a "family movie night".

**MOTION TO CLOSE TO PUBLIC COMMENT:**

PROPOSED BY: Jennings

SECONDED BY: Kostbar

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

None Opposed, None Abstaining.

**MOTION TO ADJOURN:**

PROPOSED BY: Longo

SECONDED BY: Kostbar

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

None Opposed, None Abstaining.

**TIME OF ADJOURNMENT:**

9:03pm