

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2010-9 WITH THE REQUEST OF THE HOME NEWS TRIBUNE AND THE SENTINEL NEWSPAPERS TO PUBLISH SAME AND THIS ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES OF THIS MEETING

A Regular Meeting of the Mayor and Council of the Borough of South River, in the County of Middlesex and the State of New Jersey was held January 11, 2010 and was called to order by Mayor Raymond T. Eppinger at 8:30 PM in the Council Chamber of the Criminal Justice Building at 61 Main Street in South River, New Jersey with the following Councilmembers in attendance:

Councilmembers Almeida, Guindi, Hutchison, Trenga, Trzeciak and Krenzel

Also attending this meeting were Gary M. Schwartz, Esq., Borough Attorney, and Andrew Salerno, Borough Administrator.

MINUTES

The Minutes of Meeting No. 282 held on December 28, 2009 were submitted to the Council for acceptance and/or amendment.

Councilwoman Hutchison moved that the Minutes be approved as presented. Councilman Trzeciak seconded the motion. So carried.

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

ORDINANCES – FIRST READING

ORD 2010-1

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2010

Councilman Hutchison moved that the Council pass the said Ordinance on its First Reading by Title Only and that the Clerk be authorized to publish same as is required by Law with the Second Reading and Public Hearing to be held on January 25, 2010 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Trzeciak seconded the motion.

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Krenzel, Trenga, Trzeciak

NAYS: None

PUBLIC COMMENTS (agenda items only)

No comments were made. Councilman Guindi closed the public portion.
Councilman Hutchison seconded the motion. So carried.

Chief Bouthillette announced that the South River Police Department received quite an honor. A South River resident, Corporal Antonio Damas, of the U.S. Marine Corps, presented an American flag to him, which was flown for twenty-four hours at his base camp in Afghanistan, on behalf of the South River Police Department. Corporal Damas would like to become a South River Police Officer. This is about a young man fighting for our freedom. Chief Bouthillette stated that he will have the flag mounted and displayed with great honor.

MAYOR'S APPOINTMENT

RES:2010-61

JANUARY 11, 2010

RESOLUTION

I, Raymond T. Eppinger, Mayor of the Borough of South River, do hereby appoint the following as members of the South River Planning Board:

| | |
|----------------------------------|-----------------------------|
| Michael Beck - Class 4 | Term: 1/1/2010 – 12/31/2013 |
| Gordon Anthony – Class 4, Alt. 2 | Term: 1/1/2010 – 12/31/2011 |
| John Frost – Class 2 | Term: 1/1/2010 – 12/31/2011 |
| Cynthia Urbanik – Class 2 | Term: 1/1/2010 – 12/31/2010 |

DATED: JANUARY 11, 2010

/s/ Raymond T. Eppinger
Mayor

RESOLUTIONS

RES: 2010-62

JANUARY 11, 2010

BOROUGH OF SOUTH RIVER
MIDDLESEX COUNTY, NEW JERSEY
CANCELLATION OF EMERGENCY AUTHORIZATIONS

WHEREAS, the Borough of South River adopted an Emergency Authorization on December 14, 2009 for various Capital Improvements; and

WHEREAS, the Borough simultaneously introduced an amendment for Removal and Replacement of Emergency Generators at the Tile Yard and Jackson Street Pumping Improvement Authorizations – Ordinance #2009-31/2009-54; and

WHEREAS, such Capital Ordinance has now been legally adopted; and

WHEREAS, the Borough of South River is desirous to cancel such emergency since funds have been provided for by Ordinance N.J.S.A. 40A 4-47 as follows:

CURRENT FUND BUDGET:

8. GENERAL APPROPRIATIONS

(c) Capital Improvements - Excluded from "CAPS":

Improvements to Sanitary Sewer System \$ (44,000.00)

WHEREAS, the Net Emergency Authorizations for 2009 are zero.

BE IT FURTHER RESOLVED that:

- 1 Resolution #2009-397 dated December 14, 2009 is hereby cancelled.
2. Funds for the purposes are provided for by Capital Ordinance #2009-31/2009-54.

DATED: January 11, 2010

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

RES:2010-63

JANUARY 11, 2010

RESOLUTION GRANTING RENEWAL TO
PLENARY LICENSES IN THE BOROUGH
OF SOUTH RIVER FOR THE PERIOD
JULY 1, 2009 TO JUNE 30, 2010

WHEREAS, the Borough Council of the Borough of South River in the County of Middlesex, New Jersey, has received an application for the renewal of Plenary License for the period of July 1st, 2009 until June 30th, 2010; and

WHEREAS, said application is complete and on file in the Office of the Borough Clerk for public inspection; and

WHEREAS, all requirements have been complied with and the Borough Council thereon has determined that no protests have been filed against the granting of the said renewal application for such plenary license; and

WHEREAS, the New Jersey Division of Alcoholic Beverage Control has granted permission for the renewal of said license, pursuant to N.J.S.A. 33:1-12.39.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of South River in the County of Middlesex, New Jersey, that approval is hereby granted to said application, subject to the Rules and Regulations of the Alcoholic Beverage Control Commission and Code of the Borough of South River; and

BE IT FURTHER RESOLVED that the certified copies of this resolution be filed with the Division of Alcoholic Beverage Control Commission, the applicant for their record purposes, the Beverage Tax Bureau, and the Chief of Police of the Borough.

PLENARY RETAIL CONSUMPTION LICENSE:

STATE/LOCAL
NUMBERS:

HOLDER

TRADE NAME

C-1
1223-32-019-008

Patel Ramesh M
2 Nathan Drive
East Brunswick, NJ 08816
(Pocket)

None on file

DATED: JANUARY 11, 2010

/s/ Michael Trenga
Councilmember

/s/ Rui Almeida
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

RES:2010-64

JANUARY 11, 2010

RESOLUTION

WHEREAS, there exists a need for an information specialist to provide network maintenance and support services for the Borough's computer network system; and

WHEREAS, the maximum amount of the contract in question is less than \$17,500.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the borough administrator has certified that this meets the statute and regulations governing the award of said contract.

WHEREAS, the Chief Financial Officer of the Borough has certified the availability of funds in account 10-01-31-453-201.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of South River as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the agreement with PentaTek for the hourly consideration set forth in said agreement on file with the Borough Clerk.
2. This contract is awarded without competitive bidding as an "Extraordinary, Unspecifiable Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because of the specialized and qualitative nature of the expertise required in recommending an adequate communications system, involving training and proven reputation of such a consultant who has successfully served numerous municipalities in the same capacity.
3. A notice of this action shall be published in the Home News Tribune.

DATED: JANUARY 11, 2010

/s/ Michael Trenga
Councilmember

/s/ Rui Almeida
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

RES:2010-65

JANUARY 11, 2010

RESOLUTION

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the resignation letter dated January 2, 2010 submitted by David Krempecki as a Member of the Planning Board of the Borough of South River, is hereby accepted.

DATED: JANUARY 11, 2010

/s/ Michael Trenga
Councilmember

/s/ Rui Almeida
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

RES:2010-66

JANUARY 11, 2010

RESOLUTION

WHEREAS, the governing body has received final payment estimate No. 2 and a close out change order request from the Borough Engineer for the project known as 2009 Roadway Improvements (2009 Roadway Overlay Project and 2009 Roadway Reconstruction Project) which was completed by S. Brothers, Inc.; and

WHEREAS, the Borough Engineer has advised in a letter dated December 22, 2009 that the close out request reflects reductions and decreases in contract quantities and supplementary items required to satisfactorily complete the aforesaid project due to field conditions encountered which resulted in an overall reduction of items originally included in the contract or additional quantities required for "if and where ordered" purposes, and all of which calls for an overall decrease in the original contract amount of \$15,053.26; and

WHEREAS, the close out change order reflects unforeseeable conditions determined during the project and the change in quantities or supplemental items still provides improved municipal services to the residents of the borough; and

WHEREAS, the Borough Engineer recommends approval of the close out change order request as well as final payment to S. Brothers, Inc. in the amount of \$25,494.92 subject to the contractor submitting a one year maintenance bond in the amount of \$41,251.99.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the final close out change order request of S. Brothers, Inc. for the aforesaid project together with the final payment of \$25,494.92 is hereby approved subject to the contractor posting the aforesaid maintenance bond, paying all outstanding fees and completing remaining punch list items set forth on a November 9, 2009 updated preliminary punch list of the Borough Engineer.

DATED: JANUARY 11, 2010

/s/ Michael Trenga
Councilmember

/s/ Rui Almeida
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

RES:2010-67

JANUARY 11, 2010

RESOLUTION

WHEREAS, pursuant to the applicable Statutes of the State of New Jersey, the Local School District is required to requisition funds for Operating Expense and Debt Service Expense from the Borough; and

WHEREAS, a requisition dated December 18, 2009 has been received from the Local School District for the following amount:

CURRENT OPERATING EXPENSE: \$988,413.00

RESTORED FUNDS:

DEBT SERVICE EXPENSE: _____

TOTAL \$988,413.00

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the Chief Financial Officer is hereby authorized and directed to draw the above stated amount from the proper accounts and pay to the Custodian of the School Monies the amount so drawn pursuant to the applicable Statutes of the State of New Jersey by February 11, 2010.

DATED: JANUARY 11, 2010

/s/ Michael Trenga
Councilmember

/s/ Rui Almeida
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

RES: 2010-68

JANUARY 11, 2010

RESOLUTION

WHEREAS, the official utility records of the Borough of South River, New Jersey show certain refunds which include electric, water and consumer deposits (CD); and

WHEREAS, the Collector of Utility Revenue recommends that the following refunds should be made to the consumer noted herein below listed; and

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of South River that the Collector of Utility Revenue is hereby authorized to make the following refunds and adjustments indicated below and any attached list.

| <u>ACCOUNT #</u> | <u>PAYABLE TO:</u> | <u>AMOUNT OF CHECK</u> |
|-------------------|---|------------------------|
| 65-999-911-120 CD | COMBINED STAFFING RECOURSES, LLC 72 E MAIN ST SOMERVILLE, NJ 08876 | \$57.68 |
| 65-999-951-006 CD | LIODVIG DIANKOV 16 ANDERSON ST 2 ND FL SOUTH RIVER, NJ 08882 | \$78.35 |
| 65-999-888-768 CD | MODESTO GARCIA 1184 COZZENS LN SUITE B NORTH BRUNSWICK, NJ 08902 | \$152.40 |

| | | | |
|----------------|------------|--|----------|
| 65-999-997-822 | CD | YULIA KIPNIS C/O DINA VOGORELSKY 1060 DEERHAVEN TER STEWARTSVILLE, NJ 08886 | \$157.16 |
| 65-999-967-770 | CD | AURAM KUTCHIWSKI P O BOX 109B MILLTOWN, NJ 08850 | \$144.38 |
| 65-999-903-299 | CD | CLAUDIO LEAO | \$199.05 |
| 65-999-903-299 | ELEC PRIOR | 81 VAN BUREN ST NEWARK, NJ 07105 | \$717.11 |
| 65-999-997-074 | CD | EUGENE LEGAGNEUX C/O L CALLO 5602 ESSEX LN MOUNT LAUREL, NJ 08054 | \$179.76 |
| 65-999-984-413 | CD | DOROTHY LEIST ROSE MT CARE CENTER RR 1 BOX 18 NEW BRUNSWICK, NJ 08902 | \$197.62 |
| 65-999-896-941 | ELEC PRIOR | JACOB MULLIS & J SIMARD 345 CASTLETON AVE STATEN ISLAND, NY 10301 | \$97.00 |
| 65-999-997-679 | CD | MAHENDA & MINAXI SHAH 106 VILLAGE WEST DR SPOTSWOOD, NJ 08884 | \$209.48 |
| 65-999-963-095 | CD | TATSIANA SHAROIKINA 46 APPLETREE LN APT C OLD BRIDGE, NJ 08857 | \$145.12 |
| 65-999-888-053 | CD | SENTHILKUMAR SHUNMUGAM 138 GREYSTONE LN APT 11 ROCHESTER, NY 14618 | \$177.63 |
| 65-999-908-359 | CD | DONALD STRONG 881 UPPER MAIN ST SOUTH AMBOY, NJ 08879 | \$46.91 |
| 65-999-905-037 | ELEC PRIOR | JOSEPH TUCCI 325 PARK AVE NUTLEY, NJ 07110 | \$64.38 |
| 65-999-954-790 | CD | ANDRZEJ WACHOWIAK 53 WINDING WOOD DR APT 5A SAYREVILLE, NJ 08872 | \$160.42 |

JANUARY 11, 2010

DATED: JANUARY 11, 2010

/s/ Michael Trenga
Councilmember

/s/ Rui Almeida
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

RES: 2010-69

JANUARY 11, 2010

RESOLUTION

WHEREAS, the official utility records of the Borough of South River, New Jersey show certain adjustments, recessions, amendments, cancellations, corrections, refunds and uncollectibles should be made on certain accounts due to various reasons; and

WHEREAS, the Utility Collector recommends these changes as listed; and

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED that the Borough Utility Collector be and he is authorized to make the necessary adjustments, indicated below and any attached list.

UTILITY CUSTOMER

| <u>ACCOUNT NUMBER</u> | <u>REASON</u> | <u>AUTH</u> | <u>YEAR</u> | <u>AMOUNT</u> |
|--|--------------------|-------------|-------------|---------------|
| SHAH, MAHENDA & MINAXI 20 Wojie Way Apt 308 South River, NJ 08882 #65-999-997-679 | Elec Credit | Refund | 2009 | \$39.16 |
| | MUNICIPAL LIFELINE | | | |

DATED: JANUARY 11, 2010

/s/ Michael Trenga
Councilmember

/s/ Rui Almeida
Councilmember

JANUARY 11, 2010

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

RES:2010-70

JANUARY 11, 2010

RESOLUTION

WHEREAS, Thomas Acs has resigned as a member of the Junior Firefighters.

NOW, THEREFORE, BE IT RESOLVED, that I, Raymond T. Eppinger, with the advice and consent of the Council of the Borough of South River, do hereby appoint Thomas Acs as a full member of the South River Fire Department, Engine Company #1, of the Borough of South River effective as of January 5, 2010.

/s/ Raymond T. Eppinger
Mayor

DATED: JANUARY 11, 2010

/s/ Michael Trenga
Councilmember

/s/ Rui Almeida
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

RES:2010-71

JANUARY 11, 2010

RESOLUTION

I, Raymond T. Eppinger, Mayor of the Borough of South River, with the advice and consent of the Council of South River, do hereby appoint the following as member of the Economic Development Commission:

Tele Koukourdelis – Alternate 1 Term: 1/1/2010 – 12/31/2013

DATED: JANUARY 11, 2010

/s/ Raymond T. Eppinger
Mayor

/s/ Michael Trenga
Councilmember

/s/ Rui Almeida
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Trenga, Trzeciak, Krenzel
NAYS: None

COUNCIL COMMENTS

Councilman Almeida

- Happy New Year to all
- Congratulations to his brother and new bride who got married this weekend
- Happy Birthday to son, Rui who turned 14 today
- Will attend next meeting of the Cultural Arts and Heritage Commission; will be meeting with the Chairman, John Mulvihill
- Municipal Alliance meeting – 1/13/10 – at High School
- Looking forward to another productive year on Council
- Thanked Corporal Damas for flying flag on behalf of SRPD and for the sacrifice that he and all servicemen and women are making
- Thanked David Krempecki for his many years of service on the Planning Board
- Offered condolences on the passing of Bill Lane – past director of SR Little League

Councilman Guindi

- Thanked DPW for job sell done on salting roads
- Thanked David Krempecki for his service on Planning Board; sat with Mr. Krempecki for ten years on the Planning Board; he will be missed
- Planning Board meeting – 1/19/10
- Welcome back John Krenzel
- Congratulations to Christopher Raffano on becoming the Director of the Freeholders; knows Mr. Raffano will help South River in every way possible
- Happy New Year

Councilman Hutchison

- Best wishes to residents for a happy and healthy new year
- Thanked former Councilmen Tony Razzano
- Welcome John Krenzel
- Parks and Recreation – met on 1/5; hockey program ended in December; great job with program and support of New Jersey Devils; wrestling and basketball going well; 1/29 – Rec Night – all recreation program children wearing their uniform will get free admission to High School varsity game; 1/19 – men’s fitness classes begin - \$30 for 16 classes – held on Tuesday and Thursday at 7:30 p.m., encouraged Council members to sign up; spring registration begins 2/22 and 2/24 from 6:30 p.m. to 9:00 p.m. at the Middle School gym and during all of March at the Recreation Office from 10:00 a.m. to 3:00 p.m.

- Alternative Energy meeting – 1/12 in Council Chambers – 7:30 p.m.
- E/STC meeting – 1/14 – Library – 7:00 p.m.
- Parking Authority meeting – 1/21
- Unable to attend February meeting of Parks and Recreation; Councilman Almeida stated that he will attend February meeting
- Thanked Corporal Damas for gift to SRPD
- Thanked DPW staff for doing a great job
- Flood insurance – working on lowering flood insurance premiums

Councilman Trenga

- Thanked employees and volunteers for their hard work
- TNR Committee meeting – 1/12
- Attending OOA meeting on 1/13 to discuss agenda for year
- EDC meeting – 1/14
- Thanked David Krempecki for his many years of service on Planning Board
- Welcome back John Krenzel
- Thanked Corporal Damas for presenting flag – wonderful thing to serve our country

Councilman Trzeciak

- Congratulations to 2010 Fire Chiefs and Rescue Squad officers
- Welcome John Krenzel
- Fire at Willett Manor – commended OEM
- Thanked Fire Department for reception on New Year's Day
- Thanked Corporal Damas for presenting flag – “Semper Fi”
- Flood insurance – trying to lower premiums for residents in Borough
- Rabies Clinic – 1/16 – 12:00 to 2:00 p.m. dogs; 2:00 to 3:00 p.m. cats
- Congratulations and thanks to David Krempecki for many years of service on Planning Board
- Is Chairman of Public Safety Committee – looks forward to next meeting

Councilman Krenzel

- Happy New Year to all
- Thanked all for kind words
- Tony Razzano – enjoy retirement; glad to see remaining active
- Thanked David Krempecki for the many years of service on Planning Board
- Census 2010 – important to know how many people are in South River; important for funding, state aid depends on number of people; all have to be counted
- Budget – progressing; meeting on Thursday
- Thanked Corporal Damas on presenting flag; very nice thing to do; remember to keep in prayer the people serving our country; so often we hear about negative people in press

Mayor's Comments

- H1N1 clinic for public – 1/20 at Brunswick Square Mall
- Will be meeting with Chief Bouthillette on Friday to discuss goals and objectives
- Will be meeting with Debbie Jones, Lt. Casey and Census 2010 staff on Friday
- Thanked David Krempecki for his years of service on Planning Board
- Congratulations to Freeholder Christopher Raffano on his new position; looking forward to working with him
- Waiting on delivery of medical transport van
- Pancake Breakfast – Super Bowl Sunday – American Legion – 2/7
- Meeting with non-profits on 2/11 to discuss electric rates; Mr. Salerno and Jim Jablonski of PPANJ will be present; Mr. Salerno stated that a twelve-week study period is highly recommended by the American Association of Power Providers; electric rates will be related to revenue centers; will be a worthwhile tool going forward; meters are being delivered this week; will be one of first municipalities in country to install smart meters
- Thanked Corporal Damas on behalf of all South River residents for presenting flag to SRPD; will invite him back to a Borough Council meeting upon his return from duty
- Happy New Year
- Councilmembers will be serving on different committees; much to accomplish
- Looking forward to working on budget; how we will proceed depends on what happens in Trenton; South River is in good shape

Public Comment (for good and welfare of borough)

Marilyn Meloni, 53 Kamm Ave.

- Asked if all the HCD money was spent. Mr. Salerno stated that he would check with Mr. Zanga, the Chief Financial Officer, and advise.

Donna Farren, David St.

- Asked about the RFP that was on the website for a professional planner. Mr. Salerno stated that it was for a Planner for the Planning Board and Zoning Board.

John Scala, 440 Old Bridge Turnpike

- Commented on state budget
- Discussed HCD funds
- Wished all a happy and healthy new year

Anthony Razzano, 49 Essex St.

- Thanked Councilmen Hutchison and Krenzel for their kind words
- Expressed concern regarding a water hazard on Johnson and Essex Streets; creates a large sheet of ice; asked Mr. Salerno to have DPW check it out as soon as possible; borough has to take care of street; asked if Engineer can look to see if it is problem with groundwater. Mr. Salerno stated that issue is some pumps

discharge into the public right of way. Mr. Razzano said that something more than going out and chopping ice needs to be done. Mayor Eppinger stated that he has received more phone calls this year regarding sump pumps discharging into street. Mr. Razzano stated that the issue has to be addressed, possibly change ordinance, responsibility of property owner

- Thanked Corporal Damas – was one of his students
- Congratulations to John Krenzel and John Trzeciak
- Good luck to all

No further comments were made. Councilman Guindi closed the public portion. Councilman Trenga seconded the motion. So carried.

Adjournment

Councilman Hutchison moved that this meeting be adjourned at 9:38 p.m. Councilman Guindi seconded the motion. So carried.

Respectfully submitted on
January 22, 2010.

Patricia O'Connor, RMC
Borough Clerk

Approved at the regular meeting
held on January 25, 2010