

# Borough of Jamesburg

## Council Meeting Minutes

December 17, 2008

---

**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. 10:5-3.1 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 President Kostbar  
Council member Carpenter  
Council member Deans  
Council member Grimes  
Council member Longo  
Council member Ludas  
Labor Attorney Shaklee  
Denise Jawidzik (as Deputy Clerk)

Absent: Municipal Clerk McCarthy  
Attorney Raffetto

### **Ordinance #21-08:** Public Hearing and Adoption

AN ORDINANCE SUPPLEMENTING CHAPTER 10 (BUILDING AND HOUSING), ADDING SECTION 10 (REQUIRED GROWTH SHARE AFFORDABLE HOUSING OBLIGATION) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG.

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

1. THAT CHAPTER 10 OF THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF JAMESBURG, NEW JERSEY (2000)", IS HEREBY AMENDED AND SUPPLEMENTED TO CREATE SECTION 10, ESTABLISHING PROVISIONS RELATING TO REQUIRED GROWTH SHARE AFFORDABLE HOUSING OBLIGATIONS, AS FOLLOWS:

#### **10-10 REQUIRED GROWTH SHARE AFFORDABLE HOUSING OBLIGATION.**

##### **10-10.1 Authority and Purpose.**

Pursuant to the provisions of the Third Round Substantive Rules promulgated and adopted by the New Jersey Council on Affordable Housing, N.J.A.C. 5:94 et seq. and N.J.A.C. 5:95 et seq., it is hereby declared that the purpose of this Article is to help the Borough of Jamesburg fulfill its affirmative obligation to facilitate the provision of affordable housing.

##### **10-10.2 Definitions.**

As used in this Article, words and phrases shall have the same meanings they have pursuant to N.J.A.C. 5:94-1.4, as said provision may from time to time be amended.

##### **10-10.3 Development Required To Provide Affordable Housing**

Within any zoning district permitting residential development or as a result of a use variance permitting residential development of four (4) or more market rate units, developers shall provide a minimum of one (1) affordable housing unit for every four (4) market rate housing units.

##### **10-10.4. Compliance Mechanisms**

###### **A. Construction of Affordable Housing On Site**

- (i) The affordable housing units may be provided within single-family dwellings, duplex buildings, triplex buildings, quadruplex buildings, apartment buildings, mixed in with market rate units as well as designed to resemble as nearly as possible the market rate units otherwise being constructed within the development. Such buildings shall be deemed to be permitted uses in the underlying zone when created for the purpose of meeting the growth share obligation.
- (ii) All affordable housing units shall comply with Section 5 of this ordinance pertaining to the phasing, integration, low/moderate income split, controls on affordability,
- (iii) All affordable housing units shall comply with Council on Affordable Housing rules pertaining to bedroom distribution, heating source and administration of the affordable units, as set forth in N.J.A.C. 5:94-4.4 and elsewhere in the Rules. .

- (iv) All applicable Board of Health and NJDEP regulations for water supply and sewage treatment shall be met.

**B. Creation of Affordable Housing Units Off Site But Within the Borough**

- (i) Developers electing to create affordable units elsewhere within the Borough of Jamesburg may do so with prior written consent of the Borough Council on vacant or underutilized land or within existing buildings that are reconstructed, in any zone where residential dwellings are permitted, as set forth and regulated herein.
- (ii) The minimum square footage of each individual dwelling unit shall be as required by the prevailing zoning or determined by the Combined Land Use Board on a case by case basis.
- (iii) All affordable housing units shall comply with Section 5 of this ordinance pertaining to the phasing, integration, low/moderate income split, controls on affordability,
- (iv) All affordable housing units shall comply with Council on Affordable Housing rules pertaining to bedroom distribution, heating source and administration of the affordable units, as set forth in N.J.A.C. 5:94-4.4 and elsewhere in the Rules. .
- (v) All such units shall meet or shall be improved to meet UCC requirements and shall be certified to be in standard condition prior to their conveyance or occupancy.

**10-10.5 Procedures**

A. The units, once quantified, are specifically identified in the site plan, along with the support services required to sustain low- and moderate-income residences. It is the intent herein not only to encourage the development of low- and moderate-income housing but also to encourage and sustain a quality of life for the low- and moderate-income residents within the proposed development.

B. In preparing plans for low- and moderate-income housing, developers shall follow the following minimum criteria:

- (i) Bedroom distribution of low- and moderate-income units:
  - [1] A minimum 35% shall be two-bedroom units.
  - [2] A minimum 15% shall be three-bedroom units.
  - [3] A maximum 20% may be efficiency units.

(ii) Pricing stratification for purchased housing shall be as follows:

Category	Percentage of Units	Affordability Range (Target Market) in Percentage of Median Income
Low	10	40 to 42.5
	30	42.6 to 47.5
	60	47.6 to 50
Moderate	10	50.1 to 57.5
	10	57.6 to 64.5
	10	64.6 to 68.5
	10	68.6 to 72.5
	20	72.6 to 77.5
	40	77.6 to 80

C. In pursuing the development of low- and moderate-income housing, the Combined Land Use Board may grant bulk variances and/or design waivers necessary to assist in adjusting the site plan configuration, thereby allowing the placement of disbursed low- and moderate-income housing within the limits of any specific project. This procedure will enable the Borough to work closely with the developer to tailor a specific site plan in the event that traditional zoning controls frustrate good site planning.

D. The developer shall deed-restrict all newly constructed low- and moderate-income sales units for a period of not less than 30 years and provide copies of a Council On Affordable Housing adopted restrictive covenant and mortgage lien along with details of the methods of screening applicants to be used as part of the site plan review process.

E. Prior to the issuance of the first certificate of occupancy for any development, the developer shall submit to the administrative agent as designated by Borough Council a list of all low- and moderate-income units to be developed. This list shall include:

- (i) The unit number or address.
- (ii) The targeted income group.
- (iii) The number of bedrooms.
- (iv) The affordability range.

F. The designated administrative agent shall maintain a comprehensive file on low- and moderate-income housing units. Prior to the issuance of a certificate of occupancy or certificate of continued occupancy, a statement from the screening agent certifying the proposed occupant's eligibility shall be submitted to the designated administrative agent and maintained in the file.

G. Affordable housing units to be built in accordance with the following schedule:

Percentage of Market-rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

H. Affirmative marketing. At the time of the initial occupancy of low- and moderate-income units the developer must demonstrate that have an outreach and marketing program to encourage participation of local persons to attempt to see that up to 50% of the units be occupied by persons currently living or working in the Borough of Jamesburg.

I. Prior to the issuance of a certificate of occupancy, the developer shall pay to the designated administrative agent any management or marketing fees adopted by the agency.

**10-10.6 Exemptions**

A. Developers that have received preliminary subdivision or site plan approval prior to the effective date of this Ordinance shall be exempt from providing affordable housing unless the developer seeks a substantial change in the approval.

B. Religious organizations that engage in construction activities for religious purposes shall be exempt from providing affordable housing.

C. Development by public agencies, public hospitals, non-profit educational or religious institutions, charitable or not-for-profit entities legally established in accordance with the laws of the state of New Jersey shall be exempt from providing affordable housing.

2. ANY PART OF PARTS OF ANY ORDINANCES WHICH ARE FOUND TO BE INCONSISTENT WITH THIS ORDINANCE SHALL BE DEEMED TO HAVE BEEN REPEALED TO THE EXTENT OF SUCH INCONSISTENCY.

3. THIS ORDINANCE SHALL TAKE EFFECT UPON PASSAGE AND PUBLICATION ACCORDING TO LAW AND THE FILING OF SAME WITH THE COUNTY PLANNING BOARD IN ACCORDANCE WITH N.J.S.A. 40:55D

**RECORD OF VOTE**

FIRST READING DATE: \_\_11\_\_/\_12\_\_/\_08\_\_

COUNCIL	MOTION	VOTE
CARPENTER		Y
DEANS		Y
GRIMES		A
KOSTBAR	2 <sup>nd</sup>	Y
LONGO	1 <sup>st</sup>	Y
LUDAS		Y

DATE PUBLISHED IN THE CRANBURY PRESS: \_\_10\_\_/\_21\_\_/\_08\_\_

DATE PUBLIC HEARING HELD: \_\_12\_\_/\_17\_\_/\_08\_\_

DATE SECOND READING HELD \_\_12\_\_/\_17\_\_/\_08\_\_

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
CARPENTER		X		X		X
DEANS		X		X		X
GRIMES		X	2 <sup>ND</sup>	X	1 <sup>ST</sup>	X
KOSTBAR	2 <sup>ND</sup>	X		X	2 <sup>ND</sup>	X
LONGO	1 <sup>ST</sup>	X	1 <sup>ST</sup>	X		X
LUDAS		X		X		X

Y=YES                      N=OPPOSED                      A=ABSTAINED                      AB=ABSENT

**Consent Agenda:** Councilman Kostbar stated that he had a conflict of interest for two resolutions on the consent agenda and would abstain from the entire consent agenda rather than remove those two items.

# Resolutions

## RESOLUTION #212-12-17-08\*\*

### RESOLUTION ACCEPTING MONTHLY REPORTS

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

Tax Collector	October 2008, November 2008
Sewer Administrator	October 2008, November 2008
Finance Officer	October 2008, November 2008
Investment Report	October 2008, November 2008
Chief of Police	October 2008
Library Board of Trustees Minutes	September 16, 2008

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER		2nd	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	1st		X			
LUDAS			X			
MAYOR LAMANTIA						

## RESOLUTION #213-12-17-08\*\*

### RESOLUTION AUTHORIZING DEDUCTION ALLOWANCES

**WHEREAS**, THE TAX COLLECTOR HAS CERTIFIED, ON THE LETTER OF REQUEST ATTACHED HERETO, THAT TWO TAX ACCOUNTS ARE ELIGIBLE FOR A VETERANS PROPERTY TAX DEDUCTION; AND

**WHEREAS**, THE TAX BILLS FOR THESE ACCOUNTS DO NOT CURRENTLY REFLECT THE APPROPRIATE DEDUCTION AND MUST BE ADJUSTED:

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE TAX COLLECTOR BE AND IS HEREBY AUTHORIZED TO ADJUST THE TAX ACCOUNT FOR BLOCK 73, LOT 4, AS WELL AS BLOCK 75.01, LOT 338, QUALIFIER C-045, BOTH FOR A VETERANS' DEDUCTION, AS SPECIFIED ON THE ATTACHED LETTERS OF REQUEST.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER		x	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	x		X			
LUDAS			X			
MAYOR LAMANTIA						

## RESOLUTION #214-12-17-08\*\*

### REDEMPTIONS OF TAX LIENS

**WHEREAS**, THE TAX COLLECTOR HAS CONFIRMED RECEIPT OF PAYMENTS IN THE AGGREGATE AMOUNT OF EIGHT THOUSAND THREE HUNDRED ELEVEN DOLLARS AND TWENTY-SEVEN CENTS (\$8,311.27) AS VERIFIED IN THE CERTIFICATION ATTACHED HERETO; AND

**WHEREAS**, THIS PAYMENT HAS BEEN MADE FOR THE REDEMPTION OF THE TAX SALE CERTIFICATES #07-00007, #08-00018, #08-00016, #08-00004, AND #08-00007.

**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 THE TOTAL AMOUNT OF EIGHT THOUSAND THREE HUNDRED ELEVEN DOLLARS AND TWENTY-SEVEN CENTS (\$8,311.27), TO THE LIEN-HOLDERS SPECIFIED IN THE ATTACHED CERTIFICATION.

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #215-12-17-08\*\***

AUTHORIZE REFUNDS OF TAX OVERPAYMENTS

**WHEREAS**, OVERPAYMENTS OF TAXES, HAVE BEEN RECEIVED BY THE TAX COLLECTORS OFFICE IN THE AGGREGATE AMOUNT OF TEN THOUSAND NINE HUNDRED NINETY-THREE DOLLARS AND FORTY-ONE CENTS (\$10,993.41); AND

**WHEREAS**, THESE PAYMENTS HAVE BEEN PROVEN TO THE TAX COLLECTOR AS OVERPAYMENTS;

**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 AGGREGATE AMOUNT OF TEN THOUSAND NINE HUNDRED NINETY-THREE DOLLARS AND FORTY-ONE CENTS (\$10,993.41), IN ACCORDANCE WITH THE CERTIFICATION(S) ATTACHED HERETO.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #216-12-17-08\*\***

AUTHORIZE DEFERMENT OF 2008 LOCAL SCHOOL TAXES AS PROMULGATED BY THE DIVISION OF LOCAL GOVERNMENT SERVICES.

**WHEREAS**, THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY DESIRES TO INCREASE THE 2008 DEFERRED SCHOOL TAXES AS PROMULGATED BY THE DIVISION OF LOCAL GOVERNMENT SERVICES;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY TO INCREASE THE 2008 DEFERRED SCHOOL TAXES AS FOLLOWS:

	<u>FROM</u>	<u>TO</u>	<u>INCREASE</u>
LOCAL DISTRICT SCHOOL TAX	\$2,880,006.50	\$3,080,006.50	\$200,000.00

**BE IT FURTHER RESOLVED**, THAT THE MUNICIPAL CLERK OF THE BOROUGH OF JAMESBURG BE DIRECTED THE FILE THREE CERTIFIED COPIES OF THIS RESOLUTION WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #217-12-17-08\*\***

RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE APPLICATION FOR FEDERAL AID INFRASTRUCTURE FUNDING - SAFE ROUTES TO SCHOOLS PROJECT.

**WHEREAS**, THE MAYOR AND COUNCIL FIND IT NECESSARY TO APPLY FOR FEDERAL AID INFRASTRUCTURE FUNDING FOR THE SAFE ROUTES TO SCHOOLS PROJECT; AND

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE MAYOR IS AUTHORIZED TO SIGN AND THE MUNICIPAL CLERK TO ATTEST THE AFORESAID APPLICATION FOR FEDERAL AID INFRASTRUCTURE FUNDING #2008-DT-BLA-310, AVAILABLE TO MUNICIPALITIES

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #218-12-17-08\*\***

APPROVE PAYMENT OF VOUCHERS

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, THAT THE VOUCHER LIST SUBMITTED IS HEREBY APPROVED FOR PAYMENT IN THE TOTAL AMOUNT OF \$1,551,130.06.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #219-12-17-08\*\***

RESOLUTION OF THE BOROUGH OF JAMESBURG APPROVING PAYMENT CERTIFICATE #1 (FINAL) FOR THE PHASE II STADIUM SEATING AT THE AUGUSTA STREET RECREATION FACILITY PROJECT

**WHEREAS**, THE CONTRACTOR, LANDSITE CONSTRUCTION, CO., HAS SUBMITTED AS-BUILT QUANTITIES FOR THE PHASE II STADIUM SEATING AT THE AUGUSTA STREET RECREATION FACILITY 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 (FINAL), DATED DECEMBER 1 2008, IN THE AMOUNT OF FORTY-EIGHT THOUSAND, NINE HUNDRED DOLLARS (\$48,900.00): AND

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PAYMENT CERTIFICATE #1 (FINAL) IN THE AMOUNT OF FORTY-EIGHT THOUSAND, NINE HUNDRED DOLLARS (\$48,900.00) BE HEREBY AUTHORIZED FOR PAYMENT TO LANDSITE CONSTRUCTION, CO.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #220-12-17-08\*\***

RESOLUTION OF THE BOROUGH OF JAMESBURG APPROVING PAYMENT CERTIFICATE #5 (FINAL) FOR THE STREETScape PHASE III, IMPROVEMENT PROJECT

**WHEREAS**, THE CONTRACTOR, BIG DADDY CONSTRUCTION, INC., HAS SUBMITTED AS-BUILT QUANTITIES FOR THE STREETScape, PHASE III IMPROVEMENT PROJECT; AND

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

**WHEREAS**, THE ENGINEER RECOMMENDS THE APPROVAL OF PAYMENT CERTIFICATE #5, DATED OCTOBER 16, 2008, IN THE AMOUNT OF TEN THOUSAND, FOUR HUNDRED FIVE DOLLARS AND EIGHTY CENTS (\$10,405.80): AND

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG THAT PAYMENT CERTIFICATE #5 (FINAL) IN THE AMOUNT OF TEN THOUSAND, FOUR HUNDRED FIVE DOLLARS AND EIGHTY CENTS (\$10,405.80) BE HEREBY AUTHORIZED FOR PAYMENT TO BIG DADDY CONSTRUCTION, INC.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	X		X			

LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #221-12-17-08\*\***

RELEASE OF PERFORMANCE BOND OF BIG DADDY CONSTRUCTION, INC. BEING HELD FOR THE STREETScape PHASE III CURB AND SIDEWALK REPAIRS PROJECT.

**WHEREAS**, THE BOROUGH OF JAMESBURG IS IN POSSESSION OF A PERFORMANCE BOND FROM BIG DADDY CONSTRUCTION, INC., FOR THE STREETScape PHASE III CURB AND SIDEWALK REPAIRS PROJECT; AND

**WHEREAS**, BIG DADDY CONSTRUCTION, INC. HAS SUBMITTED MAINTENANCE BOND NUMBER #1000776057, AMERICAN CONTRACTORS INDEMNITY COMPANY BEING THE SURETY, IN THE AMOUNT OF ONE HUNDRED SIXTY-SEVEN THOUSAND FOUR HUNDRED EIGHTY-NINE DOLLARS AND EIGHTY FOUR CENTS (\$167,489.84) 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 STREETScape PHASE III CURB AND SIDEWALK REPAIR PROJECT.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #222-12-17-08\*\***

RELEASE OF PERFORMANCE BOND OF J.P. INVESTMENTS BEING HELD FOR THE SUBDIVISION OF BLOCK 39, LOT 1

**WHEREAS**, THE BOROUGH OF JAMESBURG IS IN POSSESSION OF A PERFORMANCE BOND FROM J.P. INVESTMENTS, FOR THE SUBDIVISION OF BLOCK 39, LOT 1; AND

**WHEREAS**, J.P. INVESTMENTS HAS SUBMITTED MAINTENANCE BOND NUMBER #5034165, BOND SAFEGUARD INSURANCE COMPANY BEING THE SURETY, IN THE AMOUNT OF FOUR THOUSAND TWO HUNDRED NINETY-NINE DOLLARS AND FORTY-FIVE CENTS (\$4,299.45) 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 SUBDIVISION OF BLOCK 39, LOT 1.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR					X	
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

\*\*End of Consent Agenda

**RESOLUTION #223-12-17-08**

RESOLUTION ACCEPTING MINUTES

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

MAYOR AND COUNCIL  
November 12, 2008  
December 4, 2008

MAYOR AND COUNCIL EXECUTIVE SESSION

December 4, 2008

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER			X			
DEANS			X			
GRIMES		X	X			
KOSTBAR	X		X			
LONGO			X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #224-12-17-08**

RESOLUTION ACCEPTING LOCAL 210 CONTRACT

**WHEREAS**, THE CONTRACT BETWEEN LOCAL 210 (REPRESENTING THE PUBLIC WORKS DEPARTMENT EMPLOYEES) AND THE BOROUGH OF JAMESBURG WILL EXPIRE DECEMBER 31, 2008; AND

**WHEREAS**, THE BOROUGH OF JAMESBURG WISHES TO ENTER INTO A NEW CONTRACT WITH LOCAL 210, COVERING THE TIME PERIOD FROM JANUARY 1, 2009 TO DECEMBER 31, 2011;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE ATTACHED AGREEMENT BE ACCEPTED AND APPROVED;

**BE IT FURTHER RESOLVED**, THAT THE MAYOR BE AUTHORIZED TO SIGN AND THE BOROUGH CLERK TO ATTEST THE ATTACHED CONTRACT BETWEEN LOCAL 210 AND THE BOROUGH OF JAMESBURG.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR			X			
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

Councilman Longo stated that this contract had been negotiated through the personnel committee and the increases were within the means of the Borough.

**RESOLUTION #225-12-17-08**

**RESOLUTION AUTHORIZING WORK FORCE REDUCTION**  
**DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the Borough, along with other public entities of the State, is subject to the statutory restrictions and limitations imposed upon a public employer by N.J.S.A. 40A:4-45.45 (CAP law); and

**WHEREAS**, said Cap law imposes limitations on the increase of the tax levy of a public entity from year to year; and

**WHEREAS**, the Borough has undertaken an analysis of the implications of the CAP law for the structuring, expenditures and revenues for the 2009 municipal budget; and

**WHEREAS**, as a result of that analysis the Borough has learned that if the payroll and employee benefits are funded at the current level of the employees, the amount to be raised by taxation by the Borough will be over the CAP; and

**WHEREAS**, the Borough has conducted an analysis of what would be required to bring the budget below said CAP; and

**WHEREAS**, such analysis has determined that positions must be eliminated and the reduction in force must occur; and

**WHEREAS**, it is within the managerial prerogative of the Borough to conduct a reduction in force for reasons of economy and efficiency; and

**WHEREAS**, the Borough has determined that this shall be accomplished by eliminating the least senior position in certain job titles.

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

1. One position in the title of Public Works Laborer in the employ of the Borough is eliminated, effective in accordance with law, as a reduction in force for reasons of economy and efficiency; and
2. The person holding the least seniority in that position is therefore terminated from employment.



<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR			X			
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #226-12-17-08**

**RESOLUTION AUTHORIZING WORK FORCE REDUCTION  
DISPATCH**

**WHEREAS**, the Borough, along with other public entities of the State, is subject to the statutory restrictions and limitations imposed upon a public employer by N.J.S.A 40A:4-45.45 (CAP law); and

**WHEREAS**, said Cap law imposes limitations on the increase of the tax levy of a public entity from year to year; and

**WHEREAS**, the Borough has undertaken an analysis of the implications of the CAP law for the structuring, expenditures and revenues for the 2009 municipal budget; and

**WHEREAS**, as a result of that analysis the Borough has learned that if the payroll and employee benefits are funded at the current level of the employees, the amount to be raised by taxation by the Borough will be over the CAP; and

**WHEREAS**, the Borough has conducted an analysis of what would be required to bring the budget below said CAP; and

**WHEREAS**, such analysis has determined that positions must be eliminated and the reduction in force must occur; and

**WHEREAS**, it is within the managerial prerogative of the Borough to conduct a reduction in force for reasons of economy and efficiency; and

**WHEREAS**, the Borough has determined that this shall be accomplished by reducing the least senior position in certain job titles.

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

1. One position in the title of Dispatcher in the employ of the Borough is eliminated, effective in accordance with law, as a reduction in force for reasons of economy and efficiency; and
2. The person holding the least seniority will have their weekly hours reduced to 30 hours per week, thereby becoming a part-time employee

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER			X			
DEANS			X			
GRIMES			X			
KOSTBAR		X	X			
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

Councilman Longo stated that these reduction resolutions were for budgetary reasons only.

**RESOLUTION #227-12-17-08**

**RESOLUTION APPROVING A SEPARATION AND GENERAL RELEASE AGREEMENT BETWEEN THE BOROUGH OF  
JAMESBURG AND GRETCHEN McCARTHY**

**WHEREAS**, THE BOROUGH OF JAMESBURG WISHES TO ENTER INTO A SEPARATION AND GENERAL RELEASE AGREEMENT WITH MUNICIPAL CLERK GRETCHEN McCARTHY; AND

**WHEREAS**, THE PERSONNEL CHAIRMAN AND THE FINANCE COMMITTEE HAVE RECOMMENDED THE APPROVAL OF SUCH AGREEMENT;

**NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED**, BY THE BOROUGH COUNCIL OF THE BOROUGH OF JAMESBURG THAT THE ATTACHED SEPARATION AND GENERAL RELEASE AGREEMENT

BETWEEN THE BOROUGH OF JAMESBURG AND THE JAMESBURG MUNICIPAL CLERK GRETCHEN McCARTHY BE APPROVED;

**BE IT FURTHER RESOLVED,** THAT THE MAYOR IS AUTHORIZED TO EXECUTE AND THE BUSINESS ADMINISTRATOR TO ATTEST THE ATTACHED AGREEMENT BETWEEN THE BOROUGH OF JAMESBURG AND THE JAMESBURG MUNICIPAL CLERK.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER		X	X			
DEANS			X			
GRIMES			X			
KOSTBAR			X			
LONGO	X		X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #228-12-17-08**

APPOINT DEPUTY MUNICIPAL CLERK

I, ANTHONY LAMANTIA, MAYOR, WITH THE ADVICE AND CONSENT OF THE BOROUGH COUNCIL, DO HEREBY APPOINT DENISE JAWIDZIK AS DEPUTY MUNICIPAL CLERK EFFECTIVE DECEMBER 17, 2008 THROUGH DECEMBER 31, 2008 OR UPON A SUCCESSOR BEING DULY APPOINTED AND QUALIFIED.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER	X		X			
DEANS			X			
GRIMES		X	X			
KOSTBAR			X			
LONGO			X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #229-12-17-08**

APPOINT MUNICIPAL REGISTRAR

I, ANTHONY LAMANTIA, MAYOR, WITH THE ADVICE AND CONSENT OF THE BOROUGH COUNCIL, DO HEREBY APPOINT KELLY TAYLOR AS MUNICIPAL REGISTRAR EFFECTIVE JANUARY 1, 2009 FOR A TERM TO EXPIRE DECEMBER 31, 2011 OR UPON A SUCCESSOR BEING DULY APPOINTED AND QUALIFIED. THE SALARY FOR THIS POSITION IS \$13,542 FOR THE YEAR 2009.

<u>COUNCIL</u>	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
CARPENTER	X		X			
DEANS			X			
GRIMES			X			
KOSTBAR		X	X			
LONGO			X			
LUDAS			X			
MAYOR LAMANTIA						

**RESOLUTION #230-12-17-08**

RESOLUTION AUTHORIZING TRANSFERS IN THE 2008 MUNICIPAL BUDGET

**WHEREAS,** PURSUANT TO N.J.S.A. 40A:4-58, APPROPRIATION TRANSFERS ARE ALLOWABLE DURING THE LAST TWO MONTHS OF A FISCAL YEAR; AND

**WHEREAS,** IT IS DEEMED NECESSARY THAT SAID TRANSFERS BE DONE THROUGH VARIOUS ACCOUNTS.

**NOW, THEREFORE, BE IT RESOLVED,** BY THE MAYOR AND COUNCIL OF THE BOROUGH OF JAMESBURG, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, THAT THE FOLLOWING TRANSFERS BE MADE IN THE 2008 BUDGET APPROPRIATIONS:

	<u>CURRENT FUND</u>	
<u>FROM</u>	<u>ACCOUNT NAME</u>	<u>AMOUNT</u>
435.020	Street Lighting	\$7,000.00



**Committee on Education/Street Festival**

Councilman Grimes reported:

Education

No news on the proposed consolidation  
High School construction is ongoing

Street Festival

Committee met last month  
New name "Jamesburg Fall Festival"  
Will include 5K run, Buckelew Celebration  
Working on vendors  
Money will be raised for expenses  
Next meeting January 27, 2009 7pm

**Committee on Personnel/Negotiations**

Councilman Longo reported:

Dispatch negotiations are ongoing  
Next meeting December 23, 2008

**Police Committee/Finance**

Council President Kostbar reported:

Police

Committee met tonight and all has been relatively quiet  
Department has been negatively impacted by the budget but still trying to maintain public safety  
Concerned about the cost of vehicle maintenance

Finance

Budget process is ongoing  
Awaiting state aid figures

**SERV Committee**

Councilwoman Ludas reported:

SERV meeting held November 24, 2008 in Piscataway  
SERV pleased to be located in Jamesburg  
Next meeting February 2, 2009

**Committee on Buildings & Grounds**

Councilman Longo reported:

There was a meeting today with the professionals to discuss the Buckelew Project  
Trying to accomplish the most work for the money we have  
Certain issues are critical to the integrity of the building  
HPO will take time for the review  
Hope to be open by next fall

**Committee on Public Safety**

Mayor LaMantia reported:

Public Safety held a meeting at which the Fire Department discussed upgrading the communications system

The 2009 Reorganization meeting will be held January 7, 2009 at 7pm

Council President Kostbar will attend the County Freeholder meeting tomorrow night to accept a check on behalf of Jamesburg for the Streetscape Project. Other councilmembers may attend.

Councilman Kostbar stated that there is a possibility that the Federal Government may provide infrastructure grants and that this should help fund the CDBG Program. January will start the new grant cycle.

**Motion to Open to Public:**

Proposed: Longo  
Seconded: Carpenter  
All in Favor

Tom VandeSande – 2 Fernwood Lane  
Budget concerns

**Motion to Close to Public:**

Proposed: Longo

Seconded: Carpenter

All in Favor

**Motion to Adjourn:**

Proposed: Carpenter

Seconded: Ludas

All in Favor

Meeting Adjourned: 7:35pm

---

Denise Jawidzik

Deputy Municipal Clerk