

DISCLAIMER

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AGENDA:

MAYOR AND BOROUGH COUNCIL

BUSINESS (X)

MEETING NO.8

REGULAR ()

DATE: 3/28/16

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

Swearing in of Police Officers

Appoint Sgt. Robert S. Maclosky as Lieutenant

Appoint Ptl. Jonathan Minacapelli as Sergeant

PUBLIC COMMENTS (agenda items only)

MINUTES

Minutes of Meeting No. 6 held on March 14, 2016

Closed Session minutes of March 14, 2016

REPORTS

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

LICENSES

Taxi Owner Licenses: – Kelly’s (12) (Attachment A)
 Oasis Taxi (6) (Attachment B)

NEW BUSINESS

- Refund of electric consumer deposits (Attachment C)
- Authorize CME to file Annual NJDEP Storm Water Report (Attachment D)
- Approve 2016 Middlesex County Public Health Interlocal Service Contract (Attachment E)
- HCD – Transfer of Accounts (Attachment F)
- Life Hazard Use Inspection Fee (Attachments G, H)

UNFINISHED BUSINESS

Area in need of Redevelopment

COUNCIL COMMENTS

EXECUTIVE SESSION

Personnel

ADJOURNMENT

A



SOUTH RIVER POLICE DEPARTMENT

Mark E. Tinitigan
Chief of Police
61 Main Street
South River, NJ 08882
Phone: (732) 238-1000
Fax: (732) 613-6103

Inter-Office Memorandum

March 17, 2016

To: Chief M. Tinitigan
From: Lt. J. McKenna *J. McKenna*
Re: Kelly's Car Service – Taxi Inspections

Chief,

As per South River Borough Ordinance 310-11.A(1) and 310-15.B(1) on March 16, 2016 this agency conducted taxi cab inspections of Kelly's Car Service vehicles for the purpose of licensing. At the time of the inspection it was determined all vehicles listed below were compliant with Chapter 310. Subsequently numbered decals were affixed to the rear windows and the vehicles are recommended for licensing.

NJ Registration	Make	Model	Year	Decal No. Issued
OT7864	Toyota	Camry	2007	1
OT7860	Lincoln	Town Car	2008	2
OT7890	Chrysler	Town & Country	2001	3
OT4845	Toyota	Avalon	2004	10
OT7197	Lincoln	Town Car	2010	11
OT4753	Dodge	Caravan	2003	12
OT7176	Toyota	Camry	2002	13
OT7874	Chrysler	Town & Country	2006	14
OT7861	Chrysler	Town & Country	2010	15
OT7177	Chrysler	Town & Country	2006	16
OT3142	Toyota	Sienna	2004	17
OT3141	Chrysler	Town & Country	2002	18

CC: Sheryl Nevin – Deputy Borough Clerk

B



SOUTH RIVER POLICE DEPARTMENT

Mark E. Tinitigan
Chief of Police
61 Main Street
South River, NJ 08882
Phone: (732) 238-1000
Fax: (732) 613-6103

Inter-Office Memorandum

March 17, 2016

To: Chief M. Tinitigan
From: Lt. J. McKenna *JMK*
Re: Oasis Taxi – Taxi Inspections

Chief,

As per South River Borough Ordinance 310-11.A(1) and 310-15.B(1) on March 16, 2016 this agency conducted taxi cab inspections of ten (10) vehicles owned by Oasis Taxi for the purpose of licensing. At the time of the inspection it was determined six (6) vehicles listed below were compliant with Chapter 310. Subsequently numbered decals were affixed to the rear windows and the vehicles are recommended for licensing.

NJ Registration	Make	Model	Year	Decal No. Issued
OT1223	Chrysler	Town & Country	2006	4
OT1222	Dodge	Caravan	2003	5
OT8322	Dodge	Caravan	2008	6
OT4486	Dodge	Caravan	2006	7
OT1233	Dodge	Caravan	2003	8
OT1224	Dodge	Caravan	2009	9

The remaining four (4) vehicles failed the inspection and have been scheduled for re-inspection on March 30, 2016.

Due to clerical errors on the part of the owner three (3) vehicles previously licensed were not present for inspection. The clerical issues are in the process of being rectified and it is my understanding those vehicles will be present for inspection on March 30, 2016.

CC: Sheryl Nevin – Deputy Borough Clerk

C

Request for Council Action

Date: 3-23-16

Resolution: ✓

Ordinance: _____

Other Reason for Request (Attach Back-up)

UTILITY REFUNDS

Funds Appropriated: yes no not applicable


Robert Under
Department Head


Approval/Disapproved Administrator

RESOLUTION

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

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

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

<u>ACCOUNT #</u>	<u>PAYABLE TO:</u>	<u>AMOUNT OF CHECK</u>
65-999-001-979 CD	GUSTAVO & TIFFANY BOZA 9 FARRAGUT SQ FREEHOLD, NJ 07728	\$52.82
65-999-001-422 CD	PAUL CASTILLO 17B EAST ST SOUTH RIVER, NJ 08882	\$4.65
65-999-001-888 CD	REV FERNANDO FREITAS 90 LEONARDINE AVE SOUTH RIVER, NJ 08882	\$90.57
65-999-002-244 CD	CHARLEY GARCIA & MICHELLE ANDRADE 1232 DOGWOOD CT NEW BRUNSWICK, NJ 08901	\$44.45
65-999-002-469 CD	JULIE ANNE HANNEN 235 STATE RT 34 MATAWAN, NJ 07747	\$140.39
65-999-002-711 CD	GILBERT RODRIGUEZ 51 LORNA LANE SUFFERN, NY 10901	\$125.72

/s/ _____
Councilmember

/s/ _____
Councilmember

D

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
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TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP

March 18, 2016

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

Attn.: Frederick Carr
Borough Administrator

Re: NJDEP Storm Water Discharge Permit
2015 Annual Report
South River, New Jersey
Our File No.: PSR00051.10

Dear Mr. Carr:

As you are aware, the NJDEP requires all municipalities to file the annual Storm Water Report. This year the deadline is May 2nd. We can provide this service for a cost not to exceed \$2,340.00. Our services will include gathering the required information, completing the online report including the new supplemental questionnaire and filing them with the NJDEP.

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

Very truly yours,

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

BMK/sm

cc: Mayor John Krenzel



Ronald G. Rios
Freeholder Director

Carol Bellante
Deputy Director

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

**COUNTY OF MIDDLESEX
DEPARTMENT OF PUBLIC SAFETY AND HEALTH**

Office of Health Services

H. James Polos
*Chairperson, Public Safety
and Health Committee*

John A. Pulomena
County Administrator

Joseph W. Krisza
Department Head

Lester Jones
Director-Health Officer

RECEIVED

March 7, 2016

MAR 11 2016

Ms. Patricia O'Connor, Municipal Clerk
Borough of South River
48 Washington Street
South River, New Jersey 08882

BOROUGH CLERK

RE: Public Health Interlocal Service Contract

Dear Ms. O'Connor:

Enclosed please find three original Interlocal Service Contracts for your municipality. This contract will continue to provide public health services and programs to your community for the period of January 1, 2016, through December 31, 2016. The amount of the contract for this period will be \$62,277.88.

Please have your governing body execute the enclosures and return to me in the envelope provided so I may request a formal Resolution from the Middlesex County Board of Chosen Freeholders.

Thank you for your cooperation in this matter.

Sincerely,

Lester Jones
Director-Health Officer

LJ/pk
Enclosures

cc: Bl
CSD
BC of Health

THIS CONTRACT entered into this 1st day of January 2016,
between the COUNTY OF MIDDLESEX, a municipal corporation of the State of New
Jersey, having its principal office at 75 Bayard Street New Brunswick, New
Jersey, hereinafter referred to as the "COUNTY" and the BOROUGH OF SOUTH
RIVER, having its principal office at 48 Washington Street in the County of Middlesex
and the State of New Jersey, hereinafter referred to as the "MUNICIPALITY",

WITNESSETH:

WHEREAS, the County has created the Middlesex County Office of Health
Services pursuant to N.J.S.A. 26:3A2-1 et seq., to provide an array of public health
services; and

WHEREAS, the Municipality is desirous of contracting with the County for
furnishing by the County to the Municipality health services of a technical and
professional nature as more fully set forth below; and

WHEREAS, the parties to this contract are authorized to contract for said services
pursuant to N.J.S.A. 40A:65-1 et seq.;

NOW, THEREFORE, in consideration of the mutual promises, covenants,
agreements and other considerations between the parties, the parties do hereby mutually
covenant and agree as follows:

1. The County shall provide properly licensed personnel within the territorial
jurisdiction of the Municipality, to carry out the following public health
activities:
 - a. ADMINISTRATION
 - b. HEALTH EDUCATION

- c. COUNTY ENVIRONMENTAL HEALTH ACT (CEHA)
ENVIRONMENTAL PROGRAMS
- d. PUBLIC HEALTH NURSING
- e. PUBLIC HEALTH INSPECTION
- f. EPIDEMIOLOGY AND BIOTERRORISM

2. All of the above mentioned activities shall be provided in accordance with the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey as set forth at N.J.A.C. Title 8 Chapter 52 and the County Environmental Health Act (CEHA) N.J.A.C. 7:1H et. seq.
3. In addition to the above public health services, the County will continue to provide specialized grant services.
4. In the event a particular public health service or activity exceeds the actual cost to provide said services, the Director shall have the discretion to determine whether the service or activity is necessary, shall be modified, may seek alternative funding or may engage in negotiations with the Municipality for the costs in excess of what is provided for in this Agreement.
5. The term of this contract shall be for one (1) year commencing on January 1, 2016, and terminating on December 31, 2016, unless terminated earlier as provided for hereinafter.
6. The base cost for the provision of the aforesaid health services shall be as

follows:

2016 - \$ 62,277.88

It is understood that the costs, as set forth above, reflects the actual cost to the County to provide the health services.

7. Should the Municipality utilize the early termination procedures set forth in Paragraph 11, then in that event, the Municipality shall pay to the County any increases in the cost to the County to provide said services in the year of termination. Said payment shall be made by the Municipality within thirty (30) days from the receipt from the County of a statement of such additional costs.

8. The Municipality shall designate during the life of this contract, the Director of the County Office of Health Services as the Health Officer of the (City, Town, Township, Borough) of South River, who shall be its general agent for the enforcement of the local health ordinances and the laws, rules and regulations of the New Jersey Health Department.

9. The Director of the County Office of Health Services shall supervise and direct all public health activities and health employees of the Municipality.

10. Said Director or his representative shall attend the monthly meetings of the local Board of Health and shall report to the Committee on Health of the Board of Chosen Freeholders at least annually. Copies of said report shall be furnished to the Municipality.

11. This contract may be terminated by either of the parties, upon written notice by the party desiring to terminate said contract. Such notice shall be given no later than 120 days prior to January 1st of each contract year.

12. The contract shall be subject to the approval of the State Commissioner of Health.

13. During the period that the County Office of Health Services provides health services as set forth above, any State Aid received by the Municipality for such health services shall be paid to the County of Middlesex.

14. The obligations of the County and Municipality are subject to the availability and appropriation of funds.

15. The County of Middlesex and the (Township, City, Borough) of South River shall save, protect, indemnify and hold harmless each other and their respective elected officials, officers and employees from any and all damages or claims for damages to persons or property, including reasonable counsel fees and costs, which may result or arise from the actions, failure to act, negligence, and/or willful misconduct of their employees, agents or contractors under this Agreement, to the extent permitted and pursuant to the provision of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et. seq. and the New Jersey Contractual Liability Act, N.J.S.A. 50:13-1 et. seq.

16. This agreement and any amendments hereto, shall be subject to the formal approval by the Board of Chosen Freeholders and the Municipal Council.

IN WITNESS WHEREOF, the County of Middlesex has caused this instrument to be signed by the Director of the Board of Chosen Freeholders, attested by the Clerk of said Board, and its corporate seal to be hereunto affixed pursuant to a resolution of said Board passed for that purpose and said Municipality of South River, caused its proper officers to execute the same, pursuant to an ordinance passed for that purpose the

day and year first written above.

ATTEST:

COUNTY OF MIDDLESEX

Amy R. Naples
Clerk of the Board

By: _____
Ronald G. Rios
Freeholder Director

, Municipal Clerk

By: _____
, Mayor

F

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
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TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP

MEMO TO: Mayor and Borough Council, Borough of South River

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

DATE: March 21, 2016

RE: H.C.D. Meeting of March 19, 2016
South River, New Jersey
Our File: PSR00056.01

On Saturday, March 19, 2016, at 9:00 a.m., I attended an H.C.D. meeting held at the Elks building in New Brunswick.

The Committee reorganized and elected Arlene DeSena as Chairperson and I was elected as Vice-Chairperson.

The Borough of South River should receive \$62,701.00 in regular funding this year. I have attached copies of pages from the meeting packet that show what the Borough's balances are on old accounts, the proposed municipal funding for each community and the proposed budget. I suggest the Borough pass a resolution to transfer the balances in the 2011, 2012 and 2013 Park Improvements into the 2014 Park Improvements account. The balance in the 2012 Senior Bus account should be transferred into one of the 2015 accounts, if it is no longer needed for the bus.

Again, as with previous years, the Committee was advised that H.U.D. is scrutinizing the consortium's expenditure rates and that as a group we have not spent all of the money we receive. The Borough must have no more than two (2) years allotment on the books on December 31, 2016 or a thirty (30) percent penalty will be assessed on next years funding. The HCD consortium must not have more than 1.5 times its annual allotment on the books as of April 30, 2016. Accordingly, the Borough should submit any bills, you may have, for reimbursement as soon as possible.

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

BMK/sm

cc: All Council Members
Borough Administrator
Borough Clerk
Chief Financial Officer
Director of Public Works

STATUS OF CDBG ACTIVITIES				
As of March 31, 2016				
Commitment #	Township/Activity	Allocation	Expended	Balance
CD1446	Housing Rehabilitation Program	\$ 7,903.00	\$ -	\$ 7,903.00
CD1447	Food Pantry Assistant	\$ 5,000.00	\$ (3,172.26)	\$ 1,827.74
2015	\$67,524.00			
CD1536	Pioneer Recreation	\$ 17,500.00	\$ (6,752.00)	\$ 10,748.00
CD1539	Housing Rehab	\$ 3,424.00	\$ -	\$ 3,424.00
CD1540	Food Pantry Assistant	\$ 3,500.00	\$ -	\$ 3,500.00
CD1541	Congregate Housing Program	\$ 5,000.00	\$ -	\$ 5,000.00
CD1542	South Brunswick Library	\$ 6,000.00	\$ -	\$ 6,000.00
				\$ 39,463.60
	SOUTH PLAINFIELD			
2012	\$61,323.00			
CD1251	Senior Center Improvements	\$ 15,000.00	\$ (1,658.56)	\$ 13,341.44
2013	\$71,145.00			
CD1356	Senior Center Improvements	\$ 5,000.00		\$ 5,000.00
2014	\$66,208.00			
CD1451	Senior Center Improvements	\$ 15,500.00	\$ -	\$ 15,500.00
CD1452	ADA to Library	\$ 26,385.00	\$ (19,603.50)	\$ 6,781.50
2015	\$61,323.00			
CD1544	Senior Center Coordinator	\$ 12,500.00	\$ -	\$ 12,500.00
CD1545	Senior Meals on Wheels	\$ 24,000.00	\$ -	\$ 24,000.00
CD1546	Senior Van	\$ 24,823.00	\$ -	\$ 24,823.00
				\$ 101,945.94
	SOUTH RIVER			
2011	\$68,978.00			
CD1149	Park Improvements	\$ 15,000.00	\$ (12,877.04)	\$ 2,122.96
2012	\$62,701.00			
CD1255	Park Improvements	\$ 15,000.00	\$ -	\$ 15,000.00
CD1299	Senior Bus	\$ 20,000.00	\$ (15,430.00)	\$ 4,570.00
2013	\$72,744.00			
CD1359	Park Improvements	\$ 31,350.00		\$ 31,350.00
2014	\$67,697.00			
CD1454	Park Improvements	\$ 16,350.00	\$ -	\$ 16,350.00
2015	\$62,701.00			
CD1547	ADA Municipal Building	\$ 25,600.00	\$ -	\$ 25,600.00
CD1548	Curb Cut Project	\$ 37,101.00	\$ (1,670.28)	\$ 35,430.72
				\$ 130,423.68
	SPOTSWOOD			
2013	\$40,769.00			

CDBG Cumulative Expenditures- Municipal Projects

Program Years 1975 through 2015

As of March 16, 2016

Municipality	Allocation PY 1975 - 2015	Expended as of March 16, 2016	Available Balance
Carteret	\$ 3,973,621.00	\$ 3,964,679.20	\$ 8,941.80
Cranbury	\$ 1,115,319.00	\$ 1,092,582.00	\$ 22,737.00
Dunellen	\$ 2,023,168.00	\$ 1,928,243.73	\$ 94,924.27
East Brunswick	\$ 3,947,192.00	\$ 3,843,623.51	\$ 103,568.49
Helmetta	\$ 933,369.46	\$ 864,165.46	\$ 69,204.00
Highland Park	\$ 3,585,472.00	\$ 3,470,313.76	\$ 115,158.24
Jamesburg	\$ 1,667,702.00	\$ 1,605,186.29	\$ 62,515.71
Metuchen	\$ 2,908,266.00	\$ 2,813,465.59	\$ 94,800.41
Middlesex	\$ 2,647,111.00	\$ 2,551,002.89	\$ 96,108.11
Milltown	\$ 1,728,600.00	\$ 1,671,372.80	\$ 57,227.20
Monroe	\$ 3,942,320.00	\$ 3,437,935.25	\$ 504,384.75
North Brunswick	\$ 3,758,964.00	\$ 3,667,456.33	\$ 91,507.67
Old Bridge	\$ 857,287.00	\$ 857,287.00	\$ -
Piscataway	\$ 7,655,620.00	\$ 6,971,140.70	\$ 684,479.30
Plainsboro	\$ 1,555,712.00	\$ 1,470,404.68	\$ 85,307.32
South Amboy	\$ 2,507,138.00	\$ 2,388,958.98	\$ 118,179.02
South Brunswick	\$ 2,833,854.80	\$ 2,794,391.20	\$ 39,463.60
South Plainfield	\$ 3,182,801.00	\$ 3,080,855.06	\$ 101,945.94
South River	\$ 3,611,090.00	\$ 3,480,666.32	\$ 130,423.68
Spotswood	\$ 1,722,778.00	\$ 1,647,135.07	\$ 75,642.93
Totals	\$56,157,385.26	\$ 53,600,865.82	\$ 2,556,519.44

2016 Proposed Municipal Allocations

<u>Municipality</u>	<u>Proposed Allocation</u>
Carteret	\$ 77,859.00
Cranbury	\$ 22,737.00
Dunellen	\$ 36,518.00
East Brunswick	\$ 95,774.00
Helmetta	\$ 21,360.00
Highland Park	\$ 58,567.00
Jamesburg	\$ 33,073.00
Metuchen	\$ 47,542.00
Middlesex	\$ 48,921.00
Milltown	\$ 35,140.00
Monroe	\$ 127,469.00
North Brunswick	\$ 90,951.00
Piscataway	\$ 220,487.00 *
Plainsboro	\$ 46,165.00
South Amboy	\$ 40,652.00
South Brunswick	\$ 67,524.00
South Plainfield	\$ 61,323.00
South River	\$ 62,701.00
Spotswood	<u>\$ 35,140.00</u>
Municipal Total	\$ 1,229,903.00

* Entitlement amount less 10 percent

2016 CDBG BUDGET - \$1,828,179

<u>Category</u>	<u>Proposed 2015</u>	<u>2016 Program Year</u>
Municipal Activities	\$1,229,903	\$1,229,903
Administration	<u>300,000</u>	<u>300,000</u>
Subtotal	\$1,529,903	\$1,529,903
 Housing Coalition	 50,000*	 50,000*
Housing Rehabilitation	256,847	248,276
Discretionary	0	0
<hr/> Subtotal (<i>New Grant</i>)	<hr/> \$1,836,750	<hr/> \$1,728,179
 TOTAL	 \$1,836,750	 \$1,828, 179

* In order to comply with HUD's regulations, we must fund the Housing Coalition as our certified Fair Housing Agency.

G

DATE: February 22, 2016

TO: Frederick Carr, Mayor Krenzel, Council President Hutchison, Councilman Ciulla, Councilman Gurchensky, Councilman Haussermann, Councilman Trenga, Andrea E. Wyatt, Esq., Glenn Lauritsen

FROM: Councilman Ryan Jones

RE: Life Hazard Use Inspection Fee as Related to Civic Organizations in South River

Background

It was recently brought to my attention that at least some of the civic organizations in South River are being charged an "Annual Life Hazard Use Fee" for registration with the Division of Fire Safety. I've come to understand the Division of Fire Safety as a State Division of the Department of Community Affairs under the authority of the State of New Jersey. Specifically, American Legion Post 214 expressed a concern regarding a notification they received from the State informing them that in the near future, they will be receiving a notice requiring them to pay the Annual Life Hazard Use Fee in order to comply with the State requirements under NJ Rev Stat § 52:27D-201 (2013), which outlines this Life Hazard Use Fee/Inspection.

As State representatives within the Department of Community Affairs explained to me, this matter requires a State inspection of the property in question. This is a State imposed requirement. I wanted to discuss the matter as it pertains to South River.

As provided under the governing statute, the Commissioner of Community Affairs is required to develop a percentage formula associated with this fee and the fee collected by the State shall be divided between the Department and the local enforcing agency. In South River, this local enforcing agency is the Bureau of Fire Inspection, as provided by section 169-4 of the South River Code.

According to the American Legion, last year their Life Hazard Use Fee ran approximately \$750. As explained, this fee was split in the following way: the Department received \$250; the South River Bureau of Fire Prevention Inspection received \$500. I am unable to verify the accuracy of these numbers but they appear mostly consistent with my discussion with the Business Administrator who explained that the split is currently 65% to the local enforcing agency, 35% to the department.

Examining our Code, § 169 specifically delineates the rules for Fire Prevention in the Borough. As mentioned, SR Code § 169-4 gives the authority for the Bureau of Fire Prevention to conduct the inspections related to Life Hazard Uses. Furthermore, SR Code § 169-9(C)(3) provides that nonprofit civic groups shall be exempt from local permit and registration fees.

Issue

Despite the waiver provided to nonprofit civic organizations in SR Code § 169-9(C)(3), non-local permit and registration fees do not apply, even when the Bureau of Fire Prevention receives a fees associated with such non-local permits. Such a

situation appears to create a policy inconsistency in the South River Code that deserves review.

Based upon the language within the Borough code, our Borough acknowledges that certain entities should be treated uniquely, based upon their standing within the Borough. In section 169 (and several other code sections) the Borough has established a policy of shielding nonprofit civic groups from the cost exposure of fire registration and permit fees. However, due to the unique way in which the fees associated with the Life Hazard Use Fee are collected, such non-local permits and registration fees that eventually return to the Borough are not waived for these entities. Presumably, this is because the code did not anticipate or did not foresee the potential for non-local registrations or permits to carry a local fee with it.

Although nonprofit civic organizations are currently excluded from local inspection and permit fees, due to a presumed oversight in the code, they are not similarly waived from non-local inspection and permit fees, even in cases where the local body receives a portion of the fees collected from a non-local inspection or permit. This introduces a policy inconsistency that I recommend that the Governing Body consider rectifying.

Discussion

In keeping with the intent of code section 169, I believe it is necessary to explore whether it is appropriate for South River to collect fees from permits and registrations that would otherwise be waived simply because the Borough is not the one authorizing the fee. While not specifically delineated in our current code, considering the interests

in protecting civic organizations (and other entities receiving waiver) from the burden of such fees, it appears appropriate to reexamine our policy positions to ensure they are consistently applied. Because our Code already acknowledges that certain entities should receive a waiver due to their unique situation, I believe the code should be clarified to include a similar waiver for fees such as that of the Department of Community Affairs' Life Hazard Use Fee, since a portion of those fees are returned by the State to the local enforcing agency. It seems to follow that if the Borough believes it important to waive fees it receives for fire permits and inspections, it should believe it important not matter how the Borough received this money.

Our town has codified its values with regards to the importance of our nonprofit civic organizations. It is clear from section 169 (as well as other sections in our code) that we believe that the unique status and importance of such organizations to the success of the larger community requires that they be treated differently when it comes to considering such fees. If the governing body no longer agrees that such organizations should be treated uniquely in this regard, we should examine our code accordingly. But I believe it important to apply our code consistently based upon the policy decisions we make. Currently, we adopt a policy with regard to civic organizations that is inconsistent due, presumably, to the unique complexity associated with how Life Hazard Use fees are collected and distributed. Although we provide waivers for fees associated with inspections and permits if locally required, when we receive a percentage of a fee from the state associated with an inspection, that same nonprofit civic organization is not waived. It should not matter how the fees flow to us,

only that we receive fees related to a permit or inspection of a user that would otherwise be waived.

I believe the proper way to address such an inconsistency in our code is to provide an amendment to section 169-9 that specifically addresses non-local permit and registration fees that are later returned to the local body. Such an amendment should provide that any fees later returned to the local enforcing agency for a non-local permit or inspection shall be offered a refund equal to the amount received by the local enforcing agency.

Current proposed language for Section 169-9(C).

C. Waivers. The following users shall be exempt from the local permit and registration fees; however, they shall be required to properly apply for such permits and registrations and to comply with all other code requirements:

- (1) Volunteer fire companies.
- (2) Volunteer ambulance squads.
- (3) Nonprofit civic groups when applying for a use of an occasional nature (one or twice a year).
- (4) Churches and other recognized religious organizations. (This shall apply to uses where the actual religious service takes place, uses for religious education purposes or a use of an occasional nature.)
- (5) Contractors and construction firms when the activity is a part of work performed under a valid permit issued by the Building Department.
- (6) The Borough of South River.
- (7) The South River Board of Education.

Newly proposed language for Section 169-9(C).

C. Waivers.

- (1) The following users shall be exempt from the local permit and registration fees; however, they shall be required to properly apply for such permits and registrations and to comply with all other code requirements:
 - (a) Volunteer fire companies.
 - (b) Volunteer ambulance squads.
 - (c) Nonprofit civic groups when applying for a use of an occasional nature (one or twice a year).
 - (d) Churches and other recognized religious organizations. (This shall apply to uses where the actual religious service takes place, uses for religious education purposes or a use of an occasional nature.)
 - (e) Contractors and construction firms when the activity is a part of work performed under a valid permit issued by the Building Department.
 - (f) The Borough of South River.
 - (g) The South River Board of Education.
- (2) If the local enforcing agency established by § 169-2 receives all or a portion of the fees associated with a non-local permit or registration fee, the amount received by the local enforcing agency will be refunded to those users deemed exempt under § 169-1.

Conclusion

Currently, our code establishes policy with regards to certain users that receive waivers from local fire permit and registration fees but does not contemplate local fees received from non-local permits and registration. We must review our code to rectify this policy inconsistency and if we determine that waivers are still appropriate, apply them consistently throughout the fire prevention section.



H

SOUTH RIVER BUREAU of FIRE PREVENTION
DEPARTMENT of PUBLIC SAFETY
OFFICE OF THE FIRE MARSHAL
48 WASHINGTON STREET
SOUTH RIVER, NJ 08882
Tel (732) 257-1999 Ext 136 Fax (732) 613-4035

2/26/2016

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

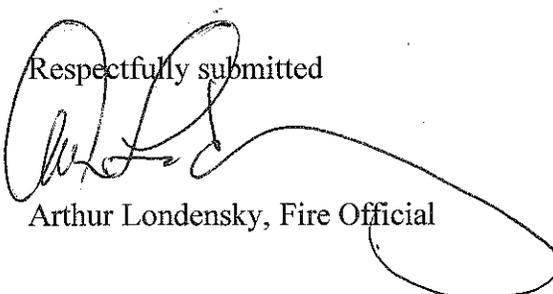
Mr. Carr,

The following is the information you requested from me after the last Borough Council Meeting:

1. Number of Life Hazard Uses registered in 2015 – 91
 2. Number of Non-Profit Organization registered Life Hazard Uses – 6
 3. Cost – 2 pay \$775.00 each and 3 pay \$497.00 each 1 pay \$397.00*
- *Cost is based on # of occupants permitted in Use

Feel free to contact me if you need additional information on this matter.

Respectfully submitted


Arthur Londensky, Fire Official

- VFW
- Legion
- Imperial Music Center
- MASONIC TEMPLE
- Port-Am Club WELLOSE
- Belo-Russian