

DISCLAIMER

THIS IS AN UNOFFICIAL DOCUMENT UNTIL APPROVED BY GOVERNING BODY

AGENDA:

MAYOR AND BOROUGH COUNCIL

BUSINESS (X)

MEETING NO.3

REGULAR ()

DATE: 1/26/15

7:00 P.M.

SPECIAL ()

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

Public Announcement - Chapter 231, P. L. 1975

PUBLIC COMMENTS (agenda items only)

MINUTES

Minutes of Meeting No. 1 held on January 1, 2015

Minutes of Meeting No. 2 held on January 12, 2015

REPORTS

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

NEW BUSINESS

Refund of electric consumer deposits (Attachment A)

Refund of State Lifeline Deposits (Attachment B)

Approve Mercantile licenses: A & M Works LLC (Attachment C)

Family Dollar Deals (Attachment D)

Shreeji Ki Krupa Inc. t/a Witty's Liquors (Attachment E)

UNFINISHED BUSINESS

Cable Television Advisory Board (Attachment F)

2015 Road Program (Attachment G)

Amend Mobile Retail Food Establishment ordinance (Attachment H)

COUNCIL COMMENTS

EXECUTIVE SESSION

Contracts

Personnel

ADJOURNMENT

A, B

Request for Council Action

Date: 1/21/15

Resolution: ✓

Ordinance: _____

Other Reason for Request (Attach Back-up)

UTILITY REFUND
STATE LIFELINE REFUND

Funds Appropriated: yes no not applicable

[Signature]
Department Head

[Signature]
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>
65-999-000-122 CD	LORRAINE BOWERS & JAMES HAUCK 2540 NAZARETH RD EASTON, PA 18045	\$61.29
65-999-860-652 CD	CROWN REAL ESTATE HOLDINGS INC	\$288.21
65-999-860-652 ELEC PREV	27 PRINCE ST ELIZABETH, NJ 07708	\$37.13
65-999-879-903 CD	LUCILLA CRUZ 4 EBERWEIN ST APT 2 SOUTH RIVER, NJ 08882	\$30.18
65-999-001-597 CD	PERLA CRUZ 270 OLD BRIDGE TPKE SOUTH RIVER, NJ 08882	\$8.46
65-999-000-424 ELEC PREV	WALTER DANLEY 600 HARTLE ST SUITE D SAYREVILLE, NJ 08872	\$514.35
65-999-001-347 CD	DEBORAH DUDASH 250 CRESCENT AVE APT 237 SPOTSWOOD, NJ 08884	\$200.21
65-999-932-251 CD	SONIA ENEDINA 24B FERRY ST SOUTH RIVER, NJ 08882	\$180.16
65-999-001-451 CD	ALICIA JASTREBSKI 261 KARSEY ST HIGHLAND PARK, NJ 08904	\$129.88
65-999-000-531 CD	AMANDA PATRICE MARTINEZ 801 JUSTIN WAY UNIT 801 MANALAPAN, NJ 07726	\$244.54
65-999-001-432 CD	TANYA MIDDLETON 14 REDCLIFFE AVE APT 3B HIGHLAND PARK, NJ 08904	\$80.22

65-999-000-817 CD	FUYING QIU 340 WHITEHEAD AVE APT 201 SOUTH RIVER, NJ 08882	\$146.14
65-999-858-089 ELEC CURRENT	OBADIAH & SERENA WILLIAMS 68 HILLSIDE AVE SOUTH RIVER, NJ 08882	\$80.81
65-999-001-676 ELEC PREV	V ZELAGIN & D POPOW 31 PRENTICE AVE SOUTH RIVER, NJ 08882	\$9.20

/s/ _____
Councilmember

/s/ _____
Councilmember

RES: 2015

B

FEBRUARY 9, 2015

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
ACCOUNT NUMBER**

REASON

AUTH

YEAR

AMOUNT

DUDASH, DEBORAH
340 Whitehead Ave Apt 206
South River, NJ 08882
#65-999-001-347

Elec Credit

Refund

2015

\$56.69

STATE LIFELINE

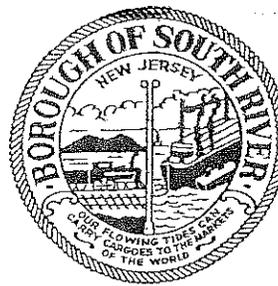
DATED:

/s/ _____
Councilmember

/s/ _____
Councilmember

BOROUGH OF SOUTH RIVER
48 WASHINGTON STREET
SOUTH RIVER, NJ 08882
PHONE 732-257-1999
FAX 732-613-6105

C



APPLICATION FOR MERCANTILE LICENSE

FEES:
\$50.00 NEW
\$25.00 Transfer

NAME OF BUSINESS A & M Works LLC

PROPOSED LOCATION 190 William Str Unit 1C

BLOCK# 48 LOT# 1-03

BUSINESS TELEPHONE 732-387-2281

NATURE OF BUSINESS (Describe Operation)

Auto repair shop

APPLICANT INFORMATION

NAME Dmytro Andryeyev

HOME ADDRESS 125 Willowbrook Dr

CITY, STATE, ZIP North Brunswick NJ 08902

TELEPHONE# HOME _____ CELL 732-658-6244

DATE OF BIRTH _____ SOCIAL SECURITY # _____

DRIVER'S LICENSE# _____

ATTACH A COPY OF YOUR DRIVERS LICENSE - Address on your identification must match the address on this application.

PROPOSED BUSINESS AT THIS LOCATION:

NUMBER OF EMPLOYEES 2

DAYS AND HOURS OF OPERATION Monday-Friday 8-8 / Saturday 9-2

SQ. FOOTAGE OF AREA TO BE OCCUPIED 1,989 SF

OFF STREET PARKING SPACES AVAILABLE TO SPACE BEING OCCUPIED # 20

DOES OPERATION INVOLVE USE OR STORAGE OF FLAMMABLE/COMBUSTIBLE OR HAZARDOUS MATERIALS _____ YES NO IF YES, SUPPLY QUANTITIES AND MSDS SHEETS ON PRODUCTS INVOLVED (ATTACH TO APPLICATION)

BOROUGH USE ONLY:

REFERRAL DATE 1/5/15

DEPARTMENT	APPROVAL/DENIAL	SIGNATURE	DATE
Zoning/Building	<i>OK</i>	<i>[Signature]</i>	<u>1/13/15</u>
Police	<i>OK</i>	<i>[Signature]</i>	<u>1/13/15</u>
Fire Prevention	<i>OK</i>	<i>[Signature]</i>	<u>1/13/15</u>
Health	<i>OK</i>	<i>[Signature]</i>	<u>1/5/15</u>

RECEIVED
BOROUGH OF SOUTH RIVER
2015 JAN -5 AM 10:46

NAME A & M Works LLC

PREVIOUS BUSINESS AT THIS LOCATION: Extreme Marine Boat Works LLC

DESCRIBE OPERATION OF PREVIOUS BUSINESS

Marine Boat Shop

NUMBER OF EMPLOYEES AT PREVIOUS BUSINESS n/a PARKING SPOTS 20

IF CORPORTATION: The information below is required for each officer and each stockholder owning 10% or more of the stock. List the name, address and phone number of each registered agent:

NAME Dmytro Andryeyev NAME Alexandr Condracov

ADDRESS 175 Willowbrook Dr ADDRESS 289 Main St apt 9L
No. Brunswick NJ 08902 Spotswood NJ 08884

PHONE # 732-658-6244 PHONE # 650-714-5711

NAME, ADDRESS AND PHONE OF ATTORNEY (IF ANY):

Whiteman Law Group 2515 Rt. 516 Old Bridge NJ 08857 (732)679-7000

PLEASE ANSWER THE FOLLOWING:

Applicant(s) ever been denied a license to conduct a business YES NO
If YES, describe in detail. (Date, business, location)

Applicant(s) ever been arrested or convicted of a crime, or violation of any municipal ordinance in the Borough of South River or any other municipality, other than traffic offenses?
YES NO

Is applicant currently the subject of any outstanding warrants? YES NO

If YES to the above, set forth the date and place of the offense, nature of the offense and the punishment or penalty imposed. (Date, location, disposition)

The undersigned makes these statements above to induce the Borough of South River to issue the license herein applied for and agrees to comply with all laws and ordinances of the Borough applicable to the subject business above referred to. I certify the information contained in this application is true and correct.

[Signature]
Applicant Signature

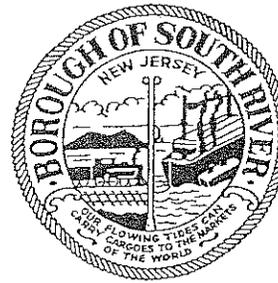
01/03/15
Date

BOROUGH OF SOUTH RIVER
48 WASHINGTON STREET
SOUTH RIVER, NJ 08882
PHONE 732-257-1999
FAX 732-613-6105

RECEIVED
BOROUGH OF SOUTH RIVER

2015 JAN -8 PM 12:23

\$50.00 Cash



APPLICATION FOR MERCANTILE LICENSE

FEES:
\$50.00 NEW
\$25.00 Transfer

NAME OF BUSINESS Family Dollar Deals

PROPOSED LOCATION 60-2 MAIN ST

BLOCK# 161 LOT# 11

BUSINESS TELEPHONE 732-257-2223

NATURE OF BUSINESS (Describe Operation)

Retail store

APPLICANT INFORMATION

NAME Ang Reynoso

HOME ADDRESS 29 Wilson ave

CITY, STATE, ZIP South River NJ 08882

TELEPHONE# HOME 732-822-7993 CELL _____

DATE OF BIRTH _____ SOCIAL SECURITY # _____

DRIVER'S LICENSE# _____

ATTACH A COPY OF YOUR DRIVERS LICENSE - Address on your identification must match the address on this application.

PROPOSED BUSINESS AT THIS LOCATION:

NUMBER OF EMPLOYEES 1

DAYS AND HOURS OF OPERATION Monday - Sunday 8-10

SQ. FOOTAGE OF AREA TO BE OCCUPIED 2400 sf

OFF STREET PARKING SPACES AVAILABLE TO SPACE BEING OCCUPIED # 4

DOES OPERATION INVOLVE USE OR STORAGE OF FLAMMABLE/COMBUSTIBLE OR HAZARDOUS MATERIALS _____ YES NO IF YES, SUPPLY QUANTITIES AND MSDS SHEETS ON PRODUCTS INVOLVED (ATTACH TO APPLICATION)

BOROUGH USE ONLY:

REFERRAL DATE 1/8/15

DEPARTMENT	APPROVAL/DENIAL	SIGNATURE	DATE
Zoning/Building	<u>OK</u>	<u>COL</u>	<u>1/21/15</u>
Police	<u>OK</u>	<u>DN</u>	<u>1/9/15</u>
Fire Prevention	<u>OK</u>	<u>AL</u>	<u>1/8/15</u>
Health	<u>OK</u>	<u>EG</u>	<u>1/13/15</u>

NAME Ana Reynoso

PREVIOUS BUSINESS AT THIS LOCATION:

DESCRIBE OPERATION OF PREVIOUS BUSINESS

Retail store Hold the list

NUMBER OF EMPLOYEES AT PREVIOUS BUSINESS 1 PARKING SPOTS 4

IF CORPORTATION: The information below is required for each officer and each stockholder owning 10% or more of the stock. List the name, address and phone number of each registered agent:

NAME _____ NAME _____

ADDRESS _____ ADDRESS _____

PHONE # _____ PHONE # _____

NAME, ADDRESS AND PHONE OF ATTORNEY (IF ANY):

PLEASE ANSWER THE FOLLOWING:

Applicant(s) ever been denied a license to conduct a business YES NO
If YES, describe in detail. (Date, business, location)

Applicant(s) ever been arrested or convicted of a crime, or violation of any municipal ordinance in the Borough of South River or any other municipality, other than traffic offenses?
YES NO

Is applicant currently the subject of any outstanding warrants? YES NO

If YES to the above, set forth the date and place of the offense, nature of the offense and the punishment or penalty imposed. (Date, location, disposition)

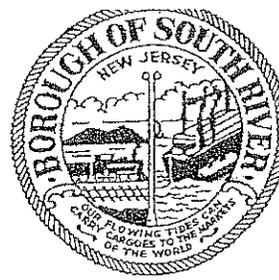
The undersigned makes these statements above to induce the Borough of South River to issue the license herein applied for and agrees to comply with all laws and ordinances of the Borough applicable to the subject business above referred to. I certify the information contained in this application is true and correct.

Ana Reynoso
Applicant Signature

1-8-15
Date

BOROUGH OF SOUTH RIVER
 48 WASHINGTON STREET
 SOUTH RIVER, NJ 08882
 PHONE 732-257-1999
 FAX 732-613-6105

E



APPLICATION FOR MERCANTILE LICENSE

FEES:
 \$50.00 NEW
 \$25.00 Transfer

NAME OF BUSINESS SHREEJI KI KRUPA INC. t/a WITTY'S LIQUORS
 PROPOSED LOCATION 490 OLD BRIDGE TURNPIKE (MAILING ADDRESS 478 OLD BRIDGE TPK.)
 BLOCK# 391 LOT# 1.01
 BUSINESS TELEPHONE (732) 390-0707
 NATURE OF BUSINESS (Describe Operation) RETAIL WINE AND SPIRITS STORE

RECEIVED

JAN - 7 2015

APPLICANT INFORMATION

BOROUGH CLERK

NAME DIPAKBHAI D. PATEL
 HOME ADDRESS 169 NORTH 15TH STREET
 CITY, STATE, ZIP BLOOMFIELD, NJ 07003
 TELEPHONE# HOME (973) 743-4529 CELL (862) 251-1149
 DATE OF BIRTH _____ SOCIAL SECURITY # _____

DRIVER'S LICENSE# _____

ATTACH A COPY OF YOUR DRIVERS LICENSE - Address on your identification must match the address on this application.

PROPOSED BUSINESS AT THIS LOCATION:

NUMBER OF EMPLOYEES 3
 DAYS AND HOURS OF OPERATION 7 DAYS A WEEK, 10:00 AM - 10:00 PM
 SQ. FOOTAGE OF AREA TO BE OCCUPIED 2,500
 OFF STREET PARKING SPACES AVAILABLE TO SPACE BEING OCCUPIED # 21

DOES OPERATION INVOLVE USE OR STORAGE OF FLAMMABLE/COMBUSTIBLE OR HAZARDOUS MATERIALS YES NO IF YES, SUPPLY QUANTITIES AND MSDS SHEETS ON PRODUCTS INVOLVED (ATTACH TO APPLICATION)

BOROUGH USE ONLY:

REFERRAL DATE 1/5/15

Food Lic. Div.

DEPARTMENT	APPROVAL/DENIAL	SIGNATURE	DATE
Zoning/Building	<i>OK</i>	<i>CL</i>	<u>1/21/15</u>
Police	<i>OK</i>	<i>DN</i>	<u>1/19/15</u>
Fire Prevention	<i>OK</i>	<i>AL</i>	<u>1/18/15</u>
Health	<i>OK</i>	<i>CL</i>	<u>1/9/15</u>

PREVIOUS BUSINESS AT THIS LOCATION:

DESCRIBE OPERATION OF PREVIOUS BUSINESS

RETAIL WINE AND SPIRITS STORE

NUMBER OF EMPLOYEES AT PREVIOUS BUSINESS 3 PARKING SPOTS 21

IF CORPORTATION: The information below is required for each officer and each stockholder owning 10% or more of the stock. List the name, address and phone number of each registered agent:

NAME DIPAKBHAI PATEL NAME _____
PRES. AND 100% SHAREHOLDER

ADDRESS 169 15TH ST. ADDRESS _____

BLOOMFIELD, NJ 07003 _____

PHONE # (973) 743-4529 PHONE # _____

NAME, ADDRESS AND PHONE OF ATTORNEY (IF ANY):

GLENN GORMAN, ESQ., 65 RAMAPO VALLEY, RD., STE. 102, MAHWAH, NJ 07430, (201) 529-0820

PLEASE ANSWER THE FOLLOWING:

Applicant(s) ever been denied a license to conduct a business YES NO
If YES, describe in detail. (Date, business, location)

Applicant(s) ever been arrested or convicted of a crime, or violation of any municipal ordinance in the Borough of South River or any other municipality, other than traffic offenses?
YES NO

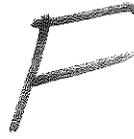
Is applicant currently the subject of any outstanding warrants? YES NO

If YES to the above, set forth the date and place of the offense, nature of the offense and the punishment or penalty imposed. (Date, location, disposition)

The undersigned makes these statements above to induce the Borough of South River to issue the license herein applied for and agrees to comply with all laws and ordinances of the Borough applicable to the subject business above referred to. I certify the information contained in this application is true and correct.

Glenn H. Gorman
Applicant Signature
GLENN H. GORMAN, ESQ.,
ATTORNEY FOR DIPAKBHAI PATEL & SHREEJI KI KRUPA INC.

1/7/2015
Date



*Borough of South River, NJ
Friday, January 23, 2015*

Chapter 22. Boards, Commissions and Authorities

Article X. Cable Television Advisory Board

§ 22-48. Purpose.

The purpose of the Board shall be to assist the governing body in making its determination in the award of cable television franchise and to monitor the performance during the term of the franchise of the cable television company that is awarded said franchise and to receive, investigate, report and follow any complaints with respect to the service provided by the cable franchise serving the Borough of South River.

§ 22-49. Creation; membership; terms.

- A. There is hereby created in and for the Borough of South River a Cable Television Advisory Board, which shall consist of seven members, who shall reside within the Borough of South River. The members of the Board shall serve without compensation. The Board shall annually, upon reorganization, elect a Chairman from its members. No resident shall be permitted to serve on that Board if that member owns, controls or acquires any direct or indirect interest in a CATV company, which has applied for or received a municipal consent from the Borough pursuant to N.J.S.A. 48:5A-1 et seq.
- B. The Cable Television Advisory Board shall consist of seven members appointed by the Mayor, with the advice and consent of the Borough Council. Each member of the Board shall serve for a three-year term, except that, in its initial term, the Mayor shall appoint two members to serve a one-year term; two members to serve a two-year term; and three members to serve a three-year term.

§ 22-50. Goals.

The Cable Television Advisory Board shall be established for the following:

- A. The Cable Television Advisory Board shall act as a cable television complaint board (complaint officer) with respect to the Borough's cable television franchise.
- B. The Cable Television Advisory Board shall act as a government liaison between the cable television franchisee and the citizens of the Borough of South River.
- C. The Cable Television Advisory Board shall make suggestions to and aid TV 35 personnel in developing and coordinating a local access program system for the Borough of South River. [Amended 2-12-1997 by Ord. No. 1997-2]
- D. The Cable Television Advisory Board shall act as an advisory committee for the franchising or refranchising of the CATV system within the Borough of South River.

- E. The Cable Television Advisory Board shall act as a liaison between the cable television franchisee, the governing body and the citizens of the Borough of South River. In this capacity, the Cable Television Advisory Board may make recommendations to the governing body or the franchisee for the improvement of service by the CATV system.

§ 22-51. Local access programming.

[Amended 2-12-1997 by Ord. No. 1997-2]

The Cable Television Advisory Board shall also be responsible for aiding and making suggestions to TV 35 personnel with respect to local access programming within the Borough of South River. The Cable Television Advisory Board shall be authorized to work with the citizens and Board of Education, as well as other areas of local government and citizen groups, to help aid in the development and maintenance of such a system. The Board shall be authorized to hear from interested persons wishing to utilize the local access channel for education, culture or entertainment programming. The Board shall exercise no editorial discretion, except to ensure that all state and federal regulations are complied with.

§ 22-52. Refranchising; evaluation of franchisee; report.

- A. Pursuant to the Federal Communications Commission (47 CFR 76.5 et seq.), the Cable Communication's Policy Act (47 U.S.C. § 546 et seq.), as well as the Cable Television Act (N.J.S.A. 48:5A-1 et seq.), and their amendments and/or supplements, the Mayor and Borough Council authorized the Cable Television Advisory Board to ascertain past, present and future needs of the Borough with regard to the CATV system. The Board shall be authorized to evaluate past and present performance of the present franchisee and shall further be authorized to evaluate the franchisee's proposal for addressing future needs of the Borough. The Board is authorized to hold one or more public hearings as it deems necessary commencing at least three years prior to the expiration of any franchise term, for the purpose of determining the past, present and future needs of the Borough, as well as determining the past and present performance of the franchisee.
- B. Upon determining the past, present and future needs of the Borough of South River, as well as determining the past and present performance of the franchisee, the Board shall issue a report to the governing body and the franchisee with regard to its findings. The franchisee shall then be given the opportunity to come before the Cable Television Advisory Board with a proposal for addressing the present and future needs within the Borough.
- C. During the refranchising or refranchising process before the Board of Public Utilities, Office of Cable Television or any such successor as authorized by the State of New Jersey, the Cable Television Advisory Board shall be expressly authorized to appear and provide testimony with regard to its findings. In addition to any hearing before the Office of Cable Television with regard to matters regarding cable television, franchising or refranchising, the Cable Television Advisory Board shall expressly be authorized to make reports and offer testimony to the governing body at any public hearing held concerning an application for franchising or refranchising of a CATV system in the Borough of South River.

§ 22-53. Municipal complaint officer.

The South River Borough Cable Television Advisory Board is hereby designated as the complaint officer for the Borough of South River pursuant to N.J.S.A. 48:5A-1 et seq. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-7.1.

G

BOROUGH OF SOUTH RIVER

Department of Public Works

9 Ivan Way

South River, NJ 08882

Phone: (732) 257-9051 Fax: (732) 613-6113



<http://www.southrivernj.org>

Email: dpw@southrivernj.org

MEMORANDUM 14-0113

TO: Mayor and Council

FROM: Adriano Soares
Director of Public Works

DATE: September 19, 2013

RE: Road Paving

Attached is the updated road paving list. I have deleted the streets that were done this year. The attached list shows the streets, in black, that were assessed by CME Associates in 2008 and marked with a #1 Ranking. The streets listed in red are additional streets that are in need of repaving and should also be considered a #1 Ranking.

If you have any questions, please feel free to contact me.

AS:dms

cc: Frederick C. Carr, Borough Administrator

ROADS RANKED AS "1" RATING

APPLEBY AVENUE from Sunset St. to First St., from Second St. to Easterly terminus and from Grand Ave. to Westerly terminus

ARLINGTON AVENUE from Old Bridge Turnpike to James Street

BERYL STREET from Wilcox Avenue to Cleveland Avenue

BRANDT STREET entire length

BROOK STREET from Northside Avenue to Division Street

CAROLINE DRIVE from Appleby Avenue to Foothills Drive

CENTER STREET entire length

CLAREMONT AVENUE from James Street to David Street

CLAYTON COURT

CLEVELAND AVENUE from Virginia to Dead End

DAILEY STREET from Virginia Street to John Street

DARROW STREET from Bright Street to Virginia Street

DAVID STREET from Kamm Avenue to 2nd Church Entrance

FERRIS STREET from Dailey Street to Ferris Street

FIFTH STREET entire length

FIRST STREET from Appleby Avenue to New Street

FIRST STREET from Leonardine Avenue to New Street

FRANSEN AVENUE from Sunset St. to Lyons St. & from Lyons St. to Leonardine Ave.

FRANKLIN STREET from Wilson Avenue to Pulawski Avenue

GASZI AVENUE from Old Bridge Turnpike to Dead End

GEORGE STREET from Thomas Street to Wilcox Avenue

JOHN STREET from Dailey Street to George Street

JOSEPH STREET from Pulawski Avenue to Raritan Street

KLAUSERS LANE

LYONS STREET from Sunset Street to Frandsen Avenue

MAGEIRA STREET from Jeffrie Ave. to East St. – Change to Whitehead Ave. to East St.

MAKO COURT from Amherst Street to Southerly Terminus

MITCHELL AVENUE from Old Bridge Turnpike to Garden

MONTGOMERY STREET entire length

MORNINGSIDE AVENUE from Old Bridge Turnpike to David Street

NORTHERN STREET from Burton Avenue to Woodlawn Avenue

OBERT STREET from Main Street to Jackson Street

RAYMOND PLACE from Kamm Avenue to Southerly terminus

ROBERT STREET entire length

ROSE STREET from Monush Street to Prospect Street

RUBIN STREET from Prospect Street to Pettit Avenue

SUNSET STREET from Leonardine Avenue to Dead End

TICE AVENUE from James Street to David Street

UNION AVENUE from East Street to Center Street

VIRGINIA STREET from Main Street to George Street

WILLETT LANE from Obert Street to Jackson Street

WILLETT AVENUE from Charles Street to Willett Lane

WILLETT AVENUE from Hillside Avenue to Kamm Avenue

ROADS RANKED AS "1" AND UNDER CONSIDERATION AS PART OF A FUTURE WATER MAIN CLEANING AND LINING PROJECT OR SANITARY SEWER REPAIR PROJECT

BISSETT PLACE from Anne Street to Brant Street

HOLMES AVENUE from Willett Lane to Jackson Street

ROADS RANKED AS "1" AND UNDER CONSIDERATION TO ADDRESS DRAINAGE COMPLAINTS

GARDEN STREET from Highland Avenue to Southerly terminus

ROADS RANKED AS "2"

STEPHEN STREET from George Street to Reid Street

MERCER STREET entire length

FAIRVIEW AVENUE entire length

H

Patricia Oconnor

From: Frederick Carr
Sent: Wednesday, January 21, 2015 2:53 PM
To: Patricia Oconnor; Sheryl Nevin
Subject: FW: Mobile Retail Food Establishment Ordinance
Attachments: revised ORD amending Mobile Retail Food Establishment BC triennial.doc; ATT00001.htm; revised ORD amending Mobile Retail Food Establishment.doc; ATT00002.htm

Just put this on the agenda for council discussion with the attorney providing explanation.

Thanks

Frederick C. Carr
Borough Administrator
Borough of South River
48 Washington Street
South River, NJ 08882
(732) 257 - 1999 ext. 120
(848) 992 - 6357 (Cell)

WARNING: Email received by or sent to Borough officials is subject to the Open Public Records Act [OPRA]. This means that absent some specific privilege, all such communications are considered a public record and are subject to publication and/or dissemination to the public upon request.

From: Andrea E. Wyatt, Esq. [mailto:aew@gm-law.net]
Sent: Wednesday, January 21, 2015 2:50 PM
To: Frederick Carr
Cc: Sheryl Nevin
Subject: Mobile Retail Food Establishment Ordinance

Fred,

Attached please find a revised ordinance based upon my discussion with Ms. Nevin.

Originally, Ms. Nevin indicated that you and the Chief wanted to keep the current ordinance/code exactly as is with the addition of the section in the taxi cab ordinance. If that is your request, I can absolutely draft the ordinance in that fashion. However, as I explained to Ms. Nevin, I would advise against it for clarity, proper formatting and some issues identified below.

Particularly, in the drafted ordinance Section 363-3, the requirement for the applicants to obtain a background check is a separate section since it is an additional requirement. The criminal background check would not be initially included in the suggested form as referenced in Section A. After I spoke with Ms. Nevin about this particular section, she indicated she agreed it should remain as drafted. If you would still like me to make this change, please advise.

After our original conversation, you and the Chief indicated that you did not want a driver's abstract to be submitted with the background check. Ms. Nevin indicated you have changed your mind and would like a

driver's abstract to be obtained. Therefore, I revised the ordinance to provide a driver's abstract for all operators of motor vehicles.

Additionally, according to Ms. Nevin, instead of amending 363-17, you wanted me to create another section. I indicated that I can absolutely do that; however, since we already have a section concerning Investigations it would be appropriate to include the criminal background check in that section. Again, Ms. Nevin indicated she agreed with the above. If you would still like me to make this change, please advise accordingly.

Furthermore, Ms. Nevin indicated you wanted me to include the Chief of Police in the following list:

§ 363-17. INVESTIGATIONS AND INSPECTIONS.

- A. Upon receipt of an application for a license or permit, the Borough Clerk shall refer such application to the following departments for the purpose of making an investigation or inspection, and said departments shall make a report thereon, favorably or otherwise, within seven business days after receiving the application or a copy thereof:
1. Health Department (with respect to such licenses in connection with the care and handling of food and the prevention of nuisances and spread of disease and the requirements of this article).
 2. Zoning Officer (to determine solely whether the proposed business conforms to the zone in which the property is located and the requirements of this article).
 3. Fire Prevention Department (to determine whether or not the vehicle to be utilized under the requirements of this article complies with the fire safety codes and the requirements of this article).

I advised Ms. Nevin that since this section requires the Department to provide its report within seven days after receiving the application, if the Chief does not receive the background within 7 days, the provision would be violated. Therefore, I removed the Chief of Police and created an entirely new section. The new section indicates that the application with the Criminal background check shall be forwarded to the Chief upon receipt. The Section reads:

§ 363-17(B) (NOW B WAS C IN PREVIOUS ORDINANCE)

"Upon receipt of the criminal background check and driver's abstract, the Borough Clerk shall forward the complete application, including the background investigation, to be reviewed by the Chief of Police who shall cause such investigation of the criminal background and business and moral character to be made as they deem necessary for the protection of the public good. Said investigation, prior to the issuance of a license hereunder, shall be mandatory. If the result of said investigation is that the application is satisfactory, same shall be approved by the Chief of Police. If as a result of such investigation the applicant's background reveals a prior history involving crimes of moral turpitude within the past 10 years or if the operator's driving records, character or business responsibility is found to be unsatisfactory, the application may be recommended to be denied. If the applications is recommended to be denied, the reasons for said denial must indicated in writing by the Chief."

Ms. Nevin advised to move Section B (same in the code and the drafted ordinance) which states that "In the event any department indicates some unfavorable comment that department shall set forth specifically the facts for such comment in writing" to Section C. In the revised ordinances attached, I made this revision.

Concerning the Section C (newly B), on the phone, after some discussion, you indicated that I should leave the specific crimes out of the ordinance since it would allow for more discretion from the Chief. Finally, you indicated that you wanted me to try to soften the requirement a bit. Therefore, I also I changed the word - shall to may. Therefore, the Chief of Police has the discretion to recommend the disqualification based upon the background check.

Again, the current 363-17(b) provides "In the event that any department's investigation or inspection indicates some unfavorable comment, that department shall set forth specifically the facts for such comment in writing." Therefore, I provided in the section for the Chief to provide unfavorable comments in writing as it is consistent with the rest of the process for this license. I was not directed to change this aspect of the ordinance. If, however, you want the Chief to have the ability to deny the application, additional changes to the current ordinance would be required. If this is your desire, please advise.

Unfortunately, the taxi cab ordinance section you are referring to does not fit with the Mobile food establishment process. If we were to implant the entire section, we would have to revise additional sections of your code. However, again, if you would like me to revise the ordinance to solely include the language from the taxi cab ordinance, please advise.

On conclusion Ms. Nevin instructed me to keep Section 363-13 as is but to include the requirement for a driver's abstract in Section 363-13 (B) for all motor vehicles. She further instructed me to add in the Chief of Police in the 363-17 list of departments that have 7 days from the receipt of the application to give its report. She also instructed me to move my Section B to Section C. Finally, she indicated I should keep the newly drafted section B but to add in the driver's abstract issue.

All of Ms. Nevin's requested revisions are incorporated within the revised ordinance. Please be advised I still advise against including the Chief of Police in 363-17(A) as it places a time limit on his review. Notwithstanding the foregoing, I have revised the ordinance to include the change. Please advise if any additional revision are necessary.

If you have any questions, please give me a call as soon as possible. Thank you.

#1

ORDINANCE NO. 2015 –

**AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AMENDING THE BOROUGH CODE OF THE BOROUGH OF
SOUTH RIVER, SO AS TO AMEND CHAPTER 363, ENTITLED
“FOOD AND BEVERAGE SERVICE” ARTICLE IV ENTITLED
“MOBILE RETAIL FOOD ESTABLISHMENTS”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River,
County of Middlesex, and State of New Jersey, as follows:

SECTION 1. Chapter 363 of the Borough Code of the Borough of South River,
entitled “Food and Beverage Service” is hereby amended so as to amend Section 363-11. “Definitions”
so as to read in its entirety as follows:

§ 363-11. DEFINITIONS.

MOBILE RETAIL FOOD ESTABLISHMENT

A vehicle, normally a van, truck, towed trailer or push cart, from which food and
beverages are sold

OWNER

Any person, firm or corporation who owns a mobile retail food establishment

OPERATOR

Any person who operates a Mobile Retail Food Establishment which services are
made available to the general public

MOBILE RETAIL FOOD ESTABLISHMENT SALES EMPLOYEE

Any employee who works in or with the Mobile Retail Food Establishment from
which services are available to the general public and who has direct contact with the
general public providing the aforementioned services

SECTION 2. Chapter 363 of the Borough Code of the Borough of South River,
entitled “Food and Beverage Service” is hereby amended so as to amend Section 363-13. “Application
for License” so as to read in its entirety as follows:

§ 363-13. APPLICATION FOR LICENSE.

- A. Applications for all licenses and permits required by this article shall be made in writing to the Borough Clerk. Each application shall contain the following information in the suggested format and include the application and permit fees required by § 363-25 hereinafter:
1. The name under which business is to be conducted;
 2. The name of the applicant/owner. If a corporation, give the names and addresses of the president and secretary. If a partnership, give the names and addresses of all partners;
 3. The name and address of all operators and mobile food establishment employees as defined in § 363-11;
 4. The present residence address and the address of the business, if different;
 5. The location or route within the Borough where the business is to be conducted;
 6. The addresses and municipalities in which the business has operated for the past five years;
 7. The nature of the business;
 8. The residence of the applicant during the past five years (if an individual);
 9. Whether the applicant has ever had a license to conduct the business herein described denied or revoked, except as noted;
 10. The business telephone number of the applicant;
 11. The name and address of the attorney, if applicable;
 12. The name and the address of the registered agent if the applicant is a corporation or limited-liability company; and
 13. A certification that the applicant makes the statements above to induce the Borough of South River to issue the license herein applied for and agrees to comply with all laws and ordinances of the Borough and State of new Jersey applicable o the subject matter thereof.
- B. All owners, operators and Mobile Retail Food Establishment employees, as defined in § 363-11, shall obtain a criminal background check at a private agency approved

by the Borough and shall submit the same. The results of the criminal background check shall be forwarded by the approved agency directly to the Borough Clerk. The cost of the criminal background check shall be borne by the applicant. All operators shall also obtain a driver's abstract and shall submit the same to the Borough if the mobile retail establishment is consider a motor vehicle.

SECTION 3. Chapter 363 of the Borough Code of the Borough of South River, entitled "Food and Beverage Service" is hereby amended so as to amend Section 363-17. "Investigations and Inspections" so as to read in its entirety as follows:

§ 363-17. INVESTIGATIONS AND INSPECTIONS.

- A. Upon receipt of an application for a license or permit, the Borough Clerk shall refer such application to the following departments for the purpose of making an investigation or inspection, and said departments shall make a report thereon, favorably or otherwise, within seven business days after receiving the application or a copy thereof:
1. Health Department (with respect to such licenses in connection with the care and handling of food and the prevention of nuisances and spread of disease and the requirements of this article).
 2. Zoning Officer (to determine solely whether the proposed business conforms to the zone in which the property is located and the requirements of this article).
 3. Fire Prevention Department (to determine whether or not the vehicle to be utilized under the requirements of this article complies with the fire safety codes and the requirements of this article).
 4. Chief of Police (determine whether the applicant has been convicted of a criminal or disorderly persons offense or whether or not there are any outstanding warrants).
- B. Upon receipt of the criminal background check and driver's abstract, the Borough Clerk shall forward the complete application, including the background investigation, to be reviewed by the Chief of Police who shall cause such investigation of the criminal background and business and moral character to be made as they deem necessary for the protection of the public good. Said investigation, prior to the issuance of a license hereunder, shall be mandatory. If the result of said investigation is that the application is satisfactory, same shall be approved by the Chief of Police. If as a result of such investigation the applicant's background reveals a prior history involving crimes of moral turpitude within the past 10 years or if the operator's driving records, character or business responsibility is found to be unsatisfactory, the application may be recommended to be denied. If the applications is recommended to be denied, the reasons for said denial must indicated in writing by the Chief.

- C. In the event that any department's investigation or inspection indicates some unfavorable comment, that department shall set forth specifically the facts for such comment in writing.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on _____, **2015**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the _____ day of _____, **2015**, at __:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

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PATRICIA O'CONNOR, RMC
Borough Clerk, Borough of South River

JOHN M. KRENZEL, Mayor, Borough of South River

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#2

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AMENDING THE BOROUGH CODE OF THE BOROUGH OF
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