

DISCLAIMER

THIS IS AN UNOFFICIAL DOCUMENT UNTIL APPROVED BY GOVERNING BODY

AGENDA:

MAYOR AND BOROUGH COUNCIL

BUSINESS (X)

MEETING NO.23

REGULAR ()

DATE: 11/23/15

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. 22 held on November 9, 2015

REPORTS

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

NEW BUSINESS

- Refund of electric consumer deposits (Attachment A)
- Comcast – Local Office (Attachment B)
- Remove Steven Lopes as Member of SR Rescue Squad (Attachment C)
- Appoint Nicole Wallace as Probationary Member of SR Rescue Squad (Attachment D)
- Middlesex County Water Quality Management Plan Amendment (Attachment E)

UNFINISHED BUSINESS

- Amend Ch. 155 Fees, Sec. 155-11 Ch. 147 Electrical Connections
- Main St. Redevelopment resolution (Attachment F)
- Approve Middlesex County Utilities Authority Solid Waste Disposal Agreement
- Holiday free parking
- Mitchell Associates Architects additional services – Firehouse Design (Attachment G)

COUNCIL COMMENTS

EXECUTIVE SESSION

ADJOURNMENT



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

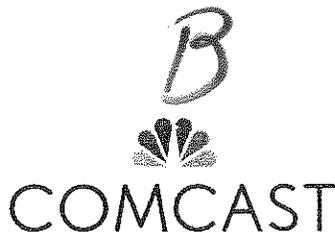
NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of South River that the Collector of Utility Revenue is hereby authorized to make the following refunds and adjustments indicated below and any attached list.

<u>ACCOUNT #</u>	<u>PAYABLE TO:</u>	<u>AMOUNT OF CHECK</u>
66-999-935-429 WTR CURRENT	MODESTO BARBOSA 40 WATER ST SOUTH RIVER, NJ 08882	\$160.84
66-999-935-429 WTR PREV		\$28.93
65999-909-404 CD	KELLIANNE BAYLIS 24 ALTON PL OLD BRIDGE, NJ 08857	\$157.80
65-999-994-478 ELEC CURRENT	CENTURY 21 CHARLES SMITH AGENCY C/O TODD KESSLER 150 MORGAN AVE SOUTH AMBOY, NJ 08879	\$23.73
65-999-002-144 CD	OMAR & MILVIA GARCIA 96 OLD BRIDGE TPKE SOUTH RIVER, NJ 08882	\$130.18
65-999-002-245 CD	GARDEN DELI LLC 205 HOWARD ST NEW BRUNSWICK, NJ 08901	\$4.53
65-999-000-632 CD	MAURICE JONES & KHADENE TRENARD 130A JOHNSON PLACE SOUTH RIVER, NJ 08882	\$127.28
65-999-001-869 ELEC CURRENT	LIGHTHOUSE SOUTH RIVER LG LLC P O BOX 1524 ENGLEWOOD, NJ 07632	\$18.56
65-999-000-834 CD	MARCOS LOPEZ 35 EAST ST SOUTH RIVER, NJ 08882	\$115.95
65-999-997-558 CD	IGOR MARSHTEIN – ESTATE OF 120 WILLOWBROOK DR NORTH BRUNSWICK, NJ 08902	\$124.76

65-999-000-859	ELEC CURRENT	TOBIAS REYES MENDOZA 172 OLD BRIDGE TPKE SOUTH RIVER, NJ 08882	\$105.93
66-999-000-986	WTR CURRENT	153 WHITEHEAD AVE LLC 41 HOLLANDER ST SOUTH RIVER, NJ 08882	\$263.44
65-999-854-888	CD	CHARLES SEBBAN & YAHAIRA TORO	\$151.69
66-999-918-379	WTR CURRENT	208 MCCABE AVE BRADLEY BEACH, NJ 07720	\$.17
65-999-001-978	CD	R VILLANOVA & C DIPRISCO 16 FOREST ST APT 302 MONTCLAIR, NJ 07042	\$145.35
66-999-980-485	WTR CURRENT	ALBERT & STELLA ZAVOTSKY 4 GRANGE CT EAST BRUNSWICK, NJ 08816	\$503.97

/s/ _____
Councilmember

/s/ _____
Councilmember



November 6, 2015

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

PAT
New Business
23 Nov 2015
Add PAT of Agreement of required physical presence
TKL
Ford

Dear Mr. Carr:

Thank you for taking the time to meet with me last week. As discussed, Comcast is currently in the process of consolidating customer service stores throughout our service areas in New Jersey. The store consolidations in New Jersey are part of a nation-wide initiative to expand Xfinity branded customer service stores that are designed to enhance the customer experience with Comcast when purchasing our products and services and in handling customer service issues.

Our store located at 228 Main Street in South River is being proposed to be consolidated with our larger customer service center at 3 Auer Court in East Brunswick, NJ. The East Brunswick store is about 2.5 miles from our store in South River and will have convenient operating hours, Monday-Friday 9:00am – 6:30pm and on Saturdays 9:00am – 2:00pm. The East Brunswick store will be staffed with 3 full-time employees. Also, as a convenience for South River customers, bill payment will continue to be available at Western Union service locations in South River and, of course, online payments can be made at <http://comcast.net>. And for those customers wishing to return equipment to Comcast, it can be dropped off, at no charge, at any local United Parcel Service (UPS) location.

We are confident the needs of our South River customers can be met at our East Brunswick location, however, we are aware of the provision in our franchise ordinance regarding maintaining a Comcast customer service location in the Borough. Consequently, the Company would like to continue our discussion with respect to the Borough's consent to close the Comcast store facility in South River.

Again, thank you for your consideration and I look forward to meeting with you again soon.

Sincerely,


Charles L. Smith III
Director of Government and Regulatory Affairs

cc: Lawanda R. Gilbert, Director, NJBPU Office of Cable Television
Dennis C. Linken, Esq., Scarinci Hollenbeck
William Kettleson, Regional Vice President of Government Affairs,
Comcast

ORD: 2001- 5

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST CABLEVISION OF New Jersey, INC. TO CONSTRUCT CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF SOUTH RIVER, NEW JERSEY.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of South River, as follows:

SECTION 1. Purpose of the Ordinance

The Borough hereby grants to Comcast Cablevision of New Jersey, Inc. renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the Borough poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

SECTION 2. Definitions

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 *et seq.* and the Cable Communications Police Act, 47 U.S.C. Section 521 *et seq.* as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 *et seq.* and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Municipality" or "Borough" is the Borough of South River, County of Middlesex, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast Cablevision of New Jersey, Inc.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1 *et seq.*
- d. "FCC" is the Federal Communications Commission.
- e. "Board" of "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Televisions of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.

SECTION 3. Statement of Findings

Public hearings conducted by the Borough, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully opened to the public, and the Borough, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. Duration of Franchise

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board. Said consent is subject to an automatic renewal of term of ten (10) years in accordance with the procedures set forth in N.J.S.A. 48:5A-19 and N.J.A.C. 14:18-3.6 *et seq.*

The performance of Comcast Cablevision of New Jersey shall be reviewable by the Borough by the end of the fifth (5th), tenth (10th), and fifteenth (15th) years of the initial consent term and the fifth (5th) year of the automatic renewal. During the periods beginning on the fourth (4th), ninth (9th), and fourteenth (14th) anniversaries of the initial consent, and the fourth (4th) anniversary of the automatic renewal, the Company shall write to the Borough advising the Borough of its rights to review the company's performance under this Ordinance, shall present such reasonable and pertinent information as the Borough may request and shall appear upon request before a meeting of the Borough Council to answer questions about the operations of the company and its performance. Any review process shall be completed within six months of the initiating letter sent by Comcast. Upon expiration of the six month period without a determination that the municipal consent be revoked, the consent shall continue in full force and effect.

In the event that the Municipal shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification. Any such finding shall contain a full statement of the reasons for revocation and shall be forwarded to the state Office of Cable Television for proceedings in accordance with state law.

SECTION 5. Franchise Fee

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough or any higher amount permitted by the Act or otherwise allowable bylaw, whichever is greater.

SECTION 6. Franchise Territory

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

SECTION 7. Extension of Service

The Company shall be required to proffer service along any public right-of-way to any person's residence or business located in all areas of the franchise territory as described herein, at tariffed rates for standard and non-standard installations.

SECTION 8. System Upgrade

The Company has completed an upgrade of the cable television distribution system serving the Borough. The upgraded system is a hybrid fiber optic/coaxial cable system following a "fiber to the node" architecture. The upgraded system provides improved picture quality, enhanced signal reliability and increased channel capacity.

The upgrade has been completed following the Company's engineering guidelines for hybrid fiber/coaxial ("HFC") plant design, which meets or exceeds all applicable state and federal regulations as well as voluntary cable television industry standards and follows commonly accepted industry practices.

SECTION 9. Construction Requirements

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the nature topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Temporary removal of Cables: The Company shall, upon request of the Municipality at the Company's expense, temporarily raise, lower, or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances. Whenever the request is made by, for, or on behalf of private parties, the cost will be borne by those same parties.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 10. Customer Service

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the community upon written request of the Borough Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credits for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA). Those standards shall include, but not be limited to, the goal of answering ninety (90%) percent of incoming telephone calls within thirty (30) seconds.
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is appropriate under law.
- e. The Company is permitted, but is not required to, charge a late fee consistent with applicable state and federal statutes and regulations.

SECTION 11. Municipal Complaint Officer

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

SECTION 12. Local Office

During the term of this franchise, and any renewal thereof, the Company shall maintain a local business or agent within the Borough limits for the purpose of receiving, investigating and resolving all complaints regarding the quality of service, equipment malfunctions and similar matters. Such local business office shall be open during normal business hours. Telephone response for such purposes as mentioned herein will be provided by the Company's employees, representatives or agents twenty-four (24) hours per day.

The telephone number and address of the local office shall be listed in applicable telephone directories and in correspondence from the Company to the customer. The telephone number for the local office shall utilize an exchange that is a non-toll call for Borough residents.

SECTION 13. Performance Bonds

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 14. Subscriber Rates

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 15. Public, Educational & Governmental Access

- a. The Company shall continue to provide residents with system-wide public access opportunities on a channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.
- b. The Company shall continue to provide system-wide leased or commercial access channel opportunities on a channel maintained by the Company for the purpose of cablecasting commercial access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.
- c. The Company shall continue to provide three dedicated public, educational, and government access channels as set forth in its application. The Company agrees to a total of two relocations of the wiring and modulator for these channels on request of and at no cost to the Borough, provided such relocation can be accomplished without significant cost or technical difficulty.
- d. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that the other channels that the Company transmits.
- e. The Company agrees to respond to public, educational and governmental access channel problems within 48 hours of notification of the problem, provided that there are no other simultaneous system problems of a higher priority.

SECTION 16. Commitments by the Company

- a. Company representatives shall appear at least once annually, upon reasonable written request of the Borough, at a public hearing of the Governing Body or before the Borough's Cable Television Advisory Committee, to discuss matters pertaining to the provision of cable service to residents of the Borough and other related issues as the Borough and Company may see fit.
- b. The Company shall make every effort to deploy new or advanced technology and/or services in the Borough that are commercially available, economically practicable, and technically feasible. That technology shall include but not be limited to: video-on-demand; digital video compression; advanced or high-definition television, digital audio services; digital television, high-speed Internet service via cable modem; and interactive program guides.
- c. Pole rental and electricity charges: The Company agrees to a base 10% increase in pole rental and electricity charges, and in rental of space on the water tower, on January 1 of the first calendar year after issuance of a Certificate of Approval (COA) by the Board of Public Utilities, with subsequent annual increases on January first for the length of the franchise tied to the Consumer Price Index (with a cap of 5% in any one year), as long as the Borough remains the owner of the poles and provider of electricity within its borders.
- d. The Company will provide a one-time access support grant in the amount of \$60,000.00 no later than twelve months of the issuance of a Certificate of Approval by the Board of Public Utilities. In addition, the Company will provide a camera and equipment package worth \$25,000.00 or its equivalent no later than twelve months of the issuance of a Certificate of Approval by the Board of Public Utilities.
- e. The Company will videotape up to two (2) events per year upon request of the Borough and provide the tape to the Borough for use on its access channels. The Borough will give the Company at least four weeks notice in advance of the events to be taped.

- f. The Company shall continue to provide a free standard installation and free monthly basic service to one location in each municipal building, including the Borough Hall; all libraries, fire, first aid, and police departments; public works buildings; and municipally-owned community and senior centers. The Company does hereby realize that the South River Municipal building is currently being renovated and the Company does hereby agree at no cost to the Borough to provide the necessary free cable installations and transfer with respect to said building.
- g. The Company shall continue to provide a free standard installation and free monthly basic service to each public and private elementary, middle, and secondary school in the Borough.
- h. The Company shall continue to provide one high-speed Internet connection to a non-networked computer in a public or institutional area to each library and school in the Borough that is able to receive cable television service according to Section 16 (f) and (g).
- i. Residents of the Borough wishing to subscribe to Internet service offered through the Company shall not be required to purchase cable TV service in order to do so.

SECTION 17. Two Way Services and Interconnection

In the event that the Borough determines that it is necessary and feasible for it to contract with the Company for the purpose of providing two-way or interconnection services, the Company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All costs for such application to the BPU shall be borne by the Borough.

SECTION 18. Emergency Uses

The Company shall be required to fully comply with all applicable federal and state statutes and regulations rules and regulations governing the implementation, operation and testing of the Emergency Alert System (EAS).

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 19. Liability Insurance

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damage or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$3,000,000.

SECTION 20. Incorporation of the Application

All of the commitments and statements contained in the application and any amendment thereto submitted in writing to the Municipality by the Company, except as modified herein, are binding upon the Company as terms and conditions of this Municipal Consent. The application and any other relevant writings submitted by the Company shall be considered a part of this ordinance and made a part hereof by reference as long as it does not conflict with state or federal law. All ordinances or parts of ordinances or other agreements between the Borough and the Company that re in conflict with the provisions of this agreement are hereby declared invalid and superceded.

SECTION 21. Competitive Equity

Should the Borough grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 22. Separability

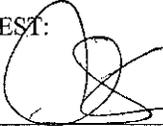
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 23. Effective Date

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

APPROVED AS TO FORM:

/s/ _____
THOMAS C. ROSELLI, ESQ.
BOROUGH ATTORNEY

ATTEST:

/s/ _____
ALBERT M. SEAMAN
BOROUGH CLERK

APPROVED:

/s/  _____
ROBERT SZEGETI
MAYOR

cc: Comcast
BPU (2)
Cable Advisory Committee
CFO
File

PATRICK GERALDO , Captain
DEPARTMENT HEAD

WILLIAM SYNEK, Asst. Captain
DEPUTY DEPARTMENT HEAD



RECEIVED

NOV 13 2015

TONY CIULLA , Councilman
CHAIRPERSON
PUBLIC SAFETY COMMITTEE
JOHN KRENZEL , Mayor

BOROUGH CLERK

**BOROUGH OF SOUTH RIVER
DEPARTMENT OF RESCUE
EMERGENCY MEDICAL SERVICES
6 THOMAS STREET
SOUTH RIVER, NEW JERSEY 08882**

To: Mayor & Council
From: Patrick Geraldo, Rescue Squad Captain
Date: November 12, 2015
Re: Rescue Squad Member Resignations

The following Member(s) have not responded to their letter of intent in sufficient time, sent on 10/22/2015. Please remove the members (by resolution) from the Rescue Squad roster. The member(s) have returned all Rescue Squad and Borough issued equipment and property.

- 1) Steven Lopes – 53 Levinson Ave, South River, NJ 08882

If there are any questions about the above listed member, please feel free to contact me at (732) 718-5462.

Regards,

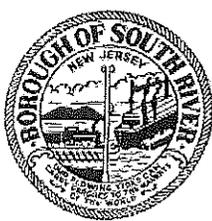
Patrick Geraldo, Captain
South River Rescue Squad

C: Squad File
Borough Clerks Office
Borough Administrator
President-SRRS, Inc.

D

PATRICK GERALDO , Captain
DEPARTMENT HEAD

WILLIAM SYNEK , Asst. Captain
DEPUTY - DEPARTMENT HEAD



RECEIVED

TONY CIULLA , Councilman
CHAIRPERSON
PUBLIC SAFETY COMMITTEE

JOHN KRENZEL , Mayor

NOV 13 2015

BOROUGH OF SOUTH RIVER
DEPARTMENT OF RESCUE
EMERGENCY MEDICAL SERVICES
6 THOMAS STREET
SOUTH RIVER, NEW JERSEY 08882

BOROUGH CLERK

TO: Mayor and Council
FROM: Patrick Geraldo, Captain
DATE: November 12, 2015
RE: Appointment for Rescue Squad Probationary Membership

I recommend the following applicant for Probationary Membership appointment in the Borough of South River, Department of EMS and Rescue. Please accept this applicant, pending the results of the full background check.

- 1. Nicole Wallace – 103 Hillside Ave, South River, NJ 08882

If there are any questions about the above listed applicant, please feel free to contact me at (732) 991-9390. I have attached a copy of the application for the Borough Clerk's Office records.

Regards

Patrick Geraldo

Patrick Geraldo, Captain
South River Rescue Squad

PC: Borough Clerk
Borough Administrator
President, SRRS, Inc.
File

Ronald G. Rios
Freeholder Director

Carol Bellante
Deputy Director

Kenneth Amwood
Charles Kenny
H. James Polos
Charles E. Tomaro
Blanquita B. Valenti
Freeholders



**COUNTY OF MIDDLESEX
DEPARTMENT OF INFRASTRUCTURE MANAGEMENT**

Office of Planning

Charles E. Tomaro
Chairman,
Infrastructure Management Committee

John A. Pulomena
County Administrator

Khalid Anjum
Department Head

Olga Sgambettera
Chairman, Planning Board

Dorothy K. Power
Secretary, Planning Board

Steven D. Cahn, Esq.
Counsel, Planning Board

George M. Ververides, P.P., A.I.C.P.
Director

October 21, 2015

CERTIFIED MAIL RRR # 7009 1410 0002 5104 0794

Honorable John Krenzel
Mayor of the Borough of South River
48 Washington Street
South River, NJ 08882-1247

E
FATI
@ New Business 23 Nov
@ Res on Consent 19 Dec 2015
Food

Re: Metuchen, South River, and North Brunswick Sewer Service Area Amendment to the Lower Raritan Middlesex County Wastewater Management Plan
Lower Raritan/Middlesex County Water Quality Management Plan (WQMP)
Program Interest No.: 435463 – Activity No.: AMD15001

Block 37, Lots 5.12, 5.22, 16.02, 16.03 (portions), 17.01, 17.02, 20 (portions); Block 37.01, Lot 16; (portion) Block 38, Lot 1 (portion); Block 39, Lot 40 (portion) -- Metuchen Borough;

Block 49, Lots 1.01, 2 (portion), Block 68, Lot 1 (portion), Block 77.01, Lot 1 (portion), Block 83, Lot 1 (portion) – South River Borough

Block 148, Lot 114.01 (portion), Block 262, Lot 108 – North Brunswick Township

Dear Mayor Krenzel:

The purpose of this letter is to request a written statement of consent from your municipality for the above-cited proposed WQMP amendment. State of New Jersey regulations (N.J.A.C. 7:15) require that all governmental entities, sewerage agencies, and BPU related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the amendment proposal, shall be requested to issue a written statement of consent. In consideration of this requirement, the governing body of your municipality is hereby requested to issue a statement of consent on the attached amendment proposal. A statement of consent by a governmental unit shall be in the form of a resolution by that unit's governing body.

Pursuant to N.J.A.C. 7:15-3.4, this written statement of consent is required within sixty days of your receipt of this letter. Enclosed, as an aid to you to ensure that the resolution is satisfactorily worded, is a "model" resolution. Should you determine that the governing body does not support the amendment proposal, it may submit a resolution to that effect, which shall specify the reasons why the amendment proposal is not supported. A copy of the resolution should be sent to us as well as to the New Jersey Department of Environmental

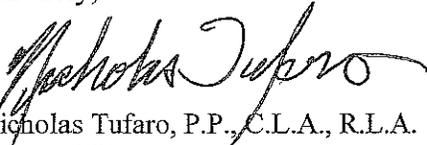
Mayor John Krenzel
October 21, 2015
Page 2

Protection (DEP), Office of Water Resources Management Coordination, P.O. Box 420, Mail Code 401-02A, 401 East State Street, 2nd Floor, Trenton, New Jersey 08625-0420.

Please be aware that if you do not submit the requested resolution, the DEP maintains the option of considering approval of the proposed amendment. Therefore, it is in **your** best interest to submit a resolution defining your position so that the DEP may consider it in their decision-making process on the amendment proposal.

If you have any questions on this matter, please call me at 732-745-3866.

Sincerely,



Nicholas Tufaro, P.P., C.L.A., R.L.A.
Principal Planner

NT:lak

Enclosures: Public Hearing Notice
Sample Model Resolution

c w/ enclosure: Mr. Frederick Carr, Borough Administrator
Mr. David Samuel, Borough Engineer

c w/o enclosures: Mr. George Ververides, Director of County Planning

My documents/wra/wmp amendments/2015-01/south river request for support

ATTACHMENT
STATEMENT OF CONSENT

A RESOLUTION CONSENTING TO THE PROPOSED WATER
QUALITY MANAGEMENT (WQM) PLAN AMENDMENT
ENTITLED: _____

WHEREAS, the _____ desires to provide for the orderly development of wastewater facilities (substitute other wording if appropriate) within _____; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the DEP Bulletin on _____ for (insert name of amendment) has been prepared by _____;

NOW, THEREFORE, BE IT RESOLVED on this _____ day of _____, 20____, by the governing body of the _____ that:

1. The _____ hereby consents to the amendment entitled _____, and publicly noticed on _____, prepared by _____, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

I do hereby certify that the foregoing is a true copy of a Resolution passed by _____ at a meeting duly held on _____.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of Water Resources Management Coordination
P.O. Box 420, 401 East State Street
Mail Code 401-02A
Trenton, New Jersey 08625-0420
Telephone: (609) 777-4349
Fax: (609) 292-0913
<http://www.state.nj.us/dep/wrm/>

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

RECEIVED

OCT 08 2015

Mirah Becker
Middlesex County Planning Office
40 Livingston Avenue
New Brunswick, NJ 08901

OCT 15 2015

BOROUGH CLERK

Re: Metuchen, South River, and North Brunswick Sewer Service Area
Metuchen Borough, Middlesex County (All lots listed are portions) – Block 37/Lots 5.12, 5.22, 16.02, 16.03, 17.01, 17.02, 20; Block 37.01/Lot16; Block 38/Lot 1; Block 39/Lot 40
South River Borough, Middlesex County – Block 49/Lots 1.01, 2 (portion); Block 68/Lot 1 (portion); Block 77.01/ Lot 1 (portion); Block 83/Lot 1 (portion)
North Brunswick Township, Middlesex County – Block 148/Lot 114.01 (portion); Block 262/Lot 108
Lower Raritan/Middlesex County Wastewater Management Plan
Lower Raritan/Middlesex County Water Quality Management Plan (WQMP)
Program Interest No.: 435463
Activity No.: AMD150001
Completed Compliance Review/ Notice of Public Comment Period

Dear Ms. Becker:

Your application submittal, dated April 27, 2015 and received on May 12, 2015 has been found to be administratively and technically complete. Accordingly, the Office of Water Resources Management Coordination has reviewed your amendment application for regulatory compliance pursuant to N.J.A.C. 7:15 and P.L. 2011, c.203 as amended and supplemented by P.L. 2013, c.188. As a result of this compliance review, the Department has determined that the proposed amendment can be published for public comment.

Enclosed please find a copy of the public notice for the above referenced amendment to the Lower Raritan/Middlesex County WQMP. In accordance with the Statewide Water Quality Management Planning rules (N.J.A.C. 7:15-3.4) and P.L. 2011, c.203 as amended and supplemented by P.L. 2013, c.188, public notice is required to be posted in the DEP Bulletin and two local newspapers which are the Home News and Tribune and the Star Ledger, for this planning area. We have attached the appropriate notice for publication. It is the responsibility of the applicant to publish the notice in the newspapers. We anticipate that the notice will be published in the DEP Bulletin on October 21, 2015. Please arrange to have your notice published on that date. If we are unable to publish on that date, we will contact you.

cc: ~~F. Carr~~, Building, DPW, Fire Dept., Health

In accordance with N.J.A.C. 7:15-3.4, the governing bodies of the following parties shall be asked to issue written statements of consent for the proposed amendment: Metuchen Borough, South River Borough, North Brunswick Township, and the Middlesex County Utilities Authority.

A statement of consent by a governmental unit shall be in the form of a resolution by that unit's governing body. Tentative, preliminary, or conditional statements shall not be considered to be statements of consent.

Within 15 days of receiving this letter you must send by certified mail (return receipt requested) a copy of the proposed amendment (which should include public notice, supporting documentation and/or wastewater management plan) to the parties identified above, with a request that they issue a written statement of consent for the proposed amendment within 60 days (see enclosed sample).

The applicant shall promptly forward to the Office of Water Resources Management Coordination a copy of all written statements of consent and other written comments received, and a copy of all requests for consent (with return receipts) sent to parties that did not provide written statements of consent or other written comments within 60 days of their receipt of such requests.

If a party does not respond to a statement of consent request within 60 days, or refuses to issue a written statement of consent for the proposed amendment, the Department will take into consideration the reasons for such action or inaction, if known.

Please place the program interest number and the activity number found above at the top of all written correspondence submitted to the Department. If you have any questions, please contact me at (609) 292-8058.

Sincerely,



Avi Argaman
Office of Water Resources Management Coordination

Enclosures

C: Richard Fitamant, Middlesex County Utilities Authority
Bozena Lacina, Metuchen Borough Clerk
Patricia O'Conner, South River Borough Clerk
Lisa Russo, North Brunswick Township Clerk
James Pontoriero, NJDEP, Construction and Connection Permits
Colleen Kokas, NJDEP, OWRMC

ENVIRONMENTAL PROTECTION

OFFICE OF WATER RESOURCES MANAGEMENT COORDINATION

Proposed Amendment to the Lower Raritan/Middlesex County Water Quality Management Plan

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Lower Raritan/Middlesex County Water Quality Management (WQM) Plan. This amendment proposal, entitled "Metuchen/South River/North Brunswick Sewer Service Area", submitted by the Middlesex County Planning Office on behalf of the Middlesex County Board of Chosen Freeholders, would expand the Middlesex County Utilities Authority (MCUA) sewer service area (SSA) to add 4 separate sites totaling 46 acres to the MCUA sewer service area. This proposed amendment has been reviewed in accordance with the Water Quality Management Planning rules at N.J.A.C. 7:15 and P.L. 2011, c.203 as amended and supplemented by P.L 2013, c.188. This preliminary notice represents the Department's determination that the proposed amendment is in compliance with the regulatory criteria pursuant to N.J.A.C. 7:15-5.24 and 5.25.

The four properties are located in the following municipalities in Middlesex County: Metuchen Borough (Site 1) - portions of the following lots: Block 37/ Lots 5.12, 5.22, 16.02, 16.03, 17.01, 17.02, 20, Block 37.01/Lot 16, Block 38/Lot 1, Block 39/Lot 40; South River Borough (Site 2) - Block 49/Lots 1.01, 2 (portion), Block 68/Lot 1 (portion), Block 77.01/Lot 1 (portion), Block 83/Lot 1 (portion); North Brunswick Township (Site 3) - Block 148/Lot 114.01 (portion) and (Site 4) - Block 262/Lot 108. The proposed sewer service area additions are: 5.10 acres (Site 1), 14.23 acres (Site 2), 23.96 acres (Site 3) and 2.97 acres (Site 4). Sites 1-3 were reviewed prior to the adoption (on March 11, 2015) of the Middlesex County Future Wastewater Service Area (FWSA) map amendment

but could not be included upon adoption because that would have constituted a substantive change to the amendment that was publicly noticed. All sites are currently vacant, with the exception of Site 4, which has one single family home on the property. There are no development proposals for any of the sites at this time. P.L. 2013, c.188 allows the Department review amendments to a WQMP to allow for the inclusion of land in a sewer service area, where the amendment does not propose a specific project or activity.

In accordance with N.J.A.C. 7:15-5.24, environmentally sensitive areas (ESA's) have been assessed to determine what areas of the proposed project sites are appropriate for inclusion in SSA's. Pursuant to N.J.A.C. 7:15-5.24(b), ESAs are defined as contiguous areas of 25 acres or larger consisting of habitat for threatened and endangered species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, Natural Heritage Priority Sites, Category One (C1) special water resource protection areas, and wetlands, alone or in combination. These ESA's are not included in the proposed SSA except as noted below.

In accordance with N.J.A.C. 7:15-5.24(b)1, to identify areas designated as threatened or endangered species habitat, the Department utilized the Division of Fish and Wildlife's Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species, version 3.1. Areas identified by the Landscape Project as being suitable habitat for threatened and endangered species Ranks 3 (State threatened), 4 (State endangered), and 5 (Federal endangered or threatened) are not to be included in proposed SSAs except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of Sites 1 and 4 has determined that no threatened or endangered species habitat exist on either site.

Review of Site 2 has determined that a portion is identified as Rank 3 habitat for the following species in Landscape Project version 3.1: Yellow Crowned Night Heron and Great Blue Heron. However, the habitat area located on this site is a

small, isolated patch that is less than 25 acres. It therefore does not meet the criteria for exclusion from the proposed SSA pursuant to N.J.A.C. 7:15-5.24(b)1.

Review of Site 3 determined that a portion is identified as Rank 3 habitat for the following species in Landscape Project version 3.1: Wood Turtle, Wood Thrush and Great Blue Heron. In June 2013 the Department received a Habitat Suitability Determination application (HSD). The HSD application was submitted in accordance with the provisions at N.J.A.C. 7:15-5.26 which describes the information that must be submitted by an applicant in order for the Department to re-evaluate the finding that a site is constrained for threatened and endangered species habitat. The Department concurred with the application's finding that the site was not suitable habitat for the species identified in the Landscape Project mapping.

In accordance with N.J.A.C. 7:15-5.24(b)2, areas mapped as Natural Heritage Priority Sites are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). The review has determined that no Natural Heritage Priority Sites exist on any of the sites.

In accordance with N.J.A.C. 7:15-5.24(b)3, areas identified as special water resource protection areas along Category One waterways and their tributaries are not to be included in SSA's, except as provided under N.J.A.C. 7:15-5.24(e) – (h). The Department has determined that no special water resource protection areas along Category One waters exist on any of the sites.

In accordance with N.J.A.C. 7:15-5.24(b)4, areas mapped as wetlands pursuant to N.J.S.A. 13:9A-1 and 13:9B-25 are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-5.24(e) – (h). Review of Site 4 has determined that no wetlands are on the site. For Site 1 in accordance with N.J.A.C. 7:15-5.24(e)2, Letter of Interpretation: Line Verification File # 1210-13-0001.1 FWW130001 was provided, confirming the extent of wetlands and transition areas on the site. The provisions at N.J.A.C 7:15-5.24(b)4, have been satisfied by

the exclusion of both the mapped wetlands and associated 50-foot transition areas from the proposed SSA.

For Site 2 in accordance with N.J.A.C. 7:15-5.24(e)2, Letter of Interpretation: Line Verification File #1223-04-0001.1 FWW080001 was provided, confirming the extent of wetlands and transition areas on the site. The provisions at N.J.A.C. 7:15-5.24(b)4, have been satisfied by the exclusion of both the mapped wetlands and associated 50-foot transition areas from the proposed SSA. The above mentioned approval remains valid under the Permit Extension Act at N.J.A.C. 7:1B until June 30, 2016.

For Site 3 in accordance with N.J.A.C. 7:15-5.24(e)2, Letter of Interpretation: Line Verification File #1215-05-0007.1 FWW050001 was provided, confirming the extent of wetlands and transition areas on the site. The wetlands area located on this site are small, non-contiguous areas of less than 25 acres. They therefore do not meet the criteria for exclusion from the proposed SSA pursuant to N.J.A.C. 7:15-5.24(b)1. One small wetlands area on the southeast corner of the site will remain excluded from the proposed SSA. The above mentioned approval remains valid under the Permit Extension Act at N.J.A.C. 7:1B until June 30, 2016.

Pursuant to N.J.A.C. 7:15-5.24(c), Coastal Fringe Planning Areas, Coastal Rural Planning Areas, and Coastal Environmentally Sensitive Areas shall be excluded from SSA. There are no such areas on the proposed sites.

Pursuant to N.J.A.C. 7:15-5.24(d)1, areas with Federal 201 grant limitations that prohibit the extension of sewers into specified environmentally sensitive areas are excluded from the SSA. Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities), which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this amendment and compliance is required.

In addition to the environmentally sensitive areas with Federal 201 grant limitations, there are other special restricted areas, not applicable here, which must also be excluded from SSA pursuant to N.J.A.C. 7:15-5.24(d)2 through 4. Specifically, there are no beaches, coastal high hazard areas, or dunes on the project sites.

In accordance with N.J.A.C. 7:15-5.25(h)1, the projected wastewater flow of a site is to be evaluated. However, P.L. 2013, c.188 allows the Department to approve the inclusion of land within a sewer service area notwithstanding that existing treatment works may not currently have the assured capacity to treat wastewater from such land without infrastructure improvements or permit modifications. Therefore amendments to expand a sewer service area may be approved if such actions are compliant with the applicable sections of the WQM Planning rules (N.J.A.C. 7:15) regardless of whether capacity has been fully assessed. Currently the MCUA sewage treatment plant (NJ0020141) is permitted to discharge up to 147 Million Gallons per Day (MGD) of treated wastewater to the Raritan River. Based on an average of the monthly average flow for the most recent twelve month period for which discharge monitoring data is available, the existing wastewater flow discharged from the MCUA sewage treatment plant was calculated to be 105.61 MGD.

In accordance with N.J.A.C. 7:15-5.25(h)3, the water supply need of a site is to be evaluated. However, P.L. 2013, c.188 allows the Department to review amendments to a WQMP that allow for the inclusion of land in a sewer service area, where the amendment does not propose a specific project or activity. For Site 1, Metuchen Borough is served by the Middlesex Water Company (PWSID No. 1225001). Middlesex Water Company has diversion privileges set by Water Allocation Permits 5293 and 5294, with additional bulk purchases, for a total supply of 2,051.960 million gallons per month (MGM) and 21,160 million gallons per year (MGY). Middlesex Water Company currently has a water supply surplus of 141.350 MGM and 1,781.793 MGY. For Site 2, South River Borough is served

by the South River Borough Water Department (PWSID No. 1223001). South River Borough Water Department currently has diversion privileges of 56 MGM and 238.424 MGY set by Water Allocation Permit 5171. South River Borough Water Department also purchases water (29.45 MGM and 346.75 MGY) from East Brunswick Township, however the contracts for water sold to other systems by the East Brunswick Water Utility have not been approved by the Department's Bureau of Water Allocation and Well Permitting. Therefore, the water purchased by the South River Borough Water Department from the East Brunswick Water Utility cannot be credited towards South River Borough Water Department's Firm Capacity, available monthly and yearly limits. As such, the South River Borough Water Department currently has a Firm Capacity deficit of 0.028 MGD and a yearly water deficit of 166.657 MGY. The Department and East Brunswick are currently in discussions pertaining to this matter. For Sites 3 and 4, North Brunswick Township is served by the North Brunswick Water Department (PWSID No. 1215001). The North Brunswick Water Department does not have its own water allocation limits rather, it has a water supply contract with the New Jersey Water Supply Authority (NJWSA) totaling 248 MGM and 2,920 MGY. North Brunswick Water Department currently has a water supply surplus of 12.046 MGM and 716.940 MGY.

In accordance with N.J.A.C. 7:15-5.25(h)4, a project or activity's stormwater management is to be evaluated. However, P.L. 2013, c. 188 directs that there is a presumption that an engineered subdivision or site plan is not required. Without such information, a review and determination of compliance with the Stormwater Management rules (N.J.A.C. 7:8) is not possible. The municipal governments are responsible for review and implementation of the Stormwater Management rules during their review and approval of proposed development. Metuchen Borough, South River Borough, and North Brunswick Township have adopted stormwater management ordinances (No.'s 2005-18, 2007-17, Chapter 205 Article 37, respectively); see N.J.A.C. 7:8-4. These municipalities are also required to

implement the N.J.A.C. 7:8 requirements incorporated in the Residential Site Improvement Standards; see N.J.A.C. 5:21-7.

In accordance with N.J.A.C. 5.25(h)5, riparian zones are not to be included in proposed SSAs, except as provided under N.J.A.C. 7:15-5.25(h)5i-vii. For Site 1, a riparian zone of a Bound Brook tributary has been identified on the property. Riparian zones or buffers are established along all surface waters, based on the surface water body's classification designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, under the following regulations: the Flood Hazard Area Control Act Rules, the Stormwater Management rules, and the Water Quality Management Planning rules. The required buffer width for the Bound Brook Tributary, which is designated FW2-NT, is 50 feet. There are no riparian zones located on Sites 2, 3, and 4.

In order to satisfy the Riparian Corridor Analysis, Metuchen Borough has adopted Ordinance No. 2011-04 to ensure the protection of the riparian corridors along all perennial and intermittent streams. The adopted ordinance establishes and protects Water Resource/Buffer Conservation Zones ("stream corridor buffer") adjacent to New Jersey Surface Water Quality Standards designated waters (excluding man-made) and regulates development within those zones. The stream corridor buffers vary in width depending upon the water body's classification in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15. The provisions at N.J.A.C. 7:15-5.25(h)5i, have been satisfied for Site 1 by the exclusion of the riparian corridor and associated 50 foot buffer of the Bound Brook Tributary from the proposed SSA and the adoption of Ordinance 2011-04.

In accordance with N.J.A.C. 7:15-5.25(h)6, proposed development disturbance is not to be located in areas with steep slopes, defined as any slope equal to or greater than 20 percent. There are no steep slopes on the subject sites.

This proposed amendment represents only one part of the permit process and other issues may need to be addressed prior to final permit issuance. These issues

may include, but are not limited to, the following: compliance with stormwater regulations; antidegradation; effluent limitations; water quality analysis; exact locations and designs of future treatment works; development in wetlands and flood prone areas, or other environmentally sensitive areas which are subject to regulation under Federal or State statutes or rules. Approval of this amendment does not eliminate the need for any permits, approvals or certifications required by any Federal, State, County or municipal review agency with jurisdiction over this project/activity.

Sewer service to any particular project is subject to contractual arrangements between municipalities, authorities and/or private parties, and is not guaranteed by this amendment.

This notice is being given to inform the public that a plan amendment has been proposed for the Lower Raritan/Middlesex County WQM Plan. All information related to the WQM Plan and the proposed amendment is located at the Middlesex County Planning Department, 40 Livingston Avenue, New Brunswick, New Jersey 08901, and the Department, Office of Water Resources Management Coordination, 401 East State Street, P.O. Box 420, Mail Code 401-07A, Trenton, N.J. 08625-0420. The Department's file is available for inspection between 9:00 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Water Resources Management Coordination at (609) 777-4349.

A **public hearing** will be held by Middlesex County on the proposed WQM Plan amendment. The public hearing will be on November 24, 2015 at 5:30 pm, in the Freeholders' Public Meeting Room, 1st Floor, of the Middlesex County Administration Building located on John F. Kennedy Square and Bayard Street, New Brunswick, New Jersey.

Interested persons may submit written comments on the amendment to WQM Program Docket, Office of Water Resources Management Coordination, at the

Department address cited above with a copy sent to Ms. Mirah Becker of the Middlesex County Planning Department at the County address cited above. All comments should reference Program Interest No. 435463, Activity No. AMD150001 and must be submitted within 15 days following the public hearing. All comments submitted prior to the close of the comment period shall be considered by the County Board of Chosen Freeholders in reviewing the amendment request. If the amendment is adopted by Middlesex County, the Department must review the amendment prior to final adoption. The comments received in reply to this notice and to the public hearing will also be considered by the Department during its review.

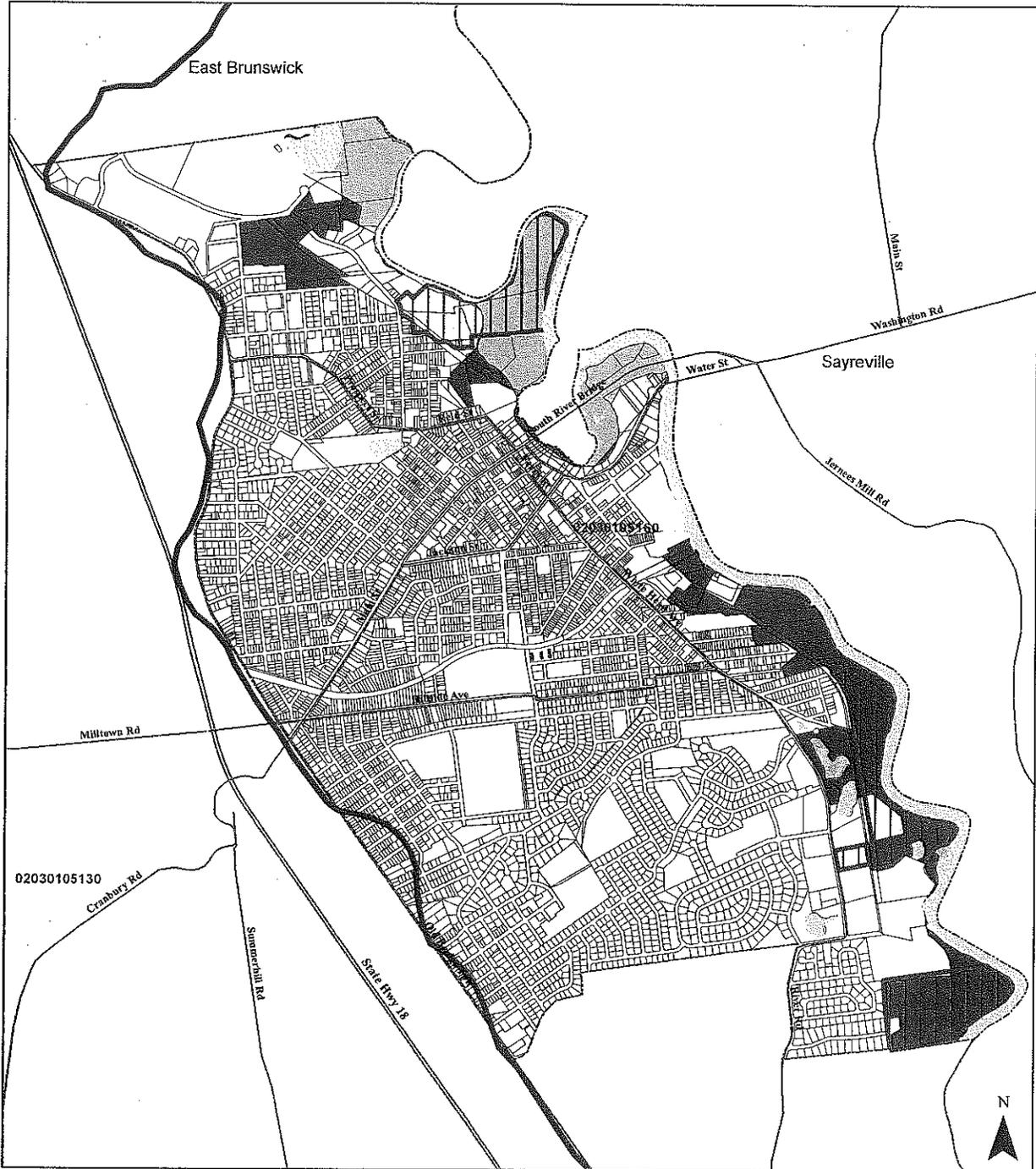


Colleen Kokas, Director
Office of WRM Coordination
Department of Environmental Protection

10-8-15

Date

Map A - Borough of South River Changes to the Future Sewer Service Area



- Legend**
- Unchanged MUA Future SSA (year 2000)
 - Area Added to MUA Future SSA**
 - Area Removed from MUA Future SSA*
 - Not Sewered
 - Public Open Space (25+ Acres)
 - HUC 11 Boundaries
 - Roads
 - Parcels
 - Surface Water
 - Neighboring Municipalities

F

Patricia Oconnor

From: Todd Bletcher <mail@bignellplanning.com>
Sent: Monday, November 09, 2015 4:46 PM
To: Frederick Carr; Patricia Oconnor; Sheryl Nevin
Subject: Revised Main Street Study Area Resolution
Attachments: Redevelopment Reso Main St noncondemnation 11-4-15.docx

Fred,

Attached is the revised redevelopment resolution we discussed the last week. (MSWord)

I had to revise the block and lot list to clarify some discrepancies between lot numbers on the tax map and property tax cards. There are no substantive changes to the study area from the previous resolution.

Would you kindly add this to your next open council agenda for re-adoption?

Thanks,
Todd Bletcher

RESOLUTION OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE PLANNING BOARD TO UNDERTAKE AN INVESTIGATION OF THE MAIN STREET REHABILITATION DISTRICT AS A POSSIBLE AREA IN NEED OF REDEVELOPMENT, PURSUANT TO N.J.S.A. 40A:12A-6

WHEREAS, *N.J.S.A. 40A:12A-6* authorizes the governing body, by resolution, to authorize the Planning Board to undertake an investigation to determine whether an area within the Borough of South River is in need of redevelopment in which the municipality may use powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain or condemnation according to criteria set forth in *N.J.S.A. 40A:12A-5*; and

WHEREAS, it is the desire of the governing body to authorize the Planning Board to undertake such an investigation to determine whether the Main Street Rehabilitation District of the Borough of South River, satisfies the criteria to be designated as an area in need of redevelopment pursuant to the aforementioned law; and

WHEREAS, before proceeding to a public hearing on the matter in accordance with the requirements of state statute, the Planning Board shall prepare and submit to the governing body a map showing the boundaries of the proposed redevelopment area and the location of the various parcels of property included therein as identified by this Resolution, together with a statement setting forth the basis for the investigation; and

WHEREAS, any interested or affected property owners shall be duly notified of the date of a hearing for the purpose of being heard in regard to the determination of the Planning Board; and

WHEREAS, all hearing notice requirements shall be followed in accordance with the requirements of *N.J.S.A. 40A:12A-6*; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of South River, County of Middlesex, State of New Jersey, as follows:

1. That the governing body does hereby authorize the Planning Board to undertake an investigation pursuant to *N.J.S.A.* 40A:12A-6 to determine if the Main Street Rehabilitation District Study Area, a study area that contains the entirety of the Main Street Rehabilitation District, a zoning district shown on the Official Zoning Map of the Borough of South River, and further listed below by block and lot, as revised and clarified, is an area in need of redevelopment in which the municipality may use powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain or condemnation:

Lower Main Street Rehabilitation District Study Area:	
Block Number:	Lot Number:
147	23, 24, 25, 26, 27, 29, 30, 31, 32
150	1, 1.01, 2.01, 4, 4.01, 4.03, 5, 6, 6.01, 6.02, 7
151	all lots including 1, 2, 2.01, 3, 4, 4.01, 5, 6, 6.01, 7
152	all lots including 1, 1.01, 2, 3, 4, 5, 6, 7, 7.01, 8.01, 8.02, 9, 10, 11, 12, 12.01, 13, 14, 15, 16
153	1, 2, 1.01, 3, 4, 5.01, 5.02, 6, 7
154	all lots including 1, 2, 3, 4, 5, 6, 7
155	all lots including 1, 3, 4, 5, 6, 6.02, 6.01, 7, 8, 9
156	all lots including 1, 2, 3, 4, 5, 6, 7.01, 7.02, 8, 8.PT, 9, 10, 11, 11.01
157	all lots including 1, 2, 3, 4, 5, 6, 7, 8, 8.01, 9, 10.01, 10.02, 11, 12, 13, 14.1, 15, 15.1, 16, 17, 18, 18, 19, 20, 21
158	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 30
161	1, 2, 3, 4, 5, 6, 7, 7.01, 8, 9, 10, 11, 12, 13, 14, 15, 21, 29, 30, 21.01, 21.02
321	11, 12, 13, 14
325	1

2. That the Planning Board, via its appointed Planner, Bignell Planning Consultants, Inc., shall be authorized and directed to prepare and submit a map and report of its findings to the governing body in accordance with *N.J.S.A.* 40A:12A-6 and 40A:12A-5.

3. That the Planning Board, upon determining if Main Street Rehabilitation District of the Borough of South River is an area in need of redevelopment, after notice to the governing body, provide adequate notice of a hearing to interested parties and affected property owners pursuant to the requirements of *N.J.S.A.* 40A:12A-6.

4. That a certified copy of this resolution be forwarded to the Planning Board and

the owners of record of properties located within Main Street Rehabilitation District.

DATED: JUNE 22, 2015

/s/ _____
Councilmember

/s/ _____
Councilmember

ROLL CALL VOTE

YEAS:

NAYS:

ABSENT:

CERTIFICATION

I, Patricia O'Connor, Borough Clerk of the Borough of South River, do hereby certify this to be a true copy of a Resolution adopted by the Borough Council of the Borough of South River at a meeting held on June 22, 2015.

Patricia O'Connor, RMC
Borough Clerk

November 15, 2015

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

Dear Mayor and Council:

As you know, Mitchell Associates Architects first proposed a fee to South River in 2011 for the design of your fire station. Over time, that fee has proven to be inadequate for several reasons beyond the control of Mitchell Associates. This is a request to amend that fee.

First, the original fee did not anticipate all of the time that has transpired since the fee was quoted nor the complexity of the building that has resulted from the required pilings and grade beams resulting from the poor soils, and under slab ventilation resulting from the ground pollution. The need for these revisions was discovered by CME in March 2015, at which point we were more than 50% complete with our construction documents.

Second, the original fee did not anticipate that we would be producing drawings for two buildings (the main station and the renovated boxing building).

Finally, the original fee did not anticipate that the allowed construction duration would increase from an originally expected 12 months to nearly 16 months to accommodate the pilings, under slab ventilation, and the late season start that has been caused by the need to modify the design to incorporate these elements.

We have been compensated \$22,500 for the additional design work that resulted from the foundation and under slab changes and the design changes required by County Planning site restrictions. While that has compensated us to some degree, because of our rising staff costs over the past four years and the other unanticipated efforts described above, we have lost \$33,400 during design. Looking forward to construction, extending the schedule by four months will cause us to lose an additional \$35,000.

The original fee of \$425,000 was 7.1% of the expected \$6 million budget (2011). Through no fault of ours, the budget is now \$6,947,000. Even with the additional fees we have received, our fee has shrunk to 6.4% of the current construction cost while at the same time our responsibilities have increased.

As far as the building budget is concerned, while it is clear that the foundation system has increased the building cost by more than \$1,000,000, we have worked hard to hold, and in some cases reduce, the cost of the portion of the building that we were responsible for compared to the 2011 budget.

29 Thacher Park Road
Voorheesville, NY 12186
(518) 765-4571
www.Mitchell-Architects.com
Bob@Mitchell-Architects.com



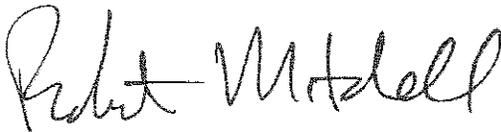
**Mitchell
Associates
Architects**

I believe that some adjustment is only fair. We respectfully request an amendment to our contract to increase our fee as follows:

	Current	Proposed	Difference
Phase 1 - Programming and Feasibility Analysis	\$ 35,000	\$ 35,000	\$ -
Phase 2 - Contract Documents and Admin	\$ 240,000	\$ 273,400	\$ 33,400
Phase 3 - Bidding and Construction Administration	\$ 150,000	\$ 185,000	\$ 35,000
Totals	\$ 425,000	\$ 493,400	\$ 68,400
	Percentage Change		16%

I hope you will consider and approve this request.

Thank you,



Robert Mitchell, AIA

29 Thacher Park Road
Voorheesville, NY 12186
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