

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2008-14 WITH THE REQUEST OF THE HOME NEWS TRIBUNE AND THE SENTINEL NEWSPAPERS TO PUBLISH SAME AND THIS ANNOUNCEMENT MUST BE ENTERED INTO THE MINUTES OF THIS MEETING

A Regular Meeting of the Mayor and Council of the Borough of South River, in the County of Middlesex and the State of New Jersey was held March 10, 2008 and was called to order by Mayor Raymond T. Eppinger at 8:30 PM in the Council Chamber of the Criminal Justice Building at 61 Main Street in South River, New Jersey with the following Council members in attendance:

Councilmembers Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak

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

MINUTES

The Minutes of Meeting No. 5 held on February 25, 2008 and the amended Minutes of Meeting No. 4 held on February 11, 2008 were submitted to the Council for acceptance and/or amendment.

Councilman Razzano moved that the Minutes be approved as presented. Councilman Krenzel seconded the motion. So carried.

ORDINANCES-SECOND READING & PUBLIC HEARING

The Clerk announced that pursuant to previous action of the Borough Council and legal advertisement, this is the date, time and place set forth for the Second Reading and Public Hearing prior to Final Passage of the following Ordinances.

The Clerk submitted to the Council proof of publication from The Home News Tribune, a newspaper published in Neptune, New Jersey and circulated in the Borough of South River dated February 2, 2008 giving notice of the Second Reading and Public Hearing on the Ordinances.

The Clerk presented to the Borough Council the Supplemental Debt Statement approved by the New Jersey Division of Local Government Services on March 4, 2008. Mayor Eppinger directed the Clerk to proceed with the reading of the Ordinances.

ORD: 2008-11.

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER BY ADDING A NEW CHAPTER 220 ENTITLED "NOISE CONTROL" THEREOF

WHEREAS, the Borough of South River had previously adopted an Ordinance entitled "Noise Control"; and

Code of the Borough was adopted and the governing body wishes that a chapter on noise control be added to the Code.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River that a new Chapter 220 entitled "Noise Control" be added to the Code of the Borough of South River as follows:

Section 1
§220-1 Applicability.

This article shall apply to the control of sound originating from within the limits of the Borough of South River which may be injurious to the health or welfare of the residents of the Borough.

§220-2. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

COMMERCIAL AREA — A group of commercial facilities and the abutting public rights-of-way and public spaces.

COMMERCIAL FACILITY — Any premises,, propert^y or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- A. Banking and other financial institutions.
- B. Dining establishments.
- C. Establishments for providing retail services.
- D. Establishments for providing wholesale services.
- E. Establishments for recreation and entertainment.
- F. Office buildings.
- G. Transportation.
- H. Warehouses.

DEMOLITION---Any dismantling, intentional destruction or removal of buildings or structures.

CONSTRUCTION---Any site preparation, assembly, erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

DECIBEL (dB) — The practical unit of measurement for sound-pressure level; the number of "decibels" of a measured sound is equal to twenty (20) times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (twenty (20) micropascals); abbreviated dB.

EMERGENCY WORK — Any work or action necessary to deliver essential services, including but not limited to repairing water, gas, electricity, telephone, sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way or abating life-threatening conditions.

INDUSTRIAL FACILITY — Any activity and its related premises, property, facilities or equipment involving the fabrication, manufacture or production of durable or nondurable goods.

MOTOR VEHICLE — Any vehicle that is propelled or drawn on land by an engine or motor.

MEETING

MARCH 10, 2008

MAYOR AND BOROUGH COUNCIL

MEETING NO. 4

PAGE NO. 3

MUFFLER — A sound-dissipative device or system for abating the sound of escaping gases of an internal-combustion engine.

MULTI-DWELLING-UNIT BUILDING — Any building wherein there are two (2) or more dwelling units.

NOISE — Any sounds of such level and duration as to be or tend to be injurious to human health or welfare or which would unreasonably interfere with the enjoyment of life or property throughout the state or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

NOISE CONTROL ADMINISTRATOR — The Noise Control Officer designated as the official liaison with all municipal departments, empowered to grant permits for variances.

NOISE CONTROL OFFICER — An officially designated employee of the municipality, of a group of municipalities or of the county, trained in the measurement of sound and empowered to issue a summons for violations of this Article.

NOISE DISTURBANCE — Any sound that endangers the safety or health of any person or disturbs a reasonable person of normal sensitivities or endangers personal or real property.

PERSON — Any individual, corporation, company, association, society, firm, partnership, joint-stock company, the state or any political subdivision, agency or instrumentality of the state.

PUBLIC RIGHT-OF-WAY — Any street, avenue, boulevard, road, highway, sidewalk or alley that is leased, owned or controlled by a governmental entity.

PUBLIC SPACE — Any real property or structures thereon that are owned, leased or controlled by a governmental entity.

REAL PROPERTY LINE — Either the imaginary line, including its vertical extension that separates one parcel of real property from another or the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.

RESIDENTIAL AREA — A group of residential properties and the abutting public rights-of-way and public spaces.

RESIDENTIAL PROPERTY — Property used for human habitation, including but not limited to:

- A. Private property used for human habitation.
- B. Commercial living accommodations and commercial property used for human habitation.
- C. Recreational and entertainment property used for human habitation.
- D. Community service property used for human habitation.

SOUND LEVEL — The sound-pressure level measured in decibels with a sound-level meter set for A-weighting; “sound level” is expressed in dBA,

SOUND-LEVEL METER — An instrument used to measure sound level and that conforms to Type I or Type 2 standards as specified by ANSI Specification S1.4-1971.

WEEKDAY — Any day, Monday through Friday, that is not a legal holiday.

§220-3. Enforcement officials

- A. The provisions of this Article shall be enforced by the Noise Control Officers.
- B. The Noise Control Administrator shall have the power to:
 - (1) Coordinate the noise control activities of all municipal departments and cooperate with all other public bodies and agencies to the extent practicable.
 - (2) Review the actions of other municipal departments and advise such departments of the effect, if any, of such actions on noise control.
 - (3) Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this Article.
 - (4) Grant permits for variances according to the provisions of § 220-8, provided that the variances are consistent with regulations concerning noise control promulgated by the New Jersey Department of Environmental Protection, N.J.A.C. 7:29.
- C. A person shall be qualified to be a Noise Control Officer if the person has satisfactorily completed any of the following:
 - (1) Community Noise - A Short Course, offered by the Department of Environmental Science of Cook College, Rutgers, the State University; or
 - (2) A program of tutoring and on-the-Job training offered by the New Jersey Department of Environmental Protection, Office of Noise Control, to its employees; or
 - (3) Education or experience or a combination thereof certified by the above Department as equivalent to the Provisions or Subsection C(1) or (2) of this section.
- D. Noise measurements made by Noise Control Officers shall be taken according to procedures specified by N.J.A.C. 7:29B, except as provided in § 220-5A(1).

§220-4 Duties and responsibilities of other departments.

- A. All departments and agencies of Borough of South River shall carry out their programs according to law and shall cooperate with the Noise Control Administrator in the implementation and enforcement of this Article.
- B. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the Noise Control Administrator prior to the approval of such projects to ensure that such activities comply with the provisions of this Article.

§ 220-5 Maximum permissible sound levels.

- A. No person shall cause, suffer, allow or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular sound-level limits set forth in Table I when measured at or within the real property line of the receiving property, except as provided in Subsection A(1).

- (1) When measuring noise within a dwelling unit of a multi-dwelling-unit building, all exterior doors and windows shall be closed, and the measurements shall be taken in the center of the room.

- C. The following are exempt from the sound-level limits of Table I:

- (1) Noise from domestic power tools, lawn mowers and agricultural equipment when operated with a muffler between the hours of 8:00 a.m. to 8:00 pm. on weekdays and 9:00 a.m. to 8:00 p.m. on weekends and legal holidays, provided that they produce less than eighty five (85) dBA at or within any real property line of a residential property.
- (2) Sound from church bells and church chimes when a part of a religious observance or service.
- (3) Noise from construction activity, provided that all motorized equipment used in such activity is equipped with functioning mufflers, except as provided in § 220-6B(6).
- (4) Noise from snow blowers, snow throwers and snowplows when operated with a muffler for the purpose of snow removal.
- (5) Noise from stationary emergency signaling devices that conforms to the provisions of N.J.A.C. 7:29.
- (6) Noise from an exterior burglar alarm of any building or motor vehicle, provided that such burglar alarm shall terminate its operation within fifteen (15) minutes after it has been activated.

§ 220-6. Prohibited acts.

- A. No person shall cause, suffer, allow or permit to be made, verbally or mechanically, any noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this section.
- B. No person shall cause, suffer, allow or permit the following acts:
 - (1) Sound reproduction systems. Operating, playing or permitting the operation or playing of any radio, television, phonograph or similar device that reproduces or amplifies sound in such a manner as to create a noise disturbance for any person other than the operator of the device.
 - (2) Loudspeakers and public-address systems. Using or operating of any loudspeaker, public-address system or similar device between the hours of 10:00 p.m. and 8:00 a.m. in the following day such that the sound therefrom creates a noise disturbance across a residential real property line.
 - (3) Animals and birds. Owning, possessing or harboring any pet animal or pet bird that frequently or for continued duration makes sounds that create a noise disturbance across a residential real property line. For the purpose of this action, a noise disturbance from a barking dog shall be defined as that created by a dog barking continually for ten (10) minutes or intermittently for thirty (30) minutes, unless provoked.
 - (4) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, liquids, garbage cans, refuse or similar objects or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder or pellet form or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between the hours of 6:00 p.m. and 5:00 a.m. the following day when the latter is a weekday and between the hours of 6:00 p.m. and 5:00 a.m. the following day when the latter is a legal holiday or a weekend day, except by permit, when the sound therefrom creates a noise disturbance across a residential real property line.
 - (5) Standing motor vehicles. Operating or permitting the operation of any motor vehicle whose manufacturer's gross weight is in excess of ten thousand (10,000) pounds, or any auxiliary equipment attached to such a vehicle, for a period of longer than five (5) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work, on a public right-of-way or public space within one hundred fifty (150) feet (forty-six (46)

Meters) of a residential area between the hours of 8:00 pm and 8:00 am. of the following day.

(6) Construction and demolition. Operating or permitting the operation of any tools or equipment used in construction, drilling, earth moving, excavating or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays or at any time on weekends or legal holidays, provided that such equipment is equipped with a functioning muffler, except:

- (a) For emergency work;
- (b) By variance issued pursuant to §220-7; or
- (c) When the sound level does not exceed any applicable limit specified in Table I.

§220-7. Exceptions.

A. The provisions of this Article shall not apply to

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency, except as provided in §220 (5) or (6),
- (2) The emission of sound in the performance of emergency work; or
- (3) The emission of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Act.

B. Noise from municipally sponsored or approved celebrations or events shall be exempt from the provisions of this Article.

§220-8 Conditions for variance.

A. Applications.

(1) Any person who owns or operates any stationery noise source may apply to the Noise Control Administrator for a variance from one (1) or more of the provisions of this Article. Applications for a permit of variance shall supply information, including but not limited to:

- (a) The nature and location of the noise source for which such application is made.
- (b) The reason for which the permit of variance is requested, including the hardship that will result to the applicant, his/her client or the public if the permit of variance is not granted
- (c) The nature and intensity of noise that will occur during the period of the variance.
- (d) The section or sections of this Article for which the permit of variance shall apply.
- (e) A description of interim noise control measures to be taken by the applicant to minimize noise and the impacts occurring therefrom.
- (f) A specific schedule of the noise control measures which shall be taken to bring the source into compliance with this Article within a reasonable time.

(2) Failure to supply the information required by the Noise Control Administrator shall be cause for rejection of the application.

(3) A copy of the permit of variance shall be kept on file by the Municipal Clerk for public inspection.

B. The Noise Control Administrator shall charge the applicant a fee of two hundred dollars (\$200.) to cover expenses resulting from the processing of the permit of variance application.

C. The Noise Control Administrator may, at his/her discretion, limit the duration of the permit of variance, which shall be no longer than one (1) year. Any person holding a permit of variance and requesting an extension of time shall apply for a new permit of variance under the provisions of this section.

D. Approval.

(1) No variance shall be approved unless the applicant presents adequate proof that:

(a) Noise levels occurring during the period of the variance will not constitute a danger to public health, and

(b) Compliance with this Article would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefits to the public.

(2) In making the determination on granting a variance, the Noise Control Administrator shall consider:

(a) The character and degree of injury to, or interference with, the health and welfare or the reasonable use of property which is caused or threatened to be caused.

(b) The social and economic value of the safety for which the variance is sought.

(c) The ability of the applicant to apply the best practical noise control measures.

E. The permit of variance may be revoked by the Noise Control Administrator if the terms of the permit of variance are violated.

F. A variance may be revoked by the Noise Control Administrator if there is:

(1) Violation of one (1) or more conditions of the variance

(2) Material misrepresentation of fact in the variance application; or

(3) Material change in any of the circumstances relied upon by the Noise Control Administrator in granting the variance

§220-9. Summons, abatement order; violations and penalties; other remedies.

A. Issuance of summons. Violation of any provision of this Article shall be cause for a summons to be issued by the Noise Control Officer.

B. Abatement orders.

(1) Except as provided in Subsection B(2), in lieu of issuing a summons as provided in Subsection A. the Noise Control Officer may issue an order requiring abatement of any source of sound alleged to be in violation of this Article within a reasonable time period and according to guidelines which the Noise Control Officer may prescribe.

(2) An abatement order shall not be issued:

- (a) If any person willfully or knowingly violates any provision of this Article; or
- (b) If the Noise Control Officer has reason to believe that there will not be compliance with the abatement order.

C. Penalties.

- (1) Any person who violates any provision of this Article shall be subject to a penalty for each offense of not more than five hundred (\$500.00) dollars except as provided in subsection C(2).
- (2) Any person who willfully or knowingly violates any provision of this Article shall be subject to a penalty for each offense of a sum not less than twenty-five (\$25.00) dollars and not more than five hundred (\$500.00) dollars.
- (3) If the violation is of a continuing nature, each day during which it occurs shall constitute an additional separate and distinct offense.

D. Other remedies. No provisions of this Article shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this Article or from other law.

ARTICLE II
Mobile Sources.
(Adopted 3-18-86 as Ord:1986-8)

§220-10. Findings and policy; applicability.

This Article shall apply to the control of sound originating from mobile sources within the limits of the Borough of South River.

§220-11. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

DECIBEL (dB) — The practical unit of measurement for sound-pressure level; the number of “decibels” of a measured sound is equal to twenty (20) times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound [twenty (20) micropascals] abbreviated dB.

EMERGENCY WORK — Any work or action necessary to deliver essential services, including but not limited to repairing water, gas, electricity, telephone, sewer facilities and public transportation, removing fallen trees on public rights-of-way or abating life-threatening conditions.

GROSS VEHICLE WEIGHT RATING (GVWR) — The values specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR) which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

MOTOR CARRIER VEHICLE ENGAGED IN INTERSTATE COMMERCE — Any vehicle for which regulations apply pursuant to Section 18 of the Federal Noise Control Act of 1972, P.L. 92-574, as amended, pertaining to motor carriers engaged in interstate commerce.

MOTORCYCLE — An unenclosed motor vehicle having a saddle for the use of the operator and two (2) or three (3) wheels in contact with the ground, including but not limited to motor scooters, mopeds and mini-bikes.

MOTOR VEHICLE — Any vehicle that is propelled or drawn on land by an engine or motor, such as but not limited to passenger cars, trucks, track trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies or racing vehicles, but not including motorcycles.

MUFFLER — A sound-dissipative device or system for abating the sound of escaping gases of an internal-combustion engine.

NOISE — Any sounds of such level and duration as to be or tend to be injurious to human health or welfare or which would unreasonably with the enjoyment of life or property throughout the state or in any portions thereof but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.

NOISE CONTROL OFFICER — An officially designated employee of the municipality, of a group of municipalities or of the county, trained in the measurement of sound and empowered to issue a summons for violations of this Article.

PERSON — Any individual, corporation, company, association, society, firm, partnership, joint-stock company, the state or any political subdivision, agency or instrumentality of the state.

PUBLIC RIGHT-OF-WAY — Any street, avenue boulevard, road, highway, sidewalk, alley or similar place that is leased, owned or controlled by a governmental entity.

PUBLIC SPACE — Any real property or structures thereon that are owned or controlled by a governmental entity.

REAL PROPERTY LINE — The imaginary line, including its vertical extension, that separates one parcel of real property from another.

RECREATIONAL MOTORIZED VEHICLE — Any motor vehicle used off public roads for recreational purposes.

RESIDENTIAL AREA — A group of residential properties and the abutting public rights-of-way and public spaces.

RESIDENTIAL PROPERTY — Any property used for human habitation.

SOUND LEVEL — The sound-pressure level measured in decibels with a sound-level meter set for A-weighting; "sound level" is expressed in dBA.

SOUND-LEVEL METER — An instrument used to measure sound level and that conforms to Type 1 or Type 2 standard as specified by ANSI Specification §1.4-1971.

§220-12. Administration and enforcement officials

A. The noise control program established by this Article shall be administered by the Police Department.

B. The Police Department shall be empowered to stop any motor vehicle or motorcycle operated on a public right-of-way or public space reasonably suspected of violating any provision of this Article.

C. A person shall be qualified to be a Noise Control Officer if the person has satisfactorily completed any of the following:

- (1) Community Noise — A Short Course, offered by the Department of Environmental Science of Cook College, Rutgers, the State University; or
- (2) Education or experience or a combination thereof certified as equivalent by the Department of Environmental Science.

§220-13 Maximum permissible sound levels.

A. Motor vehicles and motorcycles on public rights-of-way. No person shall cause, suffer, allow or permit the operation of a public or private motor vehicle or motorcycle on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle exceeds the level set forth in Table I.

Table 1. Maximum Permissible Sound Levels from Motor Vehicles
and Motorcycles
(Measured according to the Department of Transportation,
Bureau of Motor Carrier Safety Regulations for enforcement of Motor Carrier Noise
Emission Standards, Title 49 of the Code of Federal Regulations, Chapter II, Part 325)
Sound Level at 50 Feet (15 Meters) From
Center Line of Vehicle Travel

Vehicle, Class	Speed Limit	Speed Limit	Stationary Run-up (dBA)
	35 mph or Less (dBA)	Over 35 mph (dBA)	
Motor carrier vehicle engaged in interstate Commerce of GVWR or GCWR of 10,000 pounds or more	86	90	88
All other motor vehi- cles of GVWR or GCWR of 10,000 pounds or more	86	90	

Sound Level at 50 Feet (15 meters) From Center Line of Vehicle Travel

Vehicle Class	Speed Limit	Speed Limit	Stationary Run-up (dBA)
	35 mph Or Less (dBA)	Over 35 mph (dBA)	
Any motorcycle	82	86	--
Any other motor vehicle or any combin- ation of vehicles towed by any motor vehicle	76	82	--

Sound Level on Fast Setting at 15 Feet
From the Edge of the Lane of Vehicle
T r a v e l
Speed Limit
35 mph or Less
(d B A)

Vehicle Class

Any motor vehicle or motorcycle with
a GVWR less than 10,000 pounds 80

B. Recreational motorized vehicles operating off public rights-of-way. No person shall operate or cause to be operated any recreational motorized vehicle in such a manner that the sound level emitted therefrom exceeds the limits set forth in Table II at either a distance of fifty (50) feet [fifteen (15) meters] or more from the path of the vehicle when operated on a public space or at or across a real property line when operated on private property. This section shall apply to all recreational motorized vehicles whether or not duly licensed or registered.

Table II. Maximum Permissible Sound Level for Recreational Motorized Vehicles Operated Off Public Rights-of-Way

Vehicle Type	Sound Level (dBA)
Motorcycle	
Unit Manufactured before 1975	86
Unit Manufactured after 1975	8
Any other vehicle	
Unit manufactured before 1975	84
Unit manufactured after 1975	80

§220-14. Prohibited acts.

A. Adequate mufflers.

- (1) No person shall cause, suffer, allow or permit the operation of any motor vehicle or motorcycle not equipped with the original muffler and other components or equivalent replacement in good working order and in constant operation regardless of the sound level produced.

- (2) No person shall remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or other exhaust component on a motor vehicle or motorcycle.

B. Motor vehicle horns and signaling devices. The following acts and the causing thereof are declared to be in violation of this Article:

- (1) The sounding of any horn or other auditory signaling device in any motor vehicle or motorcycle on any public right-of-way or public space, except as a warning of danger.

- (2) The sounding of any horn or other auditory signaling device that produces a sound level in excess of one hundred (100) dBA at twenty-five (25) feet (seven and five-tenths (7.5) meters).

C. Standing motor vehicles. No Person shall operate or permit the operation of any motor vehicle or any auxiliary equipment attached to such a vehicle for a period longer than three (3) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion or emergency work on a public right-of-way or public space within one hundred fifty (150) feet (forty-six (46) meters) of a residential area between the hours of 8:00 p.m. and 8:00 a.m. the following

day.

D. Sound reproduction device, No person shall suffer, allow or permit the operating or playing of any radio, tape player or similar device that reproduces or a amplifies sound in such a manner as to create noise at fifty (50) feet [fifteen (15) meters] from such device, when operating in or on a motor vehicle on a public right-of-way or public space.

§220-15. Exceptions.

The provisions of this Article shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, except as specified in §220-14B(2).

§220-16. Issuance of summons; revocation of summons; violations and penalties; other remedies.

A. Issuance of summons. Violation of any provision of this Article shall be cause for a summons to be issued by the Noise Control Officer.

B. Revocation of summons. If a summons is given for violation of §220-14A of this Article, the summons may be revoked by the Police Department if the vehicle's exhaust system is repaired within five (5) days. The vehicle must be brought to the police station for an inspection of the exhaust system.

C. Penalties.

(1) Any person who violates any provision of this Article shall be subject to a penalty for each offense of a sum of not less than one hundred dollars (\$100.) and not more than five hundred dollars (\$500.).

(2) Any person who willfully or knowingly violates any provision of this Article shall be subject to a penalty for each offense of a sum of not less than one hundred dollars (\$100.) and not more than five hundred dollars (\$500.).

D. Other remedies. No provisions of this Article shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this article or from other law.

SECTION 2. If any section, paragraph, subdivision, clause of provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 3. All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect after final passage, adoption, and publication according to law.

Mayor Eppinger opened the hearing to the public for comments/questions.

Wayne Hodges of 25 June Street asked:

1. Who is the noise control administrator?
2. Do we have the equipment?
3. How long does it take for them to respond to a noise complaint?

Borough Administrator, Andrew Salerno responded: (1) The Code Enforcement Officer and the Health Department. (2) I believe Middlesex County does have the equipment. (3) Police would respond first respond with a warning then take it from there.

No further public comments were made. Councilman Razzano moved that the public hearing be closed. Councilman Hutchison seconded the motion. So carried.

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Motion to hold ordinance by Councilman Razzano, second Councilman Hutchison.

Mayor Eppinger asked if the Councilmembers have any comments.

Borough Attorney Gary Schwartz stated that this Ordinance must be tabled and held over until further clarification by the DEP.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORD:2008-12.

ORDINANCE OF THE SOUTH RIVER BOROUGH COUNCIL
RELEASING, VACATING AND EXTINGUISHING ANY AND ALL
PUBLIC RIGHTS IN AND TO PORTIONS OF LOUIS STREET (50 FOOT
RIGHT OF WAY) FROM ITS INTERSECTION WITH BURTON AVENUE
TO AND INCLUDING ITS TERMINUS

WHEREAS, the Borough Council is of the opinion that the interests of the Borough of South River will best be served by abandoning, vacating and extinguishing any and all public rights which the Borough may have in and to the right of way of Louis Street from its intersection with Burton Avenue to its Southerly terminus; and

WHEREAS, there have been no objections to the proposed road vacation after a public hearing and due notice as required by law.

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

SECTION 1. The public rights and interest in and to the right of way of Louis Street (50 foot width) from its intersection with Burton Avenue to its Southerly terminus, as more particularly set forth in the description attached hereto, are hereby vacated.

SECTION 2. The following described rights of public utilities and CATV companies are hereby expressly reserved and excepted from the vacation.
Public utilities and cable television companies shall have the right to extend their respective utilities above-ground or underground in an easement ten (10') feet wide centered on the former centerline of the portion of the vacated roadway. This provision may be modified by agreement between the affected public utilities and CATV companies and any party acquiring title to the aforementioned roadway area by operation of this Ordinance.

SECTION 3. All Ordinance or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Mayor Eppinger opened the hearing to the public for the comments/questions. No comments were made. Councilman Razzano moved that the public hearing be closed.

Councilman Trenga seconded the motion. So carried.

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Krenzel moved that the Ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Razzano seconded the motion.

Mayor Eppinger asked if the Councilmembers have any comments. Hearing none, he asked the Clerk to call the roll.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORD: 2008-13.

ORDINANCE OF THE SOUTH RIVER BOROUGH COUNCIL RELEASING,
VACATING AND EXTINGUISHING ANY AND ALL PUBLIC RIGHTS IN AND
TO PORTIONS OF MAKLARY STREET (50 FOOT RIGHT OF WAY) FROM ITS
INTERSECTION WITH BURTON AVENUE TO AND INCLUDING ITS
TERMINUS

WHEREAS, the Borough Council is of the opinion that the interests of the Borough of South River will best be served by abandoning, vacating and extinguishing any and all public rights which the Borough may have in and to the right of way of Maklary Street from its intersection with Burton Avenue to its Southerly terminus; and

WHEREAS, there have been no objections to the proposed road vacation after a public hearing and due notice as required by law.

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

SECTION 1. The public rights and interest in and to the right of way of Maklary Street (50 foot width) from its intersection with Burton Avenue to its Southerly terminus as more particularly set forth in the description attached hereto, are hereby vacated .

SECTION 2. The following described rights of public utilities and CATV companies are hereby expressly reserved and excepted from the vacation.

Public utilities and cable television companies shall have the right to extend their respective utilities above-ground or underground in an easement ten (10') feet wide centered on the former centerline of the portion of the vacated roadway. This provision may be modified by agreement between the affected public utilities and CATV companies and any party acquiring title to the aforementioned roadway area by operation of this Ordinance.

SECTION 3. All Ordinance or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect twenty (20) days after final passage, adoption, and publication according to law.

Mayor Eppinger opened the hearing to the public for the comments/questions. No comments were made. Councilman Razzano moved that the public hearing be closed. Councilman Hutchison seconded the motion. So carried.

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Krenzel moved that the Ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Razzano seconded the motion.

Mayor Eppinger asked if the Councilmembers have any comments.

Councilman Krenzel questioning Ordinances 13 and 12.

The Borough Administrator, Andrew Salerno stated that these were paper streets.

Hearing no further comments, Mayor Eppinger asked the Clerk to call the roll.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak

NAYS: None

ORD:2008-14.

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO BURTON AVENUE – SECTION II, AND IMPROVEMENTS TO COLE AND PHILIP STREETS, APPROPRIATING \$245,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$52,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey (not less than two-thirds of all members thereof affirmatively concurring), as follows:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of South River, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$245,000, said sum being inclusive of all appropriations heretofore made therefor and including \$190,000 grant funds expected to be received from the New Jersey Department of Transportation, and the sum of \$3,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$52,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of improvements to Burton Avenue – Section II, from Louis Street to William Street; and improvements to Cole and Phillip Streets, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$52,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$245,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$245,000 over the estimated maximum amount of bonds or

MEETING

MARCH 10, 2008

MAYOR AND BOROUGH COUNCIL

MEETING NO. 4

PAGE NO. 15

notes to be issued therefor being the amount of funds expected to be received from the New Jersey Department of Transportation, and the \$3,000 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$52,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$37,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for
MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO. 16

MARCH 10, 2008

the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Eppinger opened the hearing to the public for the comments/questions. No comments were made. Councilman Hutchison moved that the public hearing be closed. Councilman Krenzel seconded the motion. So carried.

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Krenzel moved that the Ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Razzano seconded the motion.

Mayor Eppinger asked if the Councilmembers have any comments.

Councilman Krenzel asked what exactly is this Ordinance doing?

Mayor Eppinger commented since they were working in the area, it made sense to include the paving of these streets as well.

There being no further comments, Mayor Eppinger asked the Clerk to call the roll.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORDINANCES-FIRST READING BY TITLE ONLY

ORD: 2008-15.

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF
SOUTH RIVER BY ADDING A NEW CHAPTER 257 ENTITLED
“PRECIOUS METALS” THERETO

Councilman Hutchison moved that the Council pass the said Ordinance on its First Reading by Title Only and that the Clerk be authorized to publish same as is required by Law with the Second Reading and Public Hearing to be held on March 24, 2008 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Trenga seconded the motion.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORD:2008-16.

AN ORDINANCE TO AMEND THE CODE OF THE
BOROUGH OF SOUTH RIVER, CHAPTER 155 ENTITLED
“FEES” BY AMENDING SECTION 155-17 THEREOF

Councilman Hutchison moved that the Council pass the said Ordinance on its First Reading by Title Only and that the Clerk be authorized to publish same as is required by Law with the Second Reading and Public Hearing to be held on March 24, 2008 at 8:31 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Trenga seconded the motion.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

ORD:2008-17.

AN ORDINANCE TO AMEND THE CODE OF THE
BOROUGH OF SOUTH RIVER, CHAPTER 241 ENTITLED
“OUTDOOR CAFES AND RESTAURANTS” BY AMENDING
SECTION 241-4 THEREOF

Councilman Hutchison moved that the Council pass the said Ordinance on its First Reading by Title Only and that the Clerk be authorized to publish same as is required by Law with the Second Reading and Public Hearing to be held on March 24, 2008 at 8:32 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Trenga seconded the motion.

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RESOLUTIONS

RES:2008-215

MARCH 10, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor of the Borough of South River, do hereby appoint Douglas Heine as a member of the Mayor's Advisory Committee on the Handicapped and Disabled for the term of January 1, 2008 to December 31, 2010.

DATED: MARCH 10, 2008

/s/ Raymond T. Eppinger
Mayor

Motion to Confirm

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4

MARCH 10, 2008

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-216

MARCH 10, 2008

RESOLUTION

WHEREAS, the Governor of New Jersey has unveiled a fiscal plan for balancing the State budget that relies on periodic substantial annual increases in tolls on New Jersey's toll roads; and

WHEREAS, the operating characteristics of 102-inch wide trucks and double trailer truck combinations (hereinafter called "large trucks") require greater stopping distances and greater distances to maneuver; and

WHEREAS, the physical limitations of two-lane highways and local roadways other than the interstates (hereinafter called "local roadways") do not offer a safe means of travel for large trucks; and

WHEREAS, the use by large trucks of local roadways poses a significant risk to the health, safety and welfare of the residents who live on and along these roads; and

WHEREAS, the use by large trucks of local roadways poses a substantial risk to the health, safety and welfare of the millions of school children being bused on these roads to and from schools on a daily basis; and

WHEREAS, the use by large trucks of local roadways poses a substantial risk to the millions of commuters on these roads each day; and

WHEREAS, motor vehicle accidents on state highways involving large trucks have resulted in numerous fatalities and injuries and substantial damage to property; and

WHEREAS, random truck inspections by the New Jersey State Police have revealed that thirty-five to fifty-five percent of all trucks inspected have safety violations, and more than eighteen percent have violations so severe that they are immediately taken out of service; and

WHEREAS, since 9/11, the New Jersey State Police, properly focused on ensuring "homeland security" have limited staff and resources to conduct truck inspections on local roadways; and

WHEREAS, given the number of strategic ports in the State and proximity to New York City, the NJ State Police does not have the manpower to conduct sufficient random inspections, resulting in an inadequate ability to conduct truck inspections; and

WHEREAS, given the number of its strategic ports, New Jersey serves as a point of origin for trucking based operations that serve the entire United States; and

WHEREAS, any regulation that does not encourage the use of the National Network, including the Turnpike, for the Interstate distribution of trucks will otherwise force trucks to use local County and Municipal Roads; and

WHEREAS, the use of large trucks on undersized, local roadways causes an accelerated deterioration of those roadways and results in an economic burden to local municipalities who struggle on a regular basis to keep their roadway capital budget in check; and

WHEREAS, the Legislature has imposed budget CAP restrictions that severely limit a municipality's ability to fund capital roadway repair projects; and

MEETING

MARCH 10, 2008

MAYOR AND BOROUGH COUNCIL

MEETING NO. 4

PAGE NO. 19

WHEREAS, in 1999, the New Jersey Department of Transportation (DOT) imposed a ban on the use of two-lane county and state highways by large trucks passing through the State; and

WHEREAS, on February 21, 2006, the 3rd Circuit Court of Appeals invalidated the 1999 ban; and

WHEREAS, in response; the DOT passed emergency regulations limited the use by large trucks of New Jersey's State, county and local roads; and

WHEREAS, the DOT has now proposed permanent trucking regulations that limit the ability of large trucks to use New Jersey State, county and local roads; and

WHEREAS, the new DOT truck regulations are intended to mitigate the risk to the public by encouraging large trucks to use only the interstate highways and other roads designated as part of the "National Network," including the New Jersey Turnpike and Garden State Parkway, two of the toll roads slated for substantial increases under the Governor's plan; and

WHEREAS, counter to the new truck regulations, the proposed increase in tolls will result in increased truck traffic on local roadways; and

WHEREAS, this increase in truck traffic on local state, county and municipal roads will increase the risk to life, limb and property of local residents and the traveling public; and

WHEREAS, since the enactment of the DOT regulations are only part of the solution, a coordinated, regional approach to safety on local municipal roadways must be established.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South River that the Borough of South River calls upon the Governor of the State of New Jersey and the New Jersey State Legislature to ensure that in order to meet the additional law enforcement burden imposed by these new regulations, enforcement powers (including safety, opacity (pollution) and weigh tests) should be grant to municipal law enforcement officers as they were prior to 1994, with appropriate training by the State, to stop and investigate trucks traveling through their municipalities to ensure compliance.

BE IT FURTHER RESOLVED that the Borough urges the New Jersey State Police to increase the number of random roadside inspections of trucks throughout all communities, and that the State Police keep weigh stations open longer hours.

BE IT FURTHER RESOLVED that the State fund the installation of more roadside inspection stations in areas that receive disproportionate truck traffic resulting from these new regulations, and that where possible, the DOT combine rests stops and convenience services (food, directions, etc.) to encourage alert truck driving.

BE IT FURTHER RESOLVED that the Borough encourages the Governor and the DOT to explore providing fiscal and other incentives for truck drivers and fleet owners with excellent safety records, such as a rebate of truck taxes, and expand incentives programs (e.g. toll reductions, reductions in fuel costs) that help keep large trucks on the "National Network."

BE IT FURTHER RESOLVED that the Borough encourages the Governor and the DOT to explore the installation of smart technology and/or in-road safety devices (such as reflectors along lane stripes) to keep trucks in lanes and prevent non-attentive driving.

BE IT FURTHER RESOLVED that the Borough encourage the Governor and the DOT to install adequate signage to remind large trucks to remain on the "National Network" in keeping with the DOT regulations.

BE IT FURTHER RESOLVED that the Borough encourages the Governor and the DOT to create additional funding sources to help municipalities make necessary repairs created by the accelerated deterioration of roadways and deal with the resulting economic burdens resulting from, increased large truck traffic.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a copy of this Resolution to Governor Corzine, the Commissioner of the New Jersey Department of Transportation, the President of the Senate, the Speaker of the New Jersey General Assembly, the Borough's Senate and Assembly Representatives, Middlesex County Board of Chosen Freeholders and all Middlesex County Mayors.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Razzano, Trenga, Trzeciak
NAYS: None
ABSTAIN: Krenzel

RES:2008-217

MARCH 10, 2008

RESOLUTION

WHEREAS, the governing body adopted Rules of the Borough Council on January 1, 2008 for the year 2008; and

WHEREAS, the governing body desires to amend Section Two of said rules to change the placement of public comment on agenda items from an early order of business to comment between agenda item "New Business" and agenda item "Unfinished Business."

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that Section Two of the 2008 Rules of Borough Council be hereby amended as herein set forth.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-218

MARCH 10, 2008

MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO. 21

MARCH 10, 2008

RESOLUTION

WHEREAS, liability claims against municipalities are already increasing 10% per year; and

WHEREAS, proposed legislative revisions to New Jersey's wrongful death statute will add another 6% to 10% to this cost; and

WHEREAS, under the current wrongful death law, family members may presently recover substantial compensation for actual losses such as medical bills and lost income as well as loss of companionship; and

WHEREAS, the proposed legislation will also permit juries to award substantial additional compensation for "emotional distress" and is contrary to the principles in Title 59; and

WHEREAS, without the limitations in Title 59, it would be very difficult for state, county and local governments to respond to a wide range of emergency situations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of South River that the New Jersey State legislature is urged to exempt Title 59 entities from any expansion of the wrongful death statute.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Borough's Senate and Assembly legislative representatives, Governor Corzine, Senate President Cody and Assembly Speaker Roberts.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-219

MARCH 10, 2008

RESOLUTION

WHEREAS, the Code of the Borough of South River, Chapter 196, Section 196-3, et seq., requires all persons, firms or corporations who desire to operate a mechanical amusement device within the Borough of South River to first comply with the provisions of said Code, and to obtain a license therefore, as provided therein; and

WHEREAS, Crestwood Tavern has filed an application for an operator license dated January 8, 2008 with the Borough Clerk for a vending machine license to be located at 260 Old Bridge Turnpike in the Borough of South River, N. J. pursuant to said Code provisions; and

WHEREAS, the Borough Clerk has referred said application to the proper officers of the Borough for the purpose of making investigations and/or inspections of the proposed premises,

MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO.22

MARCH 10, 2008

in accordance with said Code provisions; and

WHEREAS, it appears from the reports and investigations of the appropriate Borough officials that said application should be approved.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South River that the above referenced application for a vending machine license be and the same is hereby approved.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak

NAYS: None

RES:2008-220

MARCH 10, 2008

RESOLUTION

WHEREAS, there exists a need for an attorney to represent the borough in defending a lawsuit entitled Diaz v. Borough of South River; and

WHEREAS, the Chief Financial Officer of the Borough of South River has provided a certification in writing as to the availability of adequate funds for the awarding of the contract described herein.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex, the State of New Jersey :

1. That Gary M. Schwartz, Esq. is hereby authorized to represent the borough in defending a lawsuit entitled Diaz v. Borough of South River at a fee not to exceed \$2,500.00 and his previous actions in this regard are hereby ratified.
2. This contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law (N.J.S. 40A:11-5 (1) (1) since this contract is for services performed by a person authorized by law to practice a recognized profession and it was not possible to obtain competitive bidding.
3. A copy of this Resolution shall be published in the official newspaper of the Borough of South River within ten (10) days of its passage.

DATED: MARCH 10, 2008

MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO. 23

MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-221

MARCH 10, 2008

RESOLUTION

WHEREAS, the Environmental/Shade Tree Commission is requesting authorization to conduct an Earth Day river clean up to be held on April 27, 2008 at Grekoski Park with additional work to be done at Varga Park, the VFW property and the Polish Army Veterans of America Association picnic grounds; and

WHEREAS, the Borough Council encourages such voluntary efforts on the part of its residents.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the South River Environmental/Shade Tree Commission is hereby authorized to conduct an Earth Day Clean-Up Event in the Borough of South River.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-222

MARCH 10, 2008

RESOLUTION

WHEREAS, the Borough Engineer has advised the governing body that Change Order no. 2 is necessary to amend the contract with S. Brothers, Inc. for improvements to Hillside Avenue – Section II for guide rail and related work as a result of a surveillance inspection performed by the N.J. DOT after substantial completion of the roadway improvements; and

WHEREAS, the Borough has received an allotment of \$40,000 from the Transportation Trust Fund for this additional work which requires the expenditure of \$36,257; and

MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO. 24

MARCH 10, 2008

WHEREAS, the additional work required for this supplemental guide rail work is a minor modification to this improvement project required by the N.J. DOT, does not materially expand upon the size, nature, or scope of the project as originally described in the bid specification nor could this additional work have been reasonably effectuated by a separately bid contract without imposing adverse cost consequences on the Borough; and

WHEREAS, the governing body accepts the recommendation of the Borough Engineer, approves Change Order no. 2 resulting in an increase of \$36,257 to the contract, which exceeds 20% of the original contract amount; and

WHEREAS, this resolution shall, together with the certification of the contractor and Borough Engineer's report of March 4, 2008, constitute a written amendatory contract with S. Brothers Inc; and

WHEREAS, the Local Public Contracts Law requires that the governing body pass a resolution authorizing such an amendment to the contract for these improvements and that this resolution be published once in the Borough's official newspaper pursuant to the New Jersey Administration Code 5:30-11.9(b)6.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of South River, in the County of Middlesex and State of New Jersey that Change Order no. 2 is hereby approved and the Borough Clerk is directed to publish the required notice of this resolution approving said Change Order as an amendment to the contract for these improvements.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-223

MARCH 10, 2008

RESOLUTION

WHEREAS, the State of New Jersey, Department of Transportation provides federal aid under the "Safe Routes to School Program"; and

WHEREAS, the objectives of the Safe Routes to School Program are:

1. To enable and encourage children, including those with disabilities, to walk and bicycle to school; and
2. To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and

MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO. 25

MARCH 10, 2008

3. To facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity (approximately 2 miles) of primary and middle schools (Grades K-8).

WHEREAS, there are funds available for two different types of projects – infrastructure and non-infrastructure activities

WHEREAS, infrastructure related grants can fund the planning, design, and construction of such things as sidewalks, crosswalks, bike lanes, multi-use paths, and traffic calming within two mile of an elementary or middle school while non-infrastructure projects can include enforcement, education and encouragement programs; and

WHEREAS, the Borough of South River has requested the Borough Engineer to prepare the appropriated application for curb and sidewalk improvements along the north side Morningside Avenue between Montgomery Street and Willett Avenue; and

WHEREAS, said application is beneficial to the children and residents of the Borough of South River;

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough South River that the Borough Engineer is hereby authorized to prepare and submit the appropriate Safe Routes to School program application for the construction of sidewalks along the north side of Morningside Avenue from Willett Avenue to Montgomery Street.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-224

MARCH 10, 2008

RESOLUTION

WHEREAS, the State of New Jersey, Department of Transportation provides federal aid under the “Safe Routes to School Program”; and

WHEREAS, the objectives of the Safe Routes to School Program are:

1. To enable and encourage children, including those with disabilities, to walk and bicycle to school; and
2. To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active MEETING

MARCH 10, 2008

MAYOR AND BOROUGH COUNCIL

MEETING NO. 4

PAGE NO. 26

lifestyle from an early age; and

3. To facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity (approximately 2 miles) of primary and middle schools (Grades K-8).

WHEREAS, there are funds available for two different types of projects – infrastructure and non-infrastructure activities

WHEREAS, infrastructure related grants can fund the planning, design, and construction of such things as sidewalks, crosswalks, bike lanes, multi-use paths, and traffic calming within two mile of an elementary or middle school while non-infrastructure projects can include enforcement, education and encouragement programs; and

WHEREAS, the Borough Engineer is currently submitting on behalf of the South River Board of Education an application for sidewalk improvements through the Athletic Fields Site and Curb and Sidewalk improvements along Johnson Place; and

WHEREAS, said application is beneficial to the children and residents of the Borough of South River.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough South River that the Mayor and Borough Council does hereby endorse the application being prepared and submitted by the Borough Engineer on behalf of the South River Board of Education for the sidewalk improvements through the Athletic Fields Site and Curb and Sidewalk improvements along Johnson Place.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-225

MARCH 10, 2008

RESOLUTION AUTHORIZING SUBMISSION OF A
RECYCLING TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, C.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue to

MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO. 27

MARCH 10, 2008

expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such tonnage grant will memorialize the commitment of this municipality to recycling and indicate the assent of the Borough of South River to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and Recycling Regulations.

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

1. That the Borough of South River hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, and designates Donna M. Stoddard, Recycling Coordinator, to ensure that the said application is properly filed.
2. That the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-226

MARCH 10, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Jeffrey Boehn to the position of probationary member of the Rescue Squad of the Borough of South River effective as of this date.

DATED: MARCH 10, 2008

/s/ Raymond T. Eppinger
Mayor

Motion to Confirm
MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO. 28

MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-227

MARCH 10, 2008

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Heather Chichanowski to the position of probationary member of the Rescue Squad of the Borough of South River effective as of this date.

DATED: MARCH 10, 2008

/s/ Raymond T. Eppinger
Mayor

Motion to Confirm

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-228

MARCH 10, 2008

RESOLUTION

WHEREAS, the official tax records of the Borough of South River, New Jersey show certain adjustments, rescissions, amendments, cancellations, corrections, refunds and uncollectibles on real estate, personal property taxes and special assessments should be made on certain accounts due to various reasons; and

WHEREAS, the tax collector recommends these changes as listed.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Borough Tax Collector be and she is hereby authorized to make the necessary adjustments indicated below and

MEETING

MARCH 10, 2008

MAYOR AND BOROUGH COUNCIL

MEETING NO. 4

PAGE NO. 29

on any attached list:

<u>Taxpayer/Block/Lot</u>	<u>Reason</u>	<u>Auth</u>	<u>Year</u>	<u>Amount</u>
BOROUGH OF SOUTH RIVER 48 WASHINGTON STREET SOUTH RIVER NJ 08882 BLK 40/LOT 6	EXEMPT	CANCEL	2007	617.00
BOROUGH OF SOUTH RIVER 48 WASHINGTON STREET SOUTH RIVER, NJ 08882 BLK 40/LOT 6	EXEMPT	CANCEL	2008	585.00
CHRISTIAN LIFE FELLOWSHIP CTR., INC. 7 GROCHOWIAK STREET SOUTH RIVER, NJ 08882 BLK 264.1/LOT 3	EXEMPT	CANCEL	2008	2,442.38
			TOTAL:	<u>3,644.38</u>

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-229

MARCH 10, 2008

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the resignation of Kevin Pereira from his position as Meter Reader in the Utilities Department as of March 7, 2008 is hereby received and accepted.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO. 30

MARCH 10, 2008

RESOLUTION

WHEREAS, Carmela Shearn is an employee within the Borough of South River in the position of Administrative Assistant; and

WHEREAS, Carmela Shearn has submitted a retirement notification to the Borough of South River to become effective on June 30, 2008.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of South River that this retirement notification was approved and the Mayor and other appropriate Borough Officials are hereby authorized to execute the same.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Trenga, Trzeciak
NAYS: None
ABSTAIN: Razzano

RESOLUTION

WHEREAS, there exists a need for an attorney to represent the borough in defending a lawsuit entitled Ianotta v. Borough of South River; and

WHEREAS, the Chief Financial Officer of the Borough of South River has provided a certification in writing as to the availability of adequate funds for the awarding of the contract described herein.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex and the State of New Jersey that:

1. David Himelman, Esq. is hereby authorized to represent the borough in defending a lawsuit entitled Ianotta v. Borough of South River at an hourly rate of \$150.00 not to exceed \$6,500.00, and his previous actions in this regard are hereby ratified.
2. This contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law (N.J.S. 40A:11-5 (1) (1) since this contract is for services performed by a person authorized by law to practice a recognized profession and it was not possible to obtain competitive bidding.

3. A copy of this Resolution shall be published in the official newspaper of the Borough of South River within ten (10) days of its passage.

DATED: MARCH 10, 2008

/s/ Anthony Razzano
Councilman

/s/ Michael Trenga
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak

NAYS: None

RES:2008-232

MARCH 10, 2008

RESOLUTION – MUNICIPAL BUDGET OF THE
BOROUGH OF SOUTH RIVER, COUNTY OF
MIDDLESEX FOR THE FISCAL YEAR 2008

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2008.

BE IT FURTHER RESOLVED that said Budget be published in The Home News Tribune in the issue of May 16, 2008. The Governing Body of the Borough of South River does hereby approve the following as the Budget for the year 2008.

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Borough Council of the Borough of South River, County of Middlesex on March 11, 2008.

A Hearing on the Budget and Tax Resolution will be held at the

South River Criminal Justice Building
Council Chambers
61 Main Street
South River, NJ

on May 27, 2008 at 8:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2008 may be presented by taxpayers or other interested persons.

DATED: MARCH 10, 2008

/s/ John Krenzel
Councilman

/s/ Suzanne Buffalino
Councilwoman

MEETING
MAYOR AND BOROUGH COUNCIL
MEETING NO. 4
PAGE NO. 32

MARCH 10, 2008

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

RES:2008-233

MARCH 10, 2008

RESOLUTION OF THE BOROUGH OF SOUTH RIVER MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A 40A:4-45.46

WHEREAS, the Mayor and Borough Council of the Borough of South River, in the County of Middlesex desires to make application to the Local Finance Board for its approval of a proposed Property Tax Levy Waiver pursuant to N.J.S.A 40A-45.46; and

WHEREAS, the Mayor and Borough Council believe that:

- (a) It is in the public interest to accomplish such purpose; and
- (b) The Property Tax Levy Waiver is for the health, wealth, convenience or betterment of the inhabitants of the Borough of South River; and
- (c) The proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough of South River and will not create an undue financial burden to be placed upon the Borough of South River.

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

Section 1. The application to the Local Finance Board is hereby approved, and the Chief Financial Officer, Business Administrator, Borough Auditor and other representatives of the Borough of South River are hereby authorized to prepare such application and to represent the Borough of South River in matters pertaining thereto.

Section 2. The Borough Clerk of the Borough of South River is hereby directed to file a copy of the proposed Property Tax Levy Waiver with the Local Finance Board as part of such application

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to the Business Administrator, Borough Auditor, Chief Financial Officer and the Division of Local Government Services.

DATED: MARCH 10, 2008

/s/ John Trzeciak
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
 NAYS: None

RES:2008-234

MARCH 10, 2008

RESOLUTION

BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex and the State of New Jersey, that all bills, claims and statements against the Borough, listing attached, have been duly itemized, audited, approved and signed by the proper officers of the Borough, and the same are hereby ordered paid.

<u>VENDOR</u>	<u>AMOUNT</u>
A.G.A.	95.00
ADVANCED GENERATOR	490.95
ALLIED OIL COMPANY LLC	4,000.41
ANDREW J SALERNO	252.99
APPROVED FIRE PROTECTION	1,024.20
APRUZZESE MCDERMOTT MASTRO &	4,600.75
ARCH WIRELESS	264.33
ATAK TRUCKING, INC.	1,175.34
BANNISTER CO	109.20
BENECARD SERVICES INC	33,966.25
BIGNELL PLANNING CONSULTANTS	400.00
BUILDING INSP. UNDERWRITERS IN	6,958.50
CHAMPION OVERHEAD DOORS	165.00
CIER, CINDY	275.00
CME ASSOCIATES	10,740.00
CONSOLIDATED RAIL CORP	201.43
CURTIS SERVICE INC	548.68
DOM'S TOWING	180.00
DOOR TO DOOR DUMBBELLS	240.00
DR. MAREK R LUPICKI	300.00
EAST BRUNSWICK PLUMBING INC	504.81
ELECTRONIC MEASUREMENT LABS IN	267.46
FALCON SUPPLY	932.40
FEDERATED FIRE SERVICE INC	145.46
FORRESTRY SUPPLIERS INC	289.52
FREDERICK ROSELLI	950.00
GALETON GLOVES INC	494.52
GALLS INC	236.89
GRAINGER	576.00
GUARD LINE FIRE & SAFETY INC	4,582.00
HARRIS, A H	116.00
HIGH ENERGY ELECT TESTING INC	41,290.00
HILL INTERNATIONAL INC	4,327.94
HOME NEWS TRIBUNE	245.00
INSTRUMENT TECH SERV (I.T.S.)	2,159.44
INTERNATIONAL ASSN OF CHIEFS	240.00
JOSEPH LOMBARDI	250.00
JOSHUA MARCUS GROUP	790.00
KEVCO ELECTRIC INC	1,053.13
KIM BELL	190.01
KURTS TRAILER CENTER	107.00

MEETING
 MAYOR AND BOROUGH COUNCIL
 MEETING NO. 4
 PAGE NO. 34

MARCH 10, 2008

LEE'S AUTO PARTS INC	4,227.74
LOMBARDI & LOMBARDI PA	720.00
M.K. FIRE TRUCK REPAIR INC	3,832.74
MAIN ELECTRIC SUPPLY CO INC	583.54
MIDD CTY UTILITY AUTHORITY	31,567.74
MIDD CTY IMPROVEMENT AUTHORITY	14,255.55
MIDDLESEX COUNTY TREASURER	32.88
MIDDLESEX CTY FIRE ACADEMY	175.00
MIDDLESEX CTY MUN CLERKS ASSN	200.00
MUNIDEX INC	2,069.90
MUSEUM OF EARLY TRAES & CRAFT	60.00
NATIONAL FIRE PROTECTION ASSN	150.00
NATIONAL VOLUNTEER	50.00
NEXTEL COMMUNICATIONS	916.80
NJ PLANNING OFFICIALS	1,791.50
ON SITE FLEET SERVICE INC	313.42
ONE CALL SYSTEMS INC	29.25
ORIENTAL TRADING CO	472.25
PAPA JOHN'S PIZZA OF E.B.	126.88
PARIS, JOE	325.00
PENTATEK SOLUTIONS INC	1,550.00
PRINCETON SUPPLY	2,098.80
PUBLIC SERVICE ELECTRIC & GAS	9,648.01
RAZOR PRINTING INC	255.87
ROBERT A VERRY	50.00
RT #18 SPORTS LLC	395.88
RUTGERS THESTATE UNIVERSITY	24.00
SAYREVILLE, BORO OF	476.00
SAYREVILLE, BORO OF	3,319.21
SCHULMAN, WIEGMANN & ASSOC INC	1,653.75
SCHWARTZ, GARY M ESQ	5,825.00
SENSUS TECHNOLOGIES INC	7,659.00
SHARON MULVIHILL	25.00
SIPERSTEIN'S	807.82
SOUTH RIVER BOARD OF ED	62.50
SPORTS FIELD MANAGERS ASSN	50.00
SS PETER & PAUL CHURCH	450.00
STATE OF NJ – OFFICE ATTN Y GEN	280.00
TELX INC	2,525.00
TOSHIBA BUSINESS SOLUTIONS	99.51
TOWNSHIP OF EAST BRUNSWICK	2,633.35
USHER PUBLISHING CO	520.00
V E RALPH & SON INC	524.50
VERIZON	651.09
VERIZON	3,623.47
VERIZON	1,501.74
W E TIMMERMAN CO INC	1,950.11
W B MASON CO	4,167.50
W H MERRITT & COMPANY	319.00
HARRIS, A H	116.00
ADVANCED GENERATOR	490.95
A.G.A.	95.00
ALLIED OIL COMPANY LLC	4,000.41
ATAK TRUCKING INC	1,175.34
APPROVED FIRE PROTECTION	1,024.20
ARCH WIRELESS	264.33
APRUZZESE MCDERMOTT MASTRO &	4,600.75

MEETING

MARCH 10, 2008

MAYOR AND BOROUGH COUNCIL

MEETING NO. 4

PAGE NO. 35

BANNISTER CO	109.20
KIM BELL	190.01
BENECARD SERVICES INC	33,966.25
BUILDING INSP UNDERWRITERS IN	6,958.50
BIGNELL PLANNING CONSULTANTS	400.00
CHAMPION OVERHEAD DOORS	165.00
CIER, CINDY	275.00
CME ASSOCIATES	10,740.00
CONSOLIDATED RAIL CORP	201.43
CURTIS SERVICE INC	548.68
DOM'S TOWING	180.00
DOOR TO DOOR DUMBBELLS	240.00
EAST BRUNSWICK PLUMBING INC	504.81
TOWNSHIP OF EAST BRUNSWICK	2,633.35
ELECTRONIC MEASUREMENT LABS IN	267.46
FALCON SUPPLY	932.40
FEDERATED FIRE SERVICE INC	145.46
FORESTRY SUPPLIERS INC	289.52
GALLS INC	236.89
GALETON GLOVES INC	494.52
GRAINGER	576.00
GUARD LINE FIRE & SAFETY INC	4,582.00
HIGH ENERGY ELECT TESTING INC	41,290.00
HILL INTERNATIONAL INC	4,327.94
HOME NEWS TRIBUNE	245.00
INSTRUMENT TECH SERV (I.T.S.)	2,159.44
INTERNATIONAL ASSN OF CHIEFS	240.00
JOSHUA MARCUS GROUP	790.00
KEVCO ELECTRIC INC	1,053.13
KURTS TRAILER CENTER	107.00
LEE'S AUTO PARTS INC	4,227.74
LOMBARDI & LOMBARDI PA	720.00
DR MAREK R LUPICKI	300.00
JOSEPH LOMBARDI	250.00
W B MASON CO	4,167.50
MAIN ELECTRIC SUPPLY CO INC	583.54
MIDD CTY UTILITY AUTHORITY	31,567.74
MIDDLESEX COUNTY TREASURER	32.88
MIDD CTY IMPROVEMENT AUTHORITY	14,255.55
MIDDLESEX CTY MUN CLERKS ASSN	200.00
MIDDLESEX CTY FIRE ACADEMY	175.00
M K FIRE TRUCK REPAIR INC	3,832.74
MUNIDEX INC	2,069.90
MUSEUM OF EARLY TRADES & CRAFT	60.00
SHARONMULVIHILL	25.00
NATIONAL FIRE PROTECTION ASSN	150.00
NATIONAL VOLUNTEER	50.00
NEXTEL COMMUNICATIONS	916.80
STATE OF NJ-OFFICE ATTN GEN	280.00
NJ PLANNING OFFICIALS	1,791.50
ON SITE FLEET SERVICE INC	313.42
ONE CALL SYSTEMS INC	29.25
ORIENTAL TRADING CO	472.25
PAPA JOHN'S PIZZA OF E.B.	126.88
PARIS, JOE	325.00
PENTATEK SOLUTIONS INC	3,250.00
PUBLIC SERVICE ELECTRIC & GAS	9,648.01
MEETING	MARCH 10, 2008
MAYOR AND BOROUGH COUNCIL	
MEETING NO. 4	
PAGE NO. 36	

ANDREW J SALERNO	252.99
PRINCETON SUPPLY	2,098.80
RAZOR PRINTING INC	255.87
V E RALPH & SON INC	524.50
FREDERICK ROSELLI	950.00
RT #18 SPORTS LLC	395.88
RUTGERS THE STATE UNIVERSITY	24.00
SOUTH RIVER BOARD OF ED	62.50
SAYREVILLE, BORO OF	476.00
SAYREVILLE, BORO OF	3,319.21
SCHULMAN, WIEGMANN & ASSOC. INC	1,653.75
SCHWARTZ, GARY M. ESQ.	5,825.00
SENSUS TECHNOLOGIES INC	7,659.00
SIPERSTEIN'S	807.82
SS PETER & PAUL CHURCH	450.00
SPORTS FIELD MANAGERS ASSN	50.00
SALERNO, ANDREW J	182.99
TELX INC	2,525.00
TOSHIBA BUSINESS SOLUTIONS	99.51
USHER PUBLISHING CO	520.00
ROBERT A VERRY	50.00
VERIZON	2,152.83
VERIZON	3,623.47
W E TIMMERMAN CO INC	1,950.11
W H MERRITT & COMPANY	319.00

DATED: MARCH 10, 2008

/s/ John Krenzel
Councilman

/s/ James Hutchison
Councilman

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Krenzel, Razzano, Trenga, Trzeciak
NAYS: None

COUNCIL COMMENTS

Councilman Razzano

- Necessary for budget waiver
- We have 100 employees; a company with \$30 million usually works with 300 employees
- Thank you to A. Salerno and S. Sivananthan for the work on the budget
- Thank you to Emergency Services and Public Safety regarding the electric outage and when the Club went down. Everything was taken care of and they did a magnificent job.
- Thank you to Red Cross who relocated families who lived next to the structure that went down

Councilwoman Buffalino

- Echo the thank you from the others
- Quick response time
- Building collapsing – ordinance on books for ways to condemn building if there are safety issues
- Need to encourage owners of properties to clean up/sell properties
- Board of Education meeting 3/19/08; Board of Health meeting next week
- Thank you to the finance committee
- Happy to hear we are planning for the future

Councilman Hutchison

- Parks & Recreation sign ups underway; Hocky and Soccer (new registration going well)
- Easter Egg Hunt and Hat Parade Saturday
- Thank you to all during the outage and when the downed structure
- Good to see a 5 year plan – looking into the future
- Anyone has ideas – please come forward – we are working for everyone in the borough
- Spring is 3/20; Happy St. Patrick's Day & Happy Easter

Councilman Trenga

- Nobody was hurt when the Reid St. building went down
- Thank you to all personnel
- Developer of site has plans – no parking
- County Transportation meeting - no money in New Jersey – cutting everywhere
- Dinner at American Legion – Cornbeef & Cabbage dinner
- Thank you to A. Salerno, Finance Committee and Mayor working on the budget

Councilman Trzeciak

- Thank you regarding the budget; no one shot revenue deals
- Thank you to DPW/Police/Fire/OEM; also thank you to the County, they provided help even though its not a county road
- DARE graduation at Muslim School – Elementary level in April

Councilman Krenzel

- Carol Shearn retiring – job well done
- Than you to workers regarding Reid St.
- Legion St. Patrick's Dinner – please support the local organizations when you see events such as this
- DARE Graduation, Bylorusion Flag Raising and Earth Day coming up
- Thank you to finance committee; previous council micromanaged budget; A. Salerno is doing an excellent job
- Our recycling program is working – the more we recycle the less money we get
- If something saves our town money – we are already doing it; Interlocal services usually - other towns want to benefit
- Adopted budget sometime in September – needs to be done sooner
- Regarding budget; we are being honest with the people

Mayor Eppinger

- Thank you to Telle for his assistance in putting the presentation together
- Interlocal agreements are not free
- Article in the Home News about combining departments; regionalizing is not always the answer

For the next meetings 3/24, 4/14, 4/28. 5/12 – meetings to start at 6:30 PM to MEETING
MARCH 10, 2008

- allow for questions/comments on budget; 5/27 public hearing
- All towns were having power outages this past weekend
- Thank you to OEM, DPU
- Contact OOA for Stimulus Package and Electric Utility credits

PUBLIC COMMENTS

Marilyn Meloni

- Excellent job on presentation
- Side walk café – good if they are safe
- Regarding Shade Tree Commission – she questioned what the homeowner is responsible for versus the Shade Tree Commission
- Mayor responded: Some liability issues being looked at
- Questioned Mercantile Licenses - does she put in an OPRA request
- Mayor responded : Yes, OPRA request
- Regarding the 400 Club – do we have an ordinance to take down buildings like this – other towns do
- Councilwoman Buffalino responded: looking into ordinances regarding the demolition of vacant buildings
- Questioned money for First Responders and Flood Damage Reduction
- Comments by Mayor & A. Salerno: Police Radios were received; the Flood Damage moneys we did not receive

J. Manzo

- Good job A. Salerno on budget

Mr. Zlatan

- Commented that more buildings are going to fall down

A. Gayward

- Commented that housing market is down and foreclosures on the rise.

ADJOURNMENT

Councilman Razzano moved that this meeting be adjourned. Councilman Hutchison seconded the motion. So carried.

Respectfully submitted on
March 20, 2008

Sheryl L. Nevin
Deputy Borough Clerk