

DISCLAIMER

THIS IS AN UNOFFICIAL DOCUMENT UNTIL APPROVED BY GOVERNING BODY

AGENDA:

MAYOR AND BOROUGH COUNCIL

BUSINESS (X)

MEETING NO.11

REGULAR ()

DATE: 5/12/14

7:00 P.M.

SPECIAL ()

ROLL CALL:	Mayor Krenzel	()			Atty: _____
	Clm. Guindi	()	Clm. Jones	()	Eng: _____
	Clm. Haussermann	()	Clm. Trenga	()	Adm: _____
	Clm. Hutchison	()	Clm. Roselli	()	: _____

Public Announcement - Chapter 231, P. L. 1975

PUBLIC COMMENTS (agenda items only)

MINUTES

Minutes of Meeting No. 10 held on April 28, 2014

REPORTS

1. CFO/Treasurer
2. Professional staff
3. Departments

LICENSES

Mobile Retail – Frank’s Ices & Ice Cream/Jimmy’s (Attachment A)

NEW BUSINESS

- Refund of electric consumer deposits (Attachment B)
- Dedication by Rider – Cultural Arts and Heritage Commission
- Bond Ordinance – purchase and installation of standby generators
- Bond Ordinance – various road improvements (Attachment C)
- Bond Ordinance – amend Ord. 2008-19 – demolition and site improvements for firehouse
- Property Vacation request (Attachment D)
- Block Party request – Theresa Place (Attachment E)
- Federal grants – sidewalks (Attachment F)
- Camera surveillance – parking lots
- Leonardine Avenue Speeding

UNFINISHED BUSINESS

- Library Board of Trustees appointment
- Fire House Architect
- Generators (Attachment G)
- Lincoln School (Attachment H)
- Firehouse site – demolition/site remediation (K of C/Fink/Boxing Club)
- Post-Sandy Planning Assistance Grant – DCA - Bignell (Attachment I)
- Jackson St.-Washington St. Parking Lot

COUNCIL COMMENTS

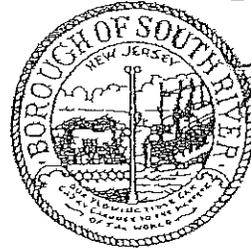
EXECUTIVE SESSION

Personnel

ADJOURNMENT

A

BOROUGH OF SOUTH RIVER
MIDDLESEX COUNTY
NEW JERSEY
08882-1247



2014 Ice Cream Truck

APPLICATION FOR LICENSE REGULATING
MOBILE RETAIL FOOD ESTABLISHMENTS
(Ord. 2009-48)

ALL LICENSES SHALL EXPIRE ON DECEMBER 31 OF THE YEAR IN WHICH ISSUED

The undersigned hereby makes application for a license under the above entitled ordinance and makes the following representations:

1. Name under which business is to be conducted:

FRANK'S ICES & ICE CREAM / JIMMY'S

2. Applicant's name (if corporation, give names and addresses of president and secretary; if a partnership, give names and addresses of all partners)

FRANCISCO J. PACHECO
72 KIERST ST PARLIN NJ. 08859

3. Present residence address and address of business if different

72 KIERST ST PARLIN NJ. 08859

Residence over the past five years (if individual)

SAME

4. Home Telephone Number:

Cell Number: 908-601-5552

Business Number: 908-601-5552

5. Location or route within the Borough where the business is to be conducted.

STREETS OFF SOUTH RIVER.

6. Addresses and municipalities in which the business has operated for the past five years

SOUTH RIVER. 20 YEARS.
SAYREVILLE. 20 YEARS. WEST BRUNSWICK 20 YEARS.

7. Nature of business:

FRANK'S ICES & ICE CREAM (JIMMY'S)
TO SELL ICE CREAM FROM TRUCK

B

Request for Council Action

Date: 5/7/14

Resolution: ✓

Ordinance: _____

Other Reason for Request (Attach Back-up)

UTILITY REFUNDS

Funds Appropriated: yes no not applicable



Rubad Suda
Department Head



Approval/Disapproved Administrator

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>
66-999-996-908 WTR CURRENT	CASIMIR BAJSSERT 6 LONGVIEW RD OLD BRIDGE, NJ 08857	\$30.06
65-999-912-286 ELEC CURRENT	MYRNA FLORES 1 SPENCER LANE OLD BRIDGE, NJ 08857	\$42.40
65-999-964-096 ELEC CURRENT	JOHN HOWARD 15 STRATFORD DR APT 6 OLD BRIDGE, NJ 08857	\$24.61
65-999-855-933 CD	MICHAEL IVEY & JAMES BOYD 216 SUNNYVIEW OVAL KEASBY, NJ 08832	\$39.25
65-999-01-112 CD	ZORIADA MELENDEZ 1314 SOUTHEAST 18 PLACE OCALA, FL 34471	\$128.64
65-999-885-622 ELEC CURRENT	ROBERT MILLER 22 HUDSON CT LINCOLN PARK, NJ 08823	\$44.85
65-999-000-667 CD	F PATRICIO & B & D CASTRO 665 GERARD AVE LONG BRANCH, NJ 07740	\$26.71
65-999-854-437 CD	RUBEN PONCE & ZULEYKA RUIZ 189 MAIN ST SOUTH RIVER, NJ 08882	\$34.40
65-999-001-143 CD	DOLORES TAYLOR 5230 PORTSIDE LANE RALEIGH, NC 27610	\$142.61

65-999-000-793 CD

VERTICAL FITNESS DANCE
56 FERRY ST
SOUTH RIVER, NJ 08882

\$304.90

/s/ _____
Councilmember

/s/ _____
Councilmember



JOHN H. ALLGAIER, 1983-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

January 13, 2014

Borough of South River
48 Washington Street
South River, New Jersey 08882

Attn: Fred Carr, Borough Administrator

**RE: 2014 Road Program
South River, New Jersey
Our File No.: PSR00046.01/PSR00042.05**

Dear Mr. Carr:

Pursuant to the Borough's request, I have reviewed the following roads that the Borough is considering having the Middlesex County Road Department resurface:

1. Rose Street.- From Monush Street to Prospect Street
2. Cleveland Ave. – from Old Bridge Turnpike to Albourne Street.
3. Essex Street.- from Willet Avenue to Johnson Place
4. Union Ave. – from East Street to Center Street
5. Pettit Ave. – from Old Bridge Turnpike to Rubin Street.
6. Edgewood Street.- Entire length
7. Morningside Ave. – from Montgomery Street. to Willett Ave.(but not the portion from OBT to David Street)
8. Virginia Street – from Main Street. to George Street.
9. Monush Street.- from Prospect Street to John Street

Based on my field review, I suggest the Borough contact the County to provide the Borough with the milling/paving costs for Rose Street, Cleveland Avenue, Essex Street, Union Avenue, Morningside Avenue and Monush Street. I believe Pettit Avenue and Edgewood Street require more significant work and I don't believe the County will mill the concrete surface of Virginia Street.

The Borough may want to have the Public Works Department cut and remove a small portion of pavement on any roads you are considering having the County resurface to determine the pavement thickness.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Bruce M. Koch, P.E., P.P., C.M.E.
Borough Engineer's Office

BMK/sm

cc: Mayor John Krenzel
All Council Members
Borough Clerk
Borough Attorney
Chief Financial Officer
Borough Construction Official



PATJ
New Business D
12 May 2014
Fred

RECEIVED
BOROUGH OF SOUTH RIVER
2014 MAY -6 AM 9:04

May 5, 2014

Dear Mayor & council,

I am writing this letter in conjunction with a variance report in hopes to get permission to install a 6' white vinyl fence around my back yard. The main objective is to obtain privacy and security for a dog as well as improve the aesthetics, integrity, property value, and resale attractiveness. Also my guests and I would like to be comfortable in my own backyard and not feel like a spectacle for the neighborhood. At the present time I am one of two houses in town that lives on two corners presenting a problem for a 6' fence installation when the code only permits a 3' fence.

I am located at the end of Willow ave and the corner of Willet lane. For the 10 years I have lived here, the supposed street I live next to has never been paved alas leaving it to retain water and remain muddy for days after a rain. A new fence would make the area much nicer looking against the corner of the street and the dirt road next to my house.

Also I am told that I need to ask for a "vacation" of "public way property" to be vacated to me in order to install the fence on the one side of my house legally. At the present time my property line reads 32.15 x 80' when it rightfully should be 40' x 80' as I was lead to believe when I originally purchased the house. (See enclosed drawing) There has been an old existing fence on the property for 40+ years on what is on paper considered "public way". This would put approximately 628 square feet of public way properly into my survey. I understand that this may increase my property taxes but I am more than willing to pay as long as I have permission to install a proper 6' privacy fence in the back.

To summarize my request, it's to install a 6' fence in the rear of my house replacing all the old fence in the back to 6' white vinyl and the existing front to 3' black rod iron as well as a property vacate report done in order to restore public way property back to my original survey. I would like to speak with someone in person and have them view the property in order to help draw a visual picture of what I would like to do and so I can speak more in detail of the project and have them see how out in the open my back yard is to the public view.

Please feel free to contact me any time via phone. Thank you very much for your time and I am looking forward to hearing your reply

Sincerely

Dan Rudy

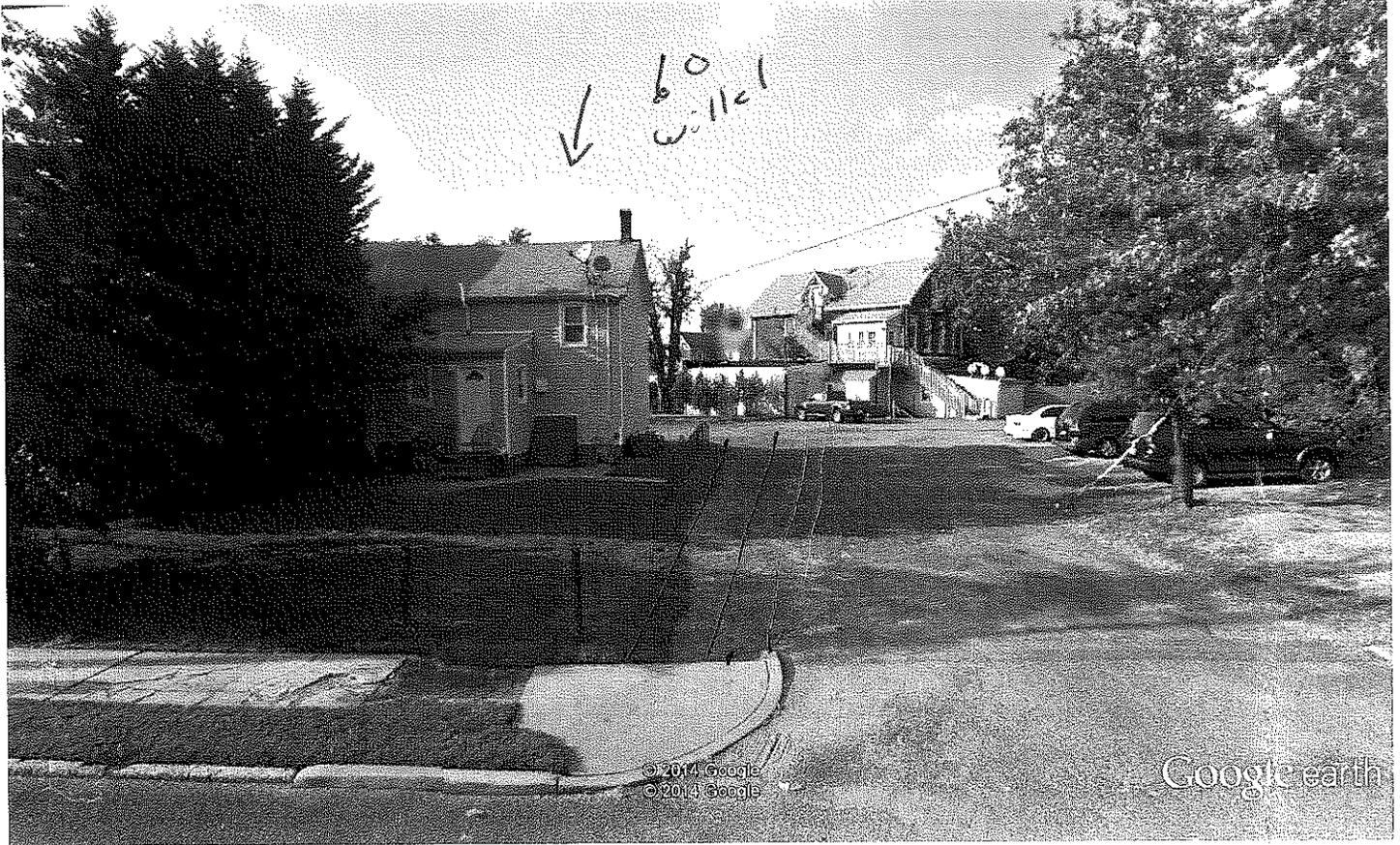
60 Willett Lane, So River

908-447-2583



Google earth





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© 2014 Google

Google earth

Google earth





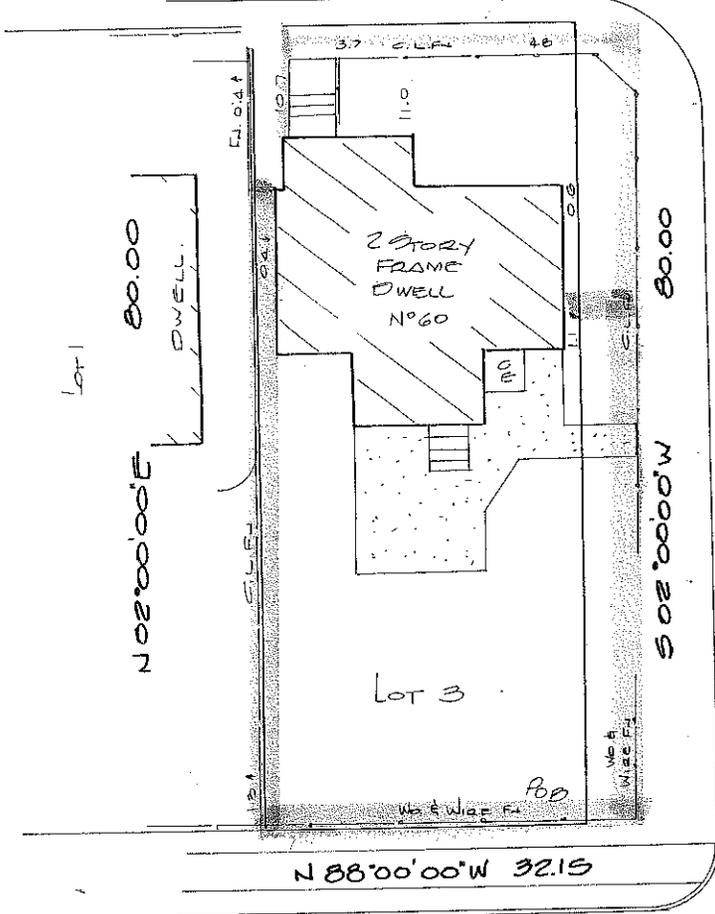
Google earth



265 3

WILLET (20') PLACE

588°00'00"E 32.15



WILLET (33') AVENUE

0' WHITE PRIVACY FENCE

3' BLACK ROD IRON

11.5' DEED

* ALL FENCE INSTALLED 60" FROM PROPERTY LINE

CHARLES (40') STREET

I DECLARE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THAT THIS MAP OR PLAN IS THE RESULT OF A FIELD SURVEY MADE 11-01-05 BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS N.J.A.C. 13:40-5.1 "LAND SURVEYORS, PREPARATION OF LAND SURVEYS". THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE CONDITIONS FOUND AT AND AS OF THE DATE OF THE FIELD SURVEY EXCEPT SUCH IMPROVEMENTS OR EASEMENTS IF ANY BELOW THE SURFACE OF THE GROUND AND ARE NOT VISIBLE, OR ANY PERTINENT FACTS AN ACCURATE TITLE SEARCH MAY DISCLOSE. THIS ASSUMED BY THE SURVEYOR FOR USE OF THIS SURVEY FOR ANY OTHER PURPOSE. CAUTION, IF THIS DOCUMENT DOES NOT CONTAIN A RAISED IMPRESSION SEAL OF THE PROFESSIONAL, IT IS NOT AN AUTHORIZED ORIGINAL DOCUMENT AND MAY HAVE BEEN ALTERED. OFFSETS AND BUILDING DIMENSIONS SHOWN HEREON SHALL NOT BE USED AS A BASIS FOR CONSTRUCTION OF ANY PERMANENT FEATURES INCLUDING FENCES, SHEDS, BUILDINGS, ETC. OR PROPERTY LINE LOCATION.

"A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO N.J.A.C. 13:40-5.1 (D)"

SURVEY PLAT

**LOT 3, BLOCK 265
ON THE
BOROUGH OF SOUTH RIVER
TAX MAP
BOROUGH OF SOUTH RIVER
MIDDLESEX CO., NEW JERSEY**

TO: DANIEL RUDY
FIRST INTERSTATE FINANCIAL CORP.,
AND/OR THE SECRETARY OF HOUSING
AND URBAN DEVELOPMENT,
THEIR SUCCESSORS AND/OR ASSIGNS
STEWART TITLE GUARANTY COMPANY
AND CLEAR ADVANTAGE TITLE, INC.
SIMON & LUPO
RICHARD LUPO, ESQUIRE

CERT. OF AUTH. # 24GA27979000

WILLIAM J. FIORE, INC.

PROFESSIONAL LAND SURVEYORS
263 BRICK BLVD., UNIT 5, BRICK, NJ 08723
TEL. (732) 920-5100 FAX (732) 920-5199

**WILLIAM J. FIORE, PROFESSIONAL LAND
SURVEYOR GS # 35362 DATE 12/12/2005**

E

RECEIVED

MAY - 6 2014

BOROUGH CLERK

May 2, 2014

The Mayor and Borough Council
Borough of South River
48 Washington St
South River, NJ 08882

Re: Annual Theresa Place Block Party

Members of the Governing Body:

Please allow this letter to serve as our request to hold our Annual Block Party on Wednesday July 2, 2014 from 5:00pm until 10:00pm which will coincide with South River's annual Independence Day Fireworks Display.

We are requesting that DPW provide the appropriate barriers to block off our dead end street. We will set them up and take them down to be picked up by DPW on the morning of July 3rd. As always, the residents of Theresa Place will adhere to all stipulations set forth in the authorizing resolution.

In the event of rain, please allow this to allow us to have the Block Party on the Township's Fireworks Display rain date of July 3rd and have the barriers picked up on the morning after.

Thank you in advance for your support in this matter.

Very truly yours,

Michael Beck
5 Theresa Place
South River, NJ 08882

(732) 613-5926



Michael Pytel
3 Theresa Place
South River, NJ 08882

(732) 254-2774

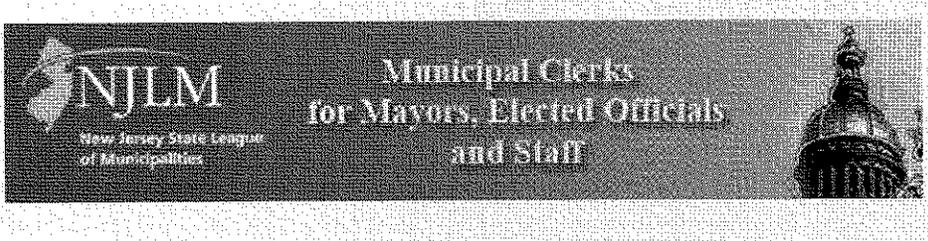


cc: F. Carr

F

Patricia Oconnor

From: NJLM to Municipal Officials <njlm-clerks@njslom.org>
Sent: Monday, April 21, 2014 1:15 PM
To: Patricia Oconnor
Subject: TRANSPORTATION FUNDING OPPORTUNITIES



Membership Advisory

April 21, 2014

Re: TRANSPORTATION FUNDING OPPORTUNITIES

Dear Mayor:

UPDATE: The deadline for submitting applications for the 2014 Safe Routes to School and the Transportation Alternatives Programs has been extended to Monday, June 30th 2014

New Jersey Department of Transportation Commissioner James Simpson recently announced two important transportation funding opportunities. Both are Federal Aid programs being administered by the New Jersey Department of Transportation (NJDOT), in partnership with the North Jersey Transportation Planning Authority (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC), and the South Jersey Transportation Planning Organization (SJTPO).

As with all federally funded programs, the funds will be disbursed on a reimbursement basis. The award of grants will be contingent upon the recipient's ability to comply with all applicable federal financial management, project implementation, and oversight regulations. Before applying, applicants should assess their capability to comply with state and federal requirements for the administration of federal-aid highway grants set forth in Title 23 - Highways, 48 CFR Federal Acquisition Regulation; and 49 CFR 18-the Common Grant Rule. Public rights-of-way and facilities are required to be accessible for all users through the statutes regardless of funding source. Recipients of federal and state grants will be required to comply with the provisions of Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

SAFE ROUTES TO SCHOOLS PROGRAM

The objectives of the SRTS Program are:

- To enable and encourage children, including those with disabilities, to walk and bicycle to school;

- To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and
- To facilitate the development and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of New Jersey's primary and middle schools (Grades K-8).

Projects must be located within two miles of a school that serves students in grades K-8. Funding for the 2014 SRTS Program will be available for the construction of infrastructure projects only. Infrastructure projects may include the installation of sidewalks, crosswalks, bike lanes, multi-use paths, traffic calming measures, and other means to ensure the ease and safety of children walking or biking to school.

For this solicitation, Urban Aid Communities determined by the Department of Community Affairs and municipalities containing Schools Development Authority (SDA) Districts outlined by the Educational Facilities Construction and Financing Act, may apply for design as well as construction funds. Any municipality, school district, or county is eligible to apply for funding. Non-profit organizations are not eligible as direct grant recipients for this solicitation. However, non-profit organizations may partner with a local public agency that will assume responsibility and administration for the grant.

Applications for the SRTS Program are due on or before **June 30, 2014** and must be submitted online through NJDOT SAGE at:
<https://enterprisegrantapps.state.nj.us/NJSAGE/>

Additional information on the SRTS Program is available at:
<http://www.state.nj.us/transportation/business/localaid/srts.shtm>

TRANSPORTATION ALTERNATIVES PROGRAM

Applications are being accepted for the 2014 Transportation Alternatives Program (TAP). TAP provides federal funds for community based "non-traditional" projects designed to strengthen the cultural, aesthetic, and environmental aspects of the nation's intermodal system. The TAP program was established by Congress in 2012 under MAP-21, and is funded through a set-aside of the Federal-aid Highway Program. Eligible activities include most activities historically funded as "Transportation Enhancements" under SAFETEA-LU.

The State of New Jersey has elected to run a hybrid program for this solicitation, providing maximum flexibility in using both SAFETEA-LU and MAP-21 funds. This solicitation includes categories from the SAFETEA-LU Transportation Enhancement Program and others from the MAP-21 Transportation Alternatives Program.

For this solicitation, eligible projects must be related to transportation and fall into one the following 7 categories:

- Provisions of facilities for bicycles and pedestrians.

- Scenic or historic highway programs, including the provision of tourist and welcome center facilities as well as scenic turnouts, overlooks, and viewing areas.
- Landscaping and other scenic beautification.
- Historic preservation.
- Rehabilitation of historic transportation buildings, structures and facilities (including historic railroad facilities and canals).
- Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian and bicycle trails).
- Environmental mitigation to address water pollution due to highway runoff or reduce vehicle- caused wildlife mortality while maintaining habitat connectivity.

You are invited to submit an application for a well-developed, construction-ready project that can qualify as a Transportation Alternatives project. The online Transportation Alternatives Handbook provides the necessary information for completing your application and also answers questions regarding eligibility and program requirements. The information can be found at:

<http://www.state.nj.us/transportation/business/localaid/Alternatives.shtm>

The eligible entities to receive TAP funds are: local governments (municipalities and counties); regional transportation authorities; transit agencies; natural resource or public land agencies; tribal governments and any other local or regional governmental entity with responsibility for oversight of transportation (other than a metropolitan planning organization or a State agency). Nonprofit organizations will not be directly eligible to apply for this solicitation. However, nonprofit organizations may partner with a local public agency that will assume responsibility and administration for the grant.

Applications for the Transportation Alternatives Program are due on or before **June 30, 2014** and must be submitted online through NJDOT SAGE at: <https://enterprisegrantapps.state.nj.us/NJSAGE/>

We recommend that you consult your Local Aid District Office and your corresponding Metropolitan Planning Organization for assistance in preparing applications for these programs. A webinar explaining the Safe Routes to School and TAP grants can be found at:

https://www.youtube.com/watch?v=v_uJV2JeOKY
<https://www.youtube.com/watch?v=dHdvdMGHlyI>

There are additional resources available on the New Jersey Safe Routes to School Website at: <http://www.saferoutesnj.org/resources/funding>.

Very truly yours,

William G. Dressel, Jr.
 Executive Director

CONTACT INFORMATION
NJDOT Division of Local Aid and Economic Development

District 1
 Roxbury Corporate Center
 200 Stierli Court
 Mount Arlington, NJ 07856
 Phone: (973) 601-6700

District 2
 153 Halsey Street -5th floor
 Newark, NJ 07102
 Phone: (973) 877-1500
 Fax: (973) 648-4547

Fax: (973) 601-6709
Union Counties
Morris, Passaic, Sussex and Warren
Counties

Bergen, Essex, Hudson and

District 3
New Jersey Department of Transportation
District 3 Bureau of Local Aid
P.O. Box 600
Trenton, NJ 08625
Phone: (732) 625-4290
Fax (609) 530-8044
Camden, Cape May,
Hunterdon, Mercer, Middlesex, Monmouth,
Counties
Ocean and Somerset Counties

District 4
1 Executive Campus
Route 70 West, 3rd Floor
Cherry Hill, NJ 08054
Phone: (856) 486-6618
Fax (856) 486-677
Atlantic, Burlington,
Gloucester and Salem

Metropolitan Planning Organizations

North Jersey Transportation Planning Authority (NJTPA)

One Newark Center
17th floor
Newark, NJ 07102
Phone: (973) 639-8400
Fax: (973) 639-1953
Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean,
Passaic, Somerset, Sussex, Union, and Warren Counties, and the Cities of
Jersey City and Newark

Delaware Valley Regional Planning Commission (DVRPC)

Mr. John J. Coscia Jr.
190 North Independence Mall West
Philadelphia, PA 19106
Phone: (215) 592-1800
Fax: (215) 592-9125
Burlington, Camden, Gloucester, and Mercer Counties

South Jersey Transportation Planning Organization (SJTPO)

782 South Brewster Road, Unit B6
Vineland, NJ 08360
Phone: (856) 794-1941
Fax: (856) 794-2549
Atlantic, Cape May, Cumberland, and Salem Counties

PLEASE NOTE: As of May 15, 2013 we will no longer fax our Membership Advisories unless you specifically request it. Please contact Shirley Cade at scade@njslom.com or 609-695-3481 ext. 114 **ONLY** if you choose to continue having our Advisories faxed to your Municipality.

NJLM Advisories are posted daily on our website at www.njslom.org as well as emailed to our clerks list. If you have not registered to be on our clerks email list you can do so through our website or contact Shirley Cade.

Please be advised that the information you receive is not legal advice. You must consult your town attorney to make sure that any of the material you receive is in accordance with current state law and your particular facts and situation.



JOHN H. ALLGAIER, 1983-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

May 9, 2014

Mayor and Borough Council
Borough of South River
48 Washington Street
South River, New Jersey 08882

**Re: Rebid for Standby Generation for the Department of Public Works Facility
South River, New Jersey
Our File No.: PSR00545.01**

Dear Mayor and Borough Council:

As you are aware per our April 8, 2014 letter, on Friday, April 4th, 2014, bids were received at the South River Municipal Building for the above referenced project. As indicated on the attached bid tabulation sheet, six (6) bids were received. Pursuant to your direction, we prepared the bid documents to include two (2) bid options. Bid Item(s) 1 is for the six (6) individual generators. The initial apparent low bidder for Bid Item(s) 1 was Beach Electric Co., Inc (Beach) with a bid of \$847,750.00. Bid Item(s) 2 is for the one (1) 1-Megawatt generator. The apparent low bidder for the Bid Item(s) 2 is Forest Electric Corporation (Forest) with a bid of \$918,706.00. We noted that Forest Electric Corporation had submitted two (2) separate bids in their bid package for the project, proposing one base bid and one alternate bid.

Our April 8th letter also included a letter dated April 7, 2014 from Matthew Marcinyck of Allied Construction Group (Allied). This letter served as Allied's formal notice of its Bid Protest based on their inspection of the Bid Proposals submitted by Forest and Beach. Allied's claim was the submitted Bids were not in full compliance with the Bid documents and Specifications prepared for the project by the Borough Engineer, CME Associates (CME).

Based on Allied's notice of Bid Protest and our recommendation to you, the bid documents were forwarded to the Borough's Attorney for review. On April 14, 2014, Eric L. Lange of the Borough Attorney's Office responded with a letter stating that following their review, Allied was the lowest responsible bidder for both Bid Item(s) 1 and 2, and the Borough was to reject the Bids by Beach and Forest due to fatal flaws. The fatal flaw in the Bid submitted by Beach is due to Beach not identifying their geotechnical subcontractor and the fatal flaw in the Bid submitted by Forest was due to the fact that the surety bond and the consent of surety did not contain the required signatures and corporate seal of Forest.

On April 29, 2014, our office prepared a letter to Harry J. Sassaman of Forest Electric and Earnest J. Badaracco of Beach Electric detailing and enclosing the above referenced attorney review letter stating both of their respective bids were rejected due to the fatal flaws noted.

Following this notice, Joseph C. McCormick of EMCOR Construction Services, the parent company of Forest Electric, responded with a letter dated April 30, 2014 stating that the bid bond document prepared by their bonding company, Traveler's Casualty and Surety Company of America, submitted in the rejected rebid is identical to the bid bond submitted in the initial project bid with the exceptions of the date, which is associated with the rebid date, and the signature of Forest Electric President Harry Sassaman is inadvertently missing from the rebid surety documents. Based on the above, Mr. McCormick does not believe that their irregularities would jeopardize the enforceability of the bid bond or intent of the requirements for a bid bond by the Borough and the missing signatures and seals from the rebid should be considered as minor deficiencies, therefore Forest should

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JOHN H. ALLGAIR, 1983-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.



TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

Mayor and Borough Council
May 9, 2014
Page 2

still be considered a responsive and responsible bidder. In addition, Mr. McCormick's letter also notes that it is Forest's opinion that the alternatively proposed generator solution did not meet the specifications otherwise set forth in the bid documents and electing to use one of the alternatives may result in an ultimate rejection of any bid.

After the notice from EMCOR, Harry Sassaman from Forest issued a letter dated May 7 2014 to the Borough Attorney's office stating that HC Contractors will be acting as the subcontractor to Forest Electric in the capacity of doing all the required geotechnical work and all of the site concrete pad structures for the project. This letter also stated that HC Contractors will be the one and only subcontractor performing the work at the site under the contract.

This May 7, 2014 EMCOR letter was forwarded by the Borough Attorney's office to CME along with a letter dated May 7th, 2014 from Eric L. Lange detailing his conversation with Rita Sagistano, Attorney in Fact for Travelers Insurance Company. In this conversation, Ms. Sagistano advised the Borough Attorney that the bond would in fact be honored in its present unsigned form and enclosed correspondence from Ms. Sagistano confirming the validity of the bond. The letter also stated that based on the information provided by Ms. Sagistano and the identification of the subcontractor by Forest, Forest Electric is to be considered the lowest responsible bidder with respect to both Bid Item(s) 1 and 2.

Based on the information provided in the above referenced letters, which are enclosed for your reference, Bid Item(s) 1 is for the six (6) individual generators and the apparent low bid for Bid Item(s) 1 is Forest Electric Corporation with a bid of \$862,130.00. Bid Item(s) 2 is for the one (1) 1-Megawatt generator. The apparent low bidder for the Bid Item(s) 2 is Forest Electric Corporation (Forest) with a bid of \$918,706.00.

Accordingly, a contract can be awarded to Forest Electric Corporation for either Bid Item(s) 1 for \$862,130.00 or for Bid Item(s) 2 for 918,706.00 subject to the concurrence of the Borough Attorney and the availability of sufficient funds.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Bruce M. Koch, P.E., P.P., C.M.E.
Borough Engineer's Office

BMK/mdp
Enclosures

cc: All Council Members
Borough Administrator
Borough Clerk
Borough Attorney
Chief Financial Officer
Borough Auditor
Director of Public Works
Tom Noto, P.E.



ILITY"



PARLIN, NJ

Allied Construction (DD)		R. Spark Incorporated		Tri-Val Electric Corp.		Beach Electric Co., Inc.	
499 Washington Road		7 Commerce Street, Suite 4		205 South Newman Street		67-69 Grove Street	
Parlin, NJ 08859		Somerville, NJ 08876		Hackensack, NJ 07601		Paterson, NJ 07503	
BID BOND		BID BOND		BID BOND		BID BOND	
10% NTS \$20,000		10% NTS \$20,000		10% NTS \$26,000		10% NTS \$29,000	
UNIT PRICE		UNIT PRICE		UNIT PRICE		UNIT PRICE	
AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE
\$245,900.00	\$225,000.00	\$225,000.00	\$197,903.00	\$197,903.00	\$214,000.00	\$214,000.00	\$209,680.00
\$117,000.00	\$100,000.00	\$100,000.00	\$120,768.00	\$120,768.00	\$114,000.00	\$114,000.00	\$77,410.00 \$77,400.00
\$114,000.00	\$94,000.00	\$94,000.00	\$120,727.00	\$120,727.00	\$115,000.00	\$115,000.00	\$74,165.00
\$248,000.00	\$256,000.00	\$256,000.00	\$224,801.00	\$224,801.00	\$284,000.00	\$284,000.00	\$313,115.00
\$123,000.00	\$117,000.00	\$117,000.00	\$136,176.00	\$136,176.00	\$128,000.00	\$128,000.00	\$76,235.00
\$109,000.00	\$97,000.00	\$97,000.00	\$121,825.00	\$121,825.00	\$106,000.00	\$106,000.00	\$72,135.00
\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
\$981,900.00		\$914,000.00		\$947,000.00		\$966,000.00	\$942,760.00 \$847,750.00
\$122,876.00	\$42,450.00	\$42,450.00	\$109,900.00	\$109,900.00	\$104,500.00	\$104,500.00	\$63,500.00
\$1,104,776.00		\$956,450.00		\$1,098,900.00		\$1,090,500.00	\$911,260.00
\$1,040,000.00	\$906,000.00	\$906,000.00	\$1,129,000.00	\$1,129,000.00	\$1,150,000.00	\$1,150,000.00	\$1,264,800.00 \$1,264,800.00
\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
\$1,065,000.00		\$931,000.00		\$1,154,000.00		\$1,175,000.00	\$1,264,800.00 \$1,279,000.00
\$39,643.00	\$26,100.00	\$26,100.00	\$36,040.00	\$36,040.00	\$40,000.00	\$40,000.00	\$24,000.00
\$1,104,643.00		\$957,100.00		\$1,190,040.00		\$1,215,000.00	\$1,303,000.00
IRREGULARITIES		IRREGULARITIES		IRREGULARITIES		IRREGULARITIES	
1. Written lump sum price bid for Item 2a was not provided. Numerical Lump Sum bid was provided and used in bidtab.		1. Bid Item 1f is a copy and not written in original ink.		1. Certificate of Experience was not completed. 2. Structural subcontractor not identified.		1. Geotechnical Subcontractor listed as TBD. 2. Site Subcontractor Public Works Contractor Registration Certificate not provided. 3. For item No. 1h, numerical entry error. Written entry recorded. 4. Mathematical Error in summation, sum of bid items 1a through 1g is \$947,760.00. 5. Mathematical Error in summation, sum of bid items 2a through 2d is \$1,279,000.00. 6. Business Registration and Public Works Contractor Registration Certifications for Beach Electric not provided. 7. Public Works Contractor Registration Certification for subcontractors not provided. 8. Licensed Electrical Contractor Certification not provided. 9. Disclosure of Investment Activities in form is incomplete. 10. BID REJECTED DUE TO FATAL FLAW LISTED AS #1 ABOVE	
FOR BOTH BID							



ALLIED
CONSTRUCTION GROUP INC

499 Washington Road, Parlin, NJ 08859
tel 732.257.0772 fax 732.257.0774
WWW.ALLIEDCONSTRUCTGROUP.COM

April 7, 2014

Borough of South River
48 Washington Street
South River, NJ 08882

Attn: Frederick C. Carr
Borough Administrator

Re: Borough of South River
DPW Generator Project
Bid of April 4, 2014

Dear Mr. Carr:

As you are aware, the Borough of South River (Borough) accepted Bid Proposals for the above captioned project at a Public Bid Opening on Friday, April 4, 2014 at 10:00 AM. The apparent low bidder for Bid Item No. 1 was Beach Electric Company, Inc. (Beach) of Patterson, NJ. The apparent low bidder for Bid Item No. 2 was Forest Electric (Forest) of Edison, NJ. The apparent 2nd low bidder for Bid Item No. 1 was "Forest". The apparent 2nd low bidder for Bid Item No. 2 was Allied Construction Group, Inc. (Allied).

After the bid opening, representatives of "Allied" requested permission from the Borough to inspect the Bid Proposals submitted by both "Forest" and "Beech" and immediately discovered that neither bid was in full compliance with the Bid documents and Specifications prepared for the project by CME Associates (CME), the Borough's consulting engineer.

Based upon our preliminary and initial review of the aforementioned documents, the bid proposal submitted by "Forest" included a Bid Bond that was not signed nor was the bond sealed with a corporate seal on behalf of "Forest". Based on our understanding of the NJ Local Public Contract Law this constitutes a "material" defect in "Forest's" bid proposal which is "non-curable" and "non-waivable".

While the aforementioned review is not exhaustive, be advised that our investigation of this matter is continuing. As such, Allied Construction Group, Inc. reserves its right to raise additional issues concerning both "Forest's" and "Beach's" bid proposals for consideration by the Borough in conjunction with the award of any Contract. In the meantime, this letter shall serve as "Allied's" formal notice of its Bid Protest.

Innovation



Performance



Integrity

Frederick C. Carr
Borough of South River
April 7, 2014
Page 2

"Allied" respectfully requests that the Borough *reject* "Forest's" Bid Proposal as defective and that if a Contract is to be awarded on the basis of Bid Item No. 2, that the Contract be awarded to "Allied" due to the *material and fatal* bid deficiency with "Forest's" bid proposal as identified above. Furthermore, we believe that any award made to "Forest" would violate the New Jersey Local Public Contract Law N.J.S.A. 40A:11-1, et seq. and we reserve the right to seek injunctive relief to bar any award to "Forest".

Should you or the Borough's legal counsel have any questions and or comments in regard to this matter, please feel free to contact the undersigned or Mr. Mark Fieder, Esq., Allied's legal counsel, at your earliest convenience.

Thank you for your courtesy and cooperation in this regard.

Very truly yours,
Allied Construction Group, Inc.



Matthew Marcinezyk, P.E.
President

cc: M. Fieder, Esq. (Connell Foley LLP)
B. Koch, CME Associates
File

LAW OFFICES OF
JAMES P. NOLAN
&
ASSOCIATES
A Limited Liability Company

James P. Nolan, Jr., ID #004591987
Certified Criminal Trial Attorney
Fredrick L. Rubenstein, ID #004651994
Eric L. Lange, ID #038441997
Admitted in NJ & NY
Sanford Rader, ID #190871960
Of Counsel

April 14, 2014

CME Associates
3141 Bordentown Avenue
Parlin, NJ 08859
Attn: Bruce Koch

Re: South River Generator Bids

Dear Mr. Koch:

Last week, you provided me with the bid documents received by the Borough of South River in connection with the installation of generators for the public works building. After reviewing the materials provided, I am of the opinion that Allied Construction is the lowest responsible bidder for both bid items #1 and #2.

As you know, the low bidder for bid item #1 was Beech Electric. However, because of problems with the bid submitted by Beech, they must be rejected. Specifically, when asked to identify a geotechnical subcontractor, Beech indicated "TBD" or "to be determined." It is clear that Beech planned on hiring a subcontractor to do the work. If Beech had any intention of doing the geotechnical work on their own, which would be permitted, they would not have listed "TBD". The failure to identify all subcontractors in their bid is a fatal flaw and requires the Borough to reject the bid.

Next we must look at the second low bidder for item #1, in this case, Forrest Electrical. Unfortunately, Forrest must also be rejected. Included with their bid package was their surety bond and a consent of surety. Although both documents were signed by the surety, neither document contained the required signatures and corporate seal of Forrest Electrical. This is a fatal defect, leaving the Borough no choice but to reject the bid of Forrest Electrical.

The third low bidder for item #1 is Allied Construction. I see no problem with the Allied Bid, other than a minor typographical error in the price calculation. This does not require rejection by the Borough. Therefore, Allied Construction is the lowest responsible bidder for bid item #1.

61 GREEN STREET, WOODBRIDGE, NJ 07095
PHONE: (732) 636-3344 FAX: (732) 636-1175

With respect to bid item #2, the low bidder was Beech Electric. For the reasons set forth above, the bid of Beech is defective and must be rejected. This leaves us with the second low bidder, Allied Construction. As their bid documents are in order, they are to be considered the lowest responsible bidder for bid item #2.

Should you have any questions, please feel free to contact me at any time.

Very truly yours,



Eric L. Lange

cc: Fred Carr



JOHN H. ALLGAIER, 1983-81
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

April 29, 2014

Forest Electric
206 McGaw Drive
Edison, New Jersey 08837

Attn: Harry J. Sassaman
President

**Re: Rejection of Bids & Re-Bid
Standby Generation for the Department of Public Works
South River, New Jersey
Our File No.: PSR00545.01**

Dear Mr. Sassaman:

Enclosed, please find a letter from the Borough Attorney concerning your bid of April 4, 2014 for the above referenced project.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink that reads 'Bruce M. Koch'. The signature is written in a cursive, flowing style.

Bruce M. Koch, P.E., P.P., C.M.E.
Borough Engineer's Office

BMK/bmk
Enclosure

cc: Mayor John Krenzel
All Council Members
Borough Administrator
Borough Attorney
Chief Financial Officer
Director of Public Works
Thomas J. Noto, P.E.



LAW OFFICES OF
JAMES P. NOLAN
&
ASSOCIATES
A Limited Liability Company

James P. Nolan, Jr., ID #004591987
Certified Criminal Trial Attorney
Fredrick L. Rubenstein, ID #004651994
Eric L. Lange, ID #038441997
Admitted in NJ & NY
Sanford Rader, ID #190871960
Of Counsel

April 14, 2014

CME Associates
3141 Bordentown Avenue
Parlin, NJ 08859
Attn: Bruce Koch

Re: South River Generator Bids

Dear Mr. Koch:

Last week, you provided me with the bid documents received by the Borough of South River in connection with the installation of generators for the public works building. After reviewing the materials provided, I am of the opinion that Allied Construction is the lowest responsible bidder for both bid items #1 and #2.

As you know, the low bidder for bid item #1 was Beech Electric. However, because of problems with the bid submitted by Beech, they must be rejected. Specifically, when asked to identify a geotechnical subcontractor, Beech indicated "TBD" or "to be determined." It is clear that Beech planned on hiring a subcontractor to do the work. If Beech had any intention of doing the geotechnical work on their own, which would be permitted, they would not have listed "TBD". The failure to identify all subcontractors in their bid is a fatal flaw and requires the Borough to reject the bid.

Next we must look at the second low bidder for item #1, in this case, Forrest Electrical. Unfortunately, Forrest must also be rejected. Included with their bid package was their surety bond and a consent of surety. Although both documents were signed by the surety, neither document contained the required signatures and corporate seal of Forrest Electrical. This is a fatal defect, leaving the Borough no choice but to reject the bid of Forrest Electrical.

The third low bidder for item #1 is Allied Construction. I see no problem with the Allied Bid, other than a minor typographical error in the price calculation. This does not require rejection by the Borough. Therefore, Allied Construction is the lowest responsible bidder for bid item #1.

61 GREEN STREET, WOODBRIDGE, NJ 07095
PHONE: (732) 636-3344 FAX: (732) 636-1175

With respect to bid item #2, the low bidder was Beech Electric. For the reasons set forth above, the bid of Beech is defective and must be rejected. This leaves us with the second low bidder, Allied Construction. As their bid documents are in order, they are to be considered the lowest responsible bidder for bid item #2.

Should you have any questions, please feel free to contact me at any time.

Very truly yours,



Eric E. Judge

cc: Fred Carr



JOHN H. ALLGAIER, 1983-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

April 29, 2014

Beach Electric
67-69 Grove Street
Paterson, New Jersey 08503

Attn: Earnest J. Badaracco
Vice-President

Re: **Rejection of Bid**
Standby Generation for the Department of Public Works
South River, New Jersey
Our File No.: PSR00545.01

Dear Mr. Badaracco:

Enclosed, please find a letter from the Borough Attorney concerning your bid of April 4, 2014 for the above referenced project.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Bruce M. Koch, P.E., P.P., C.M.E.
Borough Engineer's Office

BMK/bmk
Enclosure

cc: Mayor John Krenzel
All Council Members
Borough Administrator
Borough Attorney
Chief Financial Officer
Director of Public Works
Thomas J. Noto, P.E.



LAW OFFICES OF
JAMES P. NOLAN
&
ASSOCIATES
A Limited Liability Company

James P. Nolan, Jr., ID #004591987
Certified Criminal Trial Attorney
Fredrick L. Rubenstein, ID #004651994
Eric L. Lange, ID #038441997
Admitted in NJ & NY
Sanford Rader, ID #190871960
Of Counsel

April 14, 2014

CME Associates
3141 Bordentown Avenue
Parlin, NJ 08859
Attn: Bruce Koch

Re: South River Generator Bids

Dear Mr. Koch:

Last week, you provided me with the bid documents received by the Borough of South River in connection with the installation of generators for the public works building. After reviewing the materials provided, I am of the opinion that Allied Construction is the lowest responsible bidder for both bid items #1 and #2.

As you know, the low bidder for bid item #1 was Beech Electric. However, because of problems with the bid submitted by Beech, they must be rejected. Specifically, when asked to identify a geotechnical subcontractor, Beech indicated "TBD" or "to be determined." It is clear that Beech planned on hiring a subcontractor to do the work. If Beech had any intention of doing the geotechnical work on their own, which would be permitted, they would not have listed "TBD". The failure to identify all subcontractors in their bid is a fatal flaw and requires the Borough to reject the bid.

Next we must look at the second low bidder for item #1, in this case, Forrest Electrical. Unfortunately, Forrest must also be rejected. Included with their bid package was their surety bond and a consent of surety. Although both documents were signed by the surety, neither document contained the required signatures and corporate seal of Forrest Electrical. This is a fatal defect, leaving the Borough no choice but to reject the bid of Forrest Electrical.

The third low bidder for item #1 is Allied Construction. I see no problem with the Allied Bid, other than a minor typographical error in the price calculation. This does not require rejection by the Borough. Therefore, Allied Construction is the lowest responsible bidder for bid item #1.

61 GREEN STREET, WOODBRIDGE, NJ 07095
PHONE: (732) 636-3344 FAX: (732) 636-1175

With respect to bid item #2, the low bidder was Beech Electric. For the reasons set forth above, the bid of Beech is defective and must be rejected. This leaves us with the second low bidder, Allied Construction. As their bid documents are in order, they are to be considered the lowest responsible bidder for bid item #2.

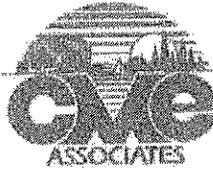
Should you have any questions, please feel free to contact me at any time.

Very truly yours,



Eric J. Hodge

cc: Fred Carr



JOHN H. ALLGAIR, 1989-01
DAVID J. SAMUEL, P.E., P.P.
JOHN J. STEFANI, P.E., L.S., P.P.
JAY B. CORNELL, P.E., P.P.
MICHAEL J. McCLELLAND, P.E., P.P.
GREGORY R. VALES, P.E., P.P.

TIMOTHY W. GILLEN, P.E., P.P.
BRUCE M. KOCH, P.E., P.P.
LOUIS J. PLOSKONKA, P.E.
TREVOR J. TAYLOR, P.E., P.P.
BEHRAM TURAN, P.E.

May 1, 2014

Borough of South River
48 Washington Street
South River, New Jersey 08882

Attn: Patricia E. O'Connor, RMC
Borough Clerk

Re: Standby Generation for the Department of Public Works
South River, New Jersey
Our File No.: PSR00545.01

Dear Ms. O'Connor:

I am in receipt of the attached self explanatory letter from EMCOR. Construction Services, the parent company that owns Forest Electric, concerning the above referenced project.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Bruce M. Koch, P.E., P.P., C.M.E.
Borough Engineer's Office

BMK/bmk
Enclosure

cc: Mayor John Krenzel
All Council Members
Borough Administrator
Borough Attorney
Chief Financial Officer
Director of Public Works
Thomas J. Noto, P.E.



EMCOR Construction Services, Inc.
1420 Spring Hill Road, Suite 500
McLean, VA 22102
Phone: 703.556.8000
Fax: 703.556.0890

RECEIVED
CME

April 30, 2014

CME Associates
3141 Bordentown Avenue
Parlin, New Jersey

Attn: Bruce M. Koch
Borough Engineer's Office

Re: Rejection of Bids & Re-bid
Standby Generation for the Department of Public Works
South River, New Jersey

Dear Mr. Koch,

I am Senior Vice president and General Counsel of EMCOR Construction Services, Inc. and I am writing to you on behalf of one of our company's subsidiaries Forest Electric. Reference is made to your letter dated April 29, 2014 to Harry Sassaman, the President of Forest Electric. Your letter referenced and included a letter to you from Eric L. Lange, Esq. one of your attorneys. My purpose of writing to you is to take exception to the conclusions reached by your attorney with regard to Forest Electric's bid on the above referenced project and to request Forest be recognized as the responsible and responsive low bidder for both Bid Package #1 and Bid Package #2 without the resort to the time and expense of a formal bid protest. In order to support our legal position and to put our situation in better context, please allow me to briefly summarize the facts surrounding the original bid and subsequent re-bid process as I understand them.

On the date of the original bid opening all of the Forest paperwork was complete including the bid bond documentation provided to Forest by its bonding company, Traveler's Casualty and Surety Company of America. At that time the bid bond documents were fully executed. A copy of those documents are attached to my letter for your convenient reference. You will see the necessary signatures on the first page of those bid bond documents.

In briefest summary, it was our understanding that the Borough decided to reject all bids at that time in order to allow itself the opportunity to include two additional generator suppliers as alternative vendors in the associated bid documents thus providing additional competition for the work involved. At that time the various bidders were informed that the project would be rebid after that adjustment to the bid documents could be made. By your letter dated March 14, 2014, Forest was informed that such rebid would take place on April 4, 2014.

On April 4, 2014 Forest resubmitted its bid package in accordance with your bid documents. For Bid Package #1, Forest was the 2nd low bidder behind Beech Electric. For bid package #2, Forest Electric was the low bidder at a bid price of \$918,706. Allied was the 2nd low bidder at a price of \$931,000. In that regard, I believe your attorney, Mr. Lange, inadvertently stated that Beech Electric was the low bidder on Bid Package #2 rather than Forest Electric. We presume that was a typographical error and that

presumably he was stating that Forest Electric's bid should be rejected for the same reason he had indicated in paragraph 3 of his letter with regard to Bid Package #1.

Attached also is a copy of the bid bond form Forest Electric submitted at the time of the rebid with identical documentation supplied by our bonding company, Traveler's Casualty and Surety Company of America. You will see that the entire document is identical to the bid bond submitted along with the first bid except that the signature of Harry Sassaman, the President of Forest Electric, was inadvertently missing. When comparing the bid bond document provided by Traveler's Casualty and Surety Company of America which included 12 pages all identical to that supplied with the first bid except for the new date associated with the rebid, it is obvious that Forest Electric had provided the required bid bond for this project and that the missing signature is a minor deficiency which we believe under any circumstances would not diminish the legal enforceability of this bid bond. In fact, it seems quite apparent that in the rush of bid day, as the bid documents were being gathered together for submission someone did not realize that the bid bond that had been reissued to Forest by Travelers on March 24, 2014 had not been signed by Mr. Sassaman, as he had on the first time around. Again, we do not feel that this would jeopardize the enforceability of this bid bond or the intent of the requirements for a bid bond by the Borough.

As an aside, we would also like to point out that Forest bid packages for both Package #1 and Package #2 included the originally specified generator supplier because at the time it was Forest's opinion that the alternatively proposed generator solution did not meet the specifications otherwise set forth in the bid documents. It was feared that use of one of those alternatives might result in an ultimate rejection of any bid using them and/or cause the need for another rebid.

Based on the foregoing and in an effort to avoid the time and expense of a bid protest process, we hereby request that your attorney reconsider his position that the inadvertently missing signature and corporate seal on our bid bond is a fatal defect. To the contrary, we feel that this is a minor deficiency and that Forest should still be considered a responsive and responsible bidder based on price and vendors quoted. Furthermore, given the pricing discrepancies noted among the various bidders, we feel that this conclusion is not only supported by the law but also in the financial interest of the Borough.

Your prompt reconsideration will be greatly appreciated. Please let me know if you need any additional information at this time to consider this request.

Very truly yours,


Joseph C. McCormick
Senior Vice President & General Counsel
EMCOR Construction Services



Forest Electric Corp.
206 McGaw Drive
Edison, NJ 08837

Phone: 732.509.1100
Fax: 732.509.1090

May 7, 2014

James P. Nolan & Associates
61 Green Street
Woodbridge, NJ 07095

Attn: Eric L. Lange
P. 732-636-3344
F. 732-636-1175

**Re: Standby Generation for the Department of Public Works
South River, NJ
CME File No: PSR00545.01**

Gentlemen:

This is to certify that HC Constructors will be acting as a subcontractor to Forest Electric in the capacity of doing all the required geotechnical work and all of the site concrete pad structures for this project. HC Constructors will be the one and only subcontractor performing work at this site under this contract.

Please contact me should you require additional information or clarification.

Regards,

FOREST ELECTRIC CORP.

Harry J. Sassaman
President
Proposal # 196.14

LAW OFFICES OF
JAMES P. NOLAN
&
ASSOCIATES
A Limited Liability Company

James P. Nolan, Jr., ID #004591987
Certified Criminal Trial Attorney
Fredrick L. Rubenstein, ID #004651994
Eric L. Lange, ID #038441997
Admitted in NJ & NY
Sanford Rader, ID #190871960
Of Counsel

May 7, 2014

Via Federal Express

CME Associates
3141 Bordentown Avenue
Parlin, NJ 08859
Attn: Bruce Koch

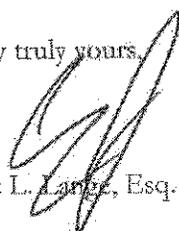
RE: Standby Generation for the Department of Public Works Facility
Your File No. PSR00545.01

Dear Mr. Koch:

As I previously advised, Forest Electric is to be considered the lowest responsible bidder with respect to both bid item #1 and bid item #2. Initially, there was a concern that the bid bond that was signed by a representative of the bonding company but not signed by a representative of Forest Electric was invalid. However, I have been advised by Rita Sagistano, Attorney in Fact for Travelers Insurance Company; that the bond would in fact be honored in its present unsigned form. I enclose for your review correspondence from Ms. Sagistano confirming the validity of the bond. The only remaining issue concerns the failure to identify a geotechnical and structural subcontractor. I have been advised by a representative of Forest Electric that all work to complete the project will be performed by Forest Electric and/or HC Constructors as set forth in the bid. Therefore, there is no reason to reject the bid of Forest Electric as the lowest responsible bidder.

Should you have any questions or wish to discuss this matter in further detail, please feel free to contact me at any time.

Very truly yours,


Eric L. Lange, Esq.

ELL/sv
Encl.
Cc: Frederick Carr

61 GREEN STREET, WOODBRIDGE, NJ 07095
PHONE: (732) 636-3344 FAX: (732) 636-1175

H

Bignell Planning Consultants, Inc.

424 AMBOY AVENUE – SUITE 202
WOODBRIDGE, NJ 07095
PHONE: (732) 636 - 0200
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May 7, 2014

Frederick C. Carr, CM
Borough Administrator
Borough of South River
48 Washington Street
South River, NJ 08882

Re: Educational-Institution District
Proposed Housing Overlay Zone

Dear Sir

This office has been directed to prepare a draft zoning ordinance to be considered to overlay certain properties in the existing Educational Institution District in the Borough of South River. This office offers the following comments and attached draft ordinance for your consideration.

The Borough of South River is considering a zone change for the former Lincoln School property (Block 30, Lots 10 & 18 on the Borough of South River Tax Map) to anticipate future development on this site. This office believes that an overlay zone should be considered to establish useful zoning controls on this site. Overlay zones do not replace existing zones. Overlay zones “overlay” or provide an additional set of development options for the zone. Developers can develop under the existing underlying zoning or opt to use the alternate requirements of an overlay zone. With this approach, the Borough, not the developer, can establish an alternative set of use and bulk standards at this site.

The Borough leadership should note that any zoning change should be introduced by the Borough Council on first reading and then referred to the Borough Planning Board for a public hearing on Master Plan consistency. The Planning Board has 45 days to make a recommendation on the ordinance to the Council. The Council takes the Planning Board’s recommendation under consideration and acts to adopt, adopt with amendments, or not adopt the proposed ordinance. This ordinance must be adopted by a supermajority vote and be accompanied by a Council resolution addressing its consistency with the Borough’s Master Plan. All public hearings require 10-day notice to the official newspaper of the Borough, to all surrounding municipalities and to the Middlesex County Planning Board.

Very truly yours,


Henry Bignell, PP
Borough Planner

HB/TB

cc: Fredrick C. Carr, CM, Borough Administrator
John Krenzel, Mayor
Michael Beck, Planning Board Chairman
James P. Nolan, Jr., Esq., Borough Attorney
T. Barlow, Planning Board Attorney
File #13-1141

DRAFT - Educational Institution Housing Overlay District - DRAFT

Land Use and Development Ordinance: §350-23.1. Educational Institution Overlay District

A. Intent.

The Educational Institution Overlay District (E-IO) is intended as a means of revitalizing former educational facilities sites in the Borough's E-I Educational Institutional Zone. It provides the standards to transform vacant, underutilized and obsolete properties into a viable land use, thus improving and stabilizing the economic and fiscal health of the Borough. Ancillary intents shall also be to:

1. Promote the effective re-development of selected properties in the existing Educational Institution (E-I) Zone;
2. Provide for regulation of bulk height, parking and setback elements of future site development;
3. Incorporate appropriate traffic flow volumes and patterns and access points to the site to minimize impacts to nearby existing residential neighborhoods;
4. Ensure that capacity of all utility and infrastructure systems serving the site is adequate to support any proposed development;
5. Encourage re-development through an enhanced but appropriate density as stipulated in this sub-chapter;

B. Overlay.

The Educational Institution Overlay District (E-IO) shall overlay the existing requirements of the (E-I) District and shall exist as an alternative set of requirements only for the properties located within the boundaries of the overlay district. When proposing development, a developer may utilize the existing regulations of the E-I District or may opt to utilize the requirements of the Educational Institution Overlay District (E-IO) set forth in this sub-chapter. The adoption of this ordinance shall signify an amendment to the Zoning Map of the Borough of South River, amending the following properties in the Educational Institutional (E-I) District to also be included in the Educational Institution Overlay District (E-IO):

Block 30 Lot 18

Block 30 Lot 10

C. Principal permitted uses.

Multi-family dwellings shall be a permitted use in this overlay district.

D. Permitted accessory uses.

Any accessory use on the same lot and which is customary and incidental to the principal use on the lot shall be a permitted accessory use.

E. Prohibited uses.

The following uses shall be prohibited;

1. All uses prohibited or not specifically permitted in the R-75 Single Family Residential and/or E-I Educational Institution District.
2. All uses not specifically permitted by zone or by State or Federal law are prohibited, inclusive of, but by no means limited to, refineries, cement manufacturing, slaughterhouses, explosives manufacturing, adult bookstores/movies and the like.

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F. Bulk requirements.

1. Minimum lot area shall be 1 acre (43,560 square feet).
 2. Minimum lot width shall be 150'.
 3. Minimum lot depth shall be 150'.
 4. Principal Building:
 - i. Minimum front yard shall be 50 feet on all sides of a lot fronting on a county road, collector road, or arterial street as shown on the Borough Master Plan, and shall be 30' on all other streets.
 - ii. Minimum one side yard shall be 30 feet.
 - iii. Minimum both side yards is 60 feet.
 - iv. Minimum rear yard shall be 65 feet.
- Accessory building:
- i. Minimum side yard shall be 5 feet.
 - ii. Minimum rear yard shall be 5 feet.
5. Maximum percent of lot coverage by all buildings shall be 40%.
 6. Maximum percent of impervious coverage by all buildings and pavement shall be 70%.
 7. Maximum building height shall be 2.5 stories and shall not be greater 35'. However, when an on-grade parking lot is proposed to be located on the ground level or first floor level of a building, and where two (2) or more levels of habitable space is proposed above said parking level, the permitted building height may be increased to 3.5 stories and no greater than 40'.
 8. The maximum gross density shall be 18 d.u. per acre.

G. Parking, loading & lighting requirements.

1. All parking requirements provided for in the Residential Site Improvement Standards (RSIS) and in §350-27: Off Street Parking requirements of the Borough of Borough of South River shall apply.
2. Off-street parking spaces, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards of §350-27: Off Street Parking requirements of the Borough of Borough of South River.
3. Off-street parking spaces may be located in side and rear yards only.
4. No parking space be nearer than fifteen (15) feet to any street line nor nearer than five (5) feet to any lot line or principal building, and further provided that complete building perimeter parking is prohibited.
5. When a property shall have frontage on more than one street, parking access shall be arranged so as to be provided on the street(s) of lower traffic volume.
6. All proposed development shall be accompanied by a parking/traffic impact report.

H. Signs.

1. No freestanding or façade signs shall be permitted in the Educational Institution Overlay (E-IO) District.
2. However, when proposed in a variance situation, signs shall be as regulated in §350-26: Signs of this Ordinance.

I. Landscaping and buffering.

1. All landscaping, buffering, street tree, shade tree, screening, and tree replacement requirements of this Chapter shall apply.

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2. When abutting an E-I District property, E-I District boundary or when abutting a single-family or two-family residential zone or use, a 5' deep, 8' high landscape buffer of screening trees, plantings and fencing shall be provided on the perimeter of the site in the Educational Institution Overlay (E-IO) District development area.
- J. Pedestrian accommodations and access.
1. Pedestrian connections shall be provided along the fronts of buildings, between buildings and to the public sidewalk and crosswalk areas.
 2. Where pedestrian routes that connect buildings and/or open plazas with vehicular drives or routes, the pedestrian crossings shall be adequately striped for safety.
- K. Storm water management.
Development shall conform to the Borough of South River's storm water regulations.
- L. Solid waste and recycling.
Each building shall be designed to provide for adequate storage of solid waste disposal, including provisions for recycled materials. All areas for solid waste and recycling collection shall be located within buildings or parking facilities in side or rear yards. All exterior trash and recycling locations shall be enclosed and located in a manner which is obscured from view of parking lots, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination the three. If located outside the building, the container shall be situated on the same horizontal plane as the driveway providing access to the container.
- M. Curbs, sidewalks, utilities, and all other public improvements.
The developer is expected to install necessary public improvements on the property they control as well as abutting rights of way. The developer is expected to construct any off-tract improvements necessitated by their development. All utility improvements necessary to support the redevelopment shall be the responsibility of the redeveloper. The redeveloper shall be responsible for providing the necessary reports to indicate that there is sufficient municipal water and sewer capacity available for the maximum build-out of the project. Utilitarian improvements such as utility transformers or meter banks shall be located in screened areas in side or rear yards only. Placement of these or similar utilities in front yards or on front facades is prohibited.
- N. Environmental requirements.
A preliminary environmental assessment shall be required when demolition, rehabilitation and/or remediation is proposed of any former educational or institutional building older than 25 years old at the time of Zoning application. Any on-site remediation shall be conducted to the approval of the New Jersey Department of Environmental Protection for the use proposed for this site. The work and cost of all such remediation shall be the sole cost of the developer.
- O. Fiscal impact requirements.
All applications for development in the E-IO District shall be accompanied by a fiscal impact report analyzing the economic impact of the proposed development to the Borough.
- P. Architectural appearance.

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Any application for development shall be accompanied by architectural exhibits showing an extremely attractive building of significantly high architectural quality. No specific building style is required, however, brick, natural stone, precast concrete and other materials shall be provided to reflect permanence and resilience. Dormers, parapets, mansard roofs, varied rooflines, dental mouldings, quoins, should be proposed. Building should have a clear base, middle and top. Residential windows should contain grids and mullions along with shutters, French balconies, or other decorative brickwork window trims. Appropriate screening should be provide for ground level parking structures. Clock towers, cupolas, turrets, or other elements should be considered and should respect the alignment of surrounding streets, intersections and street views. Vinyl siding, stucco, and External Insulation Finishing Systems should not be proposed in visible areas.

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Patricia Oconnor

From: Frederick Carr
Sent: Friday, May 02, 2014 10:47 AM
To: Patricia Oconnor; Sheryl Nevin
Subject: FW: Flood Mapping Grant/Lincoln School
Attachments: South River RESOLUTION revised.doc

Pat,

Old Business and Consent agenda.

Include the email below for attachment to the packets under old business.

Thanks

Frederick C. Carr
Borough Administrator
Borough of South River
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From: Todd Bletcher [mailto:mail@bignellplanning.com]
Sent: Thursday, May 01, 2014 3:16 PM
To: Frederick Carr
Subject: Flood Mapping Grant/Lincoln School

Hi Fred,

After some discussion with NJDCA, they recommended we separate our mapping plan elements into smaller sub-elements. This way we can fast-track the mapping first and they can fast-track the payments to the Borough, without the other elements holding us up.

So we are separating the mapping and the fiscal elements of the "plan" from one grant application into two applications.

This represents no substantial content changes, however the DCA wants a separate Governing Body Resolution for each grant application.

Attached is last year's resolution authorizing participation in the program. I edited it to reflect the change. Would you kindly add this to the next available Council agenda?

Also, any direction on the Lincoln School matter from your Council meeting?

Thanks,
Todd