

ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED AS IS REQUIRED BY CHAPTER 231, PUBLIC LAW 1975 AND BY RESOLUTION 2009-6 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

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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 May 11, 2009 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 Councilmembers in attendance:

Councilmembers Almeida, Guindi, Hutchison, Razzano, Trenga, and Trzeciak

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

#### MINUTES

The Minutes of Meeting No. 11 held on April 27, 2009 were submitted to the Council for acceptance and/or amendment.

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

#### PROCLAMATION

Mayor Eppinger read a Proclamation proclaiming the month of June as Myasthenia Gravis Awareness Month.

#### PUBLIC HEARING ON 2009 MUNICIPAL BUDGET

#### MUNICIPAL BUDGET OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX FOR THE YEAR 2009

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2009;

BE IT FURTHER RESOLVED that said Budget be published in the Home News Tribune in the issue of April 30, 2009.

The Governing Body of the Borough of South River does hereby approve the following as the Budget for the year 2009:

Revenue and Appropriation Summaries

Summary of Revenues	Anticipated	
	2009	2008
1. Surplus	646,000.00	1,225,000.00
2. Total Miscellaneous Revenues	5,684,298.23	4,779,119.10
3. Receipts from Delinquent Taxes	500,000.00	350,000.00
4. a) Local Tax for Municipal Purposes	8,288,486.32	8,297,872.95
b) Addition to Local District School Tax		
Total Amount to be Raised by Taxes for Support of Municipal Budget	8,288,486.32	8,297,872.95
Total General Revenues	15,118,784.55	14,651,992.05

Summary of Appropriations	Final	
	2009 Budget	2008 Budget
1. Operating Expenses: Salaries and Wages	5,931,650.00	5,915,700.00
Other Expenses	6,005,856.77	5,457,619.98
2. Deferred Charges and Other Appropriations	868,158.41	975,515.57
3. Capital Improvements	112,000.00	224,787.68
4. Debt Service (Include for School Purposes)	1,461,686.00	1,412,797.00
5. Reserve for Uncollected Taxes	739,433.37	655,571.82
Total General Appropriations	15,118,784.55	14,651,992.05
Total Number of Employees	80	80

2009 Dedicated Water Utility Budget

Summary of Revenues	Anticipated	
	2009	2008
1. Surplus	168,000.00	392,562.00
2. Miscellaneous Revenues	3,028,357.00	2,800,000.00
3. Deficit(General Budget)		
Total Revenues	3,196,357.00	3,192,562.00

Summary of Appropriations	Final	
	2009 Budget	2008 Budget
1. Operating Expenses: Salaries and Wages	518,500.00	515,000.00
Other Expenses	1,810,000.00	1,893,509.00
2. Capital Improvements	115,000.00	116,000.00
3. Debt Service	615,473.00	560,330.00
4. Deferred Charges and Other Appropriations	137,384.00	107,723.00
5. Surplus (General Budget)		
Total Appropriations	3,196,357.00	3,192,562.00
Total Number of Employees	6	6

2009 Dedicated Electric Utility Budget

Summary of Revenues	Anticipated	
	2009	2008
1. Surplus		
2. Miscellaneous Revenues	13,028,653.00	12,271,618.00
3. Deficit (General Budget)		
Total Revenues	13,028,653.00	12,271,618.00

Summary of Appropriations	Final	
	2009 Budget	2008 Budget
1. Operating Expenses: Salaries and Wages	1,108,500.00	1,020,000.00
Other Expenses	10,238,800.00	10,198,000.00
2. Capital Improvements	100,000.00	239,500.00
3. Debt Service	942,402.00	644,503.00
4. Deferred Charges and Other Appropriations	195,951.00	169,615.00
5. Surplus (General Budget)	443,000.00	
Total Appropriations	13,028,653.00	12,271,618.00
Total Number of Employees	14	12

Balance of Outstanding Budget

	General	Water Utility	Electric Utility
Interest	3,668,943.25	781,470.99	2,018,142.07
Principal	12,062,776.16	3,690,765.69	5,985,000.00
Outstanding Balance	15,731,719.41	4,472,236.68	8,003,142.07

Notice is hereby given that the budget and tax resolution were approved by the Mayor and Borough Council of the Borough of South River, County of Middlesex on March 18, 2009.

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 11, 2009 at 8:00 P.M. at which time and place objections to the Budget and Tax Resolution for the year 2009 may be presented by taxpayers or other interested persons.

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

Ed Trygar

- Asked where the Electric Utility \$2.7 million surplus was in the budget. Mr. Stankiewicz stated that it is not required to be there. We are in balance. It would not normally appear in the budget document.
- Asked why figures are the same in 2008 and 2009 for purchase of power.

Mr. Salerno stated that commodity price has been reduced but demand charges are going up. Forecast was based on average consumption. Budget projection was based on statistics. Collections were higher than anticipated.

- Asked about the \$443,000 that was collected. Mr. Stankiewicz stated that it was a one-shot deal and 1/8 or 1/10 will be recurring annually.
- Commented on anticipated surplus. Mr. Stankiewicz said that the Borough is in a good position. Mayor Eppinger stated there is a 0% tax increase and no services were cut.

John Krenzel, 42 Wilson Ave.

- Asked about pensions and if the Borough was making pension payments. Mr. Salerno stated that the State offered a deferment, but the Borough opted not to do that and is funding the pension plan.
- Asked if there will be a major increase in electric in 2012. Mr. Salerno stated that it is based on the grid, 2012 forecast pricing will go up 100%, looking at demand reduction on system platform and individual platform, hopes that PPANJ, APA, and South River have plan to deal with it. Mr. Salerno said that the northeast pays the highest rate in the country.
- Asked if the State will adopt its budget before we adopt on 5/26/09. Mr. Stankiewicz said that the public hearing for the budget amendment will be on 5/26/09 and we will be in a position to adopt the budget on 5/26/09. The state has not adopted its budget yet.
- Asked if estimated tax bills would be mailed out for August. Mr. Salerno said that would be avoided.

John Scala, 440 Old Bridge Turnpike

- Commended the Borough Council on a 0% tax increase and that services were not cut.
- Commented on the South River Board of Education election results.

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

AMENDMENT TO 2009 MUNICIPAL BUDGET

Councilman Razzano asked Mr. Stankiewicz about the budget amendment. Mr. Stankiewicz explained that the budget amendment included additional monies that were received from various grants.

Councilman Almeida moved that the Amendment to 2009 Municipal Budget pass and that the Clerk be authorized to publish same as is required by Law with the Public Hearing to be held on May 26, 2009 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Trzeciak seconded the motion.

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

ORDINANCES – SECOND READING AND PUBLIC HEARING

ORD 2009-9

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER BY AMENDING CHAPTER 147 ENTITLED “ELECTRICAL CONNECTIONS” TO ADD A NEW ARTICLE IV “DEMAND RESPONSE REGULATION”

WHEREAS, the Federal Energy Regulatory Commission has issued Order No. 719, 125 FERC T 61,071, 73 Fed. Reg. 64,099 (October 28, 2008); and

WHEREAS, Order No. 719, 18 C.F.R. § 35.28(g)(1)(iii) of the commission provides: "Each Commission-approved independent system operator and regional transmission organization must permit a qualified aggregator of retail customers to bid demand response on behalf of retail customers directly into the Commission-approved independent system operator's or regional transmission organization's organized markets, unless the laws and regulations of the relevant electric retail regulatory authority expressly do not permit a retail customer to participate;" and

WHEREAS, Order No. 719, 18 C.F.R. § 35.28(g)(1)(i)(A) further provides: "Every Commission-approved independent system operator or regional transmission organization that operates organized markets based on competitive bidding for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) must accept bids from demand response resources in these markets for that product on a basis comparable to any other resources, if the demand response resource meets the necessary technical requirements under the tariff, and submits a bid under the Commission-approved independent system operator's or regional transmission organization's bidding rules at or below the market-clearing price, unless not permitted by the laws or regulations of the relevant electric retail regulatory authority;" and

WHEREAS, pursuant to the statutes of New Jersey in such case made and provided the Mayor and Council of the Borough of South River are authorized to enact laws and regulations governing the provision of electric power to retail customers served by the Borough of South River; and

WHEREAS, the governing body of the Borough of South River has determined that it would be harmful to the demand response in the Borough of South River and the collective interests of the Borough of South River, as a load-serving entity with an obligation to serve at retail, and the Borough's retail customers to permit any entity other than the Borough of South River itself or its authorized designee to aggregate demand response on behalf of its retail customers; and

WHEREAS, the governing body of the Borough of South River, as the electric retail regulatory authority for the Borough, has determined it to be desirable that the aggregation of demand response on behalf of retail customers located in the Borough of South River be bid directly into the organized electric and ancillary services markets administered by the regional transmission organization (or any successor independent system operator or regional transmission organization) to which the Borough of South River is a member and performed by the Borough of South River or its authorized designee.

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, that Chapter 147 of the Code of the Borough of South River entitled "Electrical Connections" be amended by adding a new Article IV "Demand Response Regulation" as follows:

SECTION 1.

147-38 Aggregation of Retail Customer Demand Response.

A. The Borough of South River or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by the Borough of South River directly into any Commission-approved independent system operator's or regional transmission organization's organized electric markets

B. Retail customers served by the Borough of South River wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by the Borough of South River or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Borough of South River.

147-39 Ancillary Services Provided by Demand Response Resources

A. The Borough of South River or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by Borough of South River directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff).

B. Retail customers served by the Borough of South River wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its junctional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) may do so by participating in the program established by the Borough of South River or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of the Borough of South River.

SECTION 2. If any section, paragraph, subdivision, clause or 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.

Joe Manzo

- Asked if the ordinance related to electric meters. Mayor Eppinger said no.

Ed Trygar

- Asked if Borough will be agent. Mr. Salerno stated that the ordinance prohibits big users from grouping together and going into the market to buy wholesale. Users have to buy from South River.

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

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Razzano moved that the ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Trzeciak 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: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

ORD 2009-10

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

WHEREAS, the governing body desires to regulate the purchase and sale of precious metals as recommended by the police department.

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River that the Code of the Borough of South River be amended by adding a new chapter 257 entitled "Precious Metals" as follows:

SECTION 1.

257-1. License Required Application Fee, Expiration Date.

No person shall engage in a regulated activity as defined in section 257-2 without having first obtained a license therefore from the Borough Clerk, which license shall bear a number issued by the Borough Clerk and shall be prominently displayed within the licensed premises.

257-2. Definitions.

- A. "Dealer" means any person, partnership or corporation who, through any means, buys or sells gold, silver, precious metals or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.
- B. "Minor" is any person under the age of eighteen (18).
- C. "Regulated Activity" means the purchase of any item containing gold or silver or gems or any other precious metals, except for coins, for subsequent resale purposes and not for personal use.

257-3. Application Fee, Expiration Fee.

- A. An application for such license shall be filed with the Borough Clerk and shall be accompanied by a license fee of two hundred (\$200.00) dollars for the initial application -and twenty-five (\$25.00) dollars for each annual renewal for each premises on which the regulated activity is to be conducted. If on the effective date of this Ordinance a dealer has been in business for a period not less than two (2) years, the fee for initial application shall be twenty-five (\$25.00) dollars and investigation pursuant to Section 257-4 may be waived by the Township Clerk.
- B. Each licensee shall deliver a bond to the Borough Clerk executed by the applicant as principal, with a surety company authorized to do business under the laws of the State of New Jersey as to surety. The bond, to be approved by the Borough Attorney, shall be in the penal sum of Ten Thousand and 00/100 Dollars (\$10,000.00), conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the Township in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against any person licensed under this chapter by reason of any damage sustained by any such person as having made a sale to such licensee, due to dishonesty, fraud or deceit practiced in effecting the purchase of precious metals.
- C. Each license shall expire on December 31 of the year in which it is issued.

257-4. Application Process, Approval, Appeal.

Upon receipt of an application and fee pursuant to Section 257-3A, the Clerk shall refer such application to the Chief of Police, who shall institute such investigation of the applicants moral character and business responsibility as he deems necessary for the protection of the public welfare. Upon completion of the investigation, the Chief of Police shall return the application or a copy thereof to the Clerk, in a reasonable period of time, accompanied by his recommendations as to whether the license should be issued or denied. If the recommendation of the Chief of Police is to deny the license, the grounds for such recommendation shall be stated. Grounds for recommending denial of a license may include information indicating that the applicant is not of good moral character or is of questionable business responsibility, and a recommendation of denial shall be given if the applicant has been convicted of any crime or disorderly persons offense involving dishonesty, fraud, deceit or misrepresentation. Upon receipt of the recommendation of the Chief of Police, the Clerk shall issue or deny the license accordingly. If the license is denied, seventy-five percent (75%) of the fees shall be returned to the applicant, the balance going to offset the cost of the investigation. Any person aggrieved by such denial may appeal to the Borough Council within twenty (20) days of receipt of notice of the denial, which may affirm, reverse or modify the decision of the Clerk.

257-5. Records.

- A. Each dealer shall record in a bound book, non-looseleaf form, with all pages numbered in sequence, entries of receipts and disbursements to be made in pen or ink. There shall be no space between entries and each entry shall be numbered in sequence. All such ledgers shall be made available for inspection by any law enforcement official of the Borough of South River upon request and shall contain the following information:

(1) In the case of purchase:

- a. The name and address of the seller of the item.
- b. Signature of seller.
- c. A complete description of each item bought.
- d. The date of purchase.
- e. Identification used and number; such as driver's license, credit card.

- B. These records shall be retained by the dealer for a period of one (1) year and shall be subject to the inspection of any authorized police officer of the Borough of South River.

257-6. Restrictions.

- A. Each dealer shall retain within the Borough all merchandise in the form in which it was purchased for a period of at least seventy-two (72) hours
- B. No transaction may be made with any minor as herein above defined.
- C. Each dealer must require two (2) forms of identification of the person with whom it is transacting business.

257-7. Penalty.

Any person as defined above who violates any provision of this Ordinance shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment for a term not exceeding ninety (90) days, or both, within the discretion of the Municipal Judge. A separate offense shall be deemed committed in each day during or on which a violation occurred or continues.

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.

Joseph Esposito

- Expressed concerns on the requirements of ordinance. He runs a legitimate business and feels that the requirements would make it difficult to continue operating his business.

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

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Trzeciak moved that the ordinance be withdrawn. 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: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

ORD 2009-11

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 310 ENTITLED "TAXICABS" BY AMENDING ARTICLE I, SECTIONS 1, 2, 4, 5, 8, 9, 10, 13, 15, AND 19, DELETING SECTION 7 AND 23, ADDING NEW SECTIONS 23, 24, 25 AND 26 AND A NEW ARTICLE II "LIMOUSINES AND LIVERY SERVICES"

WHEREAS, the governing body desires to regulate and control the operation of limousines and livery services within the borough.

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, that Chapter 310 of the Code of the Borough of South River entitled "Taxicabs" be amended by amending Article I Sections 1, 2, 4, 5, 8, 9, 10, 13, 15, and 19, deleting section 7 and 23, and adding new sections 23, 24, 25, and 26 and a new article II "Limousines and Livery Services."

## SECTION I

### ARTICLE I – TAXICABS

#### 310-1. Definitions

Cruising – The practice of driving about the streets of the borough with a taxicab so as to bring the presence of the taxicab to the attention of prospective passengers. A taxicab driving along the streets of this borough for any purpose other than while transporting a passenger going to a definite destination by the most direct route, in response to a call for a taxicab by a prospective passenger or returning by the most direct route to the taxicab home, terminus or stand after discharging a passenger or going to or from the said terminus or stand to the driver's home by the direct route shall be prima facie evidence of cruising.

#### 310- 2 Licenses Required.

No person shall drive a taxicab upon the streets of the Borough of South River and no person who owns or controls a taxicab shall permit it to be so driven and no taxicab licensed by the borough shall be so driven for hire unless the driver of the taxicab shall have first obtained and shall have then in force and in his possession a taxicab driver's license issued by the Borough of South River.

#### 310-4 Taxicab owner's license.

A taxicab owner's license shall entitle the taxicab therein described to be operated anywhere within this Borough by a driver duly licensed hereunder, until such license either expires or is surrendered, suspended or revoked, and shall not be transferable. The number of taxicab owner's licenses shall not exceed twenty-five (25). However, nothing herein shall prevent the Municipal Council from increasing or decreasing, by resolution, the number of licenses should the public convenience and necessity so require. The number of taxicab owner's licenses issued to and held by any single taxicab company and/or owner shall not exceed fifteen (15). No individual, corporation, partnership or other business entity shall have an ownership interest or share in more than one (1) taxicab business.

#### 310-5 Taxicab driver's license.

A taxicab driver's license shall entitle the person named therein to operate within this Borough any taxicab duly licensed hereunder, until the license either expires or is surrendered, suspended or revoked, and shall not be transferable. There shall be no limit to the number of taxicab driver's licenses issued.

310.8. Application for driver's license.

A. An application for a taxi driver's license shall be filed, in duplicate, with the Borough Clerk upon forms provided by the Clerk. The application shall be verified under oath and shall contain the following information:

- (1) Name and address of the applicant.
- (2) Places of residence for the preceding five years.
- (3) Age, height, color of eyes and color of hair.
- (4) Place of birth.
- (5) Marital status.
- (6) Previous employment and employer.
- (7) Whether the applicant has ever been convicted, in this or in any other jurisdiction, or a crime, high misdemeanor, misdemeanor, reckless driving or violation of this chapter or any ordinance, statute or law governing taxicabs.
- (8) Whether a driver's license, issued by any state or municipality to him, has ever been suspended or revoked, and for what cause.
- (9) Whether he is able to read, write and understand the English language.
- (10) Whether he is in good health and has good eyesight.
- (11) Whether he is or has ever been addicted to the use of intoxicating liquors or drugs.
- (12) Length of time the applicant has been a licensed automobile driver of the State of New Jersey.
- (13) Such other reasonable information as the Chief of Police may require.

B. The application shall be accompanied by four passport-type photographs of the applicant, front view, taken within 30 days of the application. The photographs shall be of a size not less than 1 ¼ inches in height and 1 ¾ inches in length.

C. This application shall also be accompanied by a certificate of a licensed and practicing physician of the State of New Jersey certifying that the applicant has been examined within thirty (30) days of the date of the application and that the applicant is of sound physical condition, with good eyesight, not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might make him unfit for the safe driving of a taxicab. This requirement shall be waived for any applicant who has been issued a commercial driver's license by the State of New Jersey.

310.9. Qualifications of applicant.

No taxicab driver's license shall be issued unless the applicant establishes to the satisfaction of the Mayor and Council the following minimum qualifications:

A. That he is, and has been for at least one year immediately prior to the date of the application, the holder of a valid New Jersey automobile driver's license.

B. That he is over 18 years of age.

C. That he is in good health, with good eyesight.

D. That he is not addicted to the use of intoxicating liquors or drugs.

E. That he is able to read, write and understand the English language.

F. That he is of good character.

G. That he has not been convicted, in this or in any other jurisdiction, of a crime, high misdemeanor, misdemeanor, reckless driving or violation of this chapter or any ordinance, statute or law governing taxicabs within two years immediately prior to the date of the filing of the application.

H. That a driver's license, issued by any state or municipality to him, has not been suspended or revoked within two years immediately prior to the date of the filing of the application.

I. That he has knowledge of the state motor vehicle laws and traffic regulations.

J. That he has knowledge of the ordinances and geography of the Borough.

310.10. Application for owner's license.

A. An application for a taxicab owner's license shall be filed, in duplicate, with the Borough Clerk upon forms provided by the Clerk. The application shall be verified under oath and shall contain the following information:

(1) The name and address of the applicant; where the applicant is not a natural person, the name and address of all owners or participants in the ownership of the legal entity, all officers, directors or others of like position, whatever their title, and all other individuals having an interest in the legal entity.

(2) The year, type, color, make, model and vehicle identification number of the vehicle for which the license is desired.

(3) The number of persons the vehicle is capable of carrying.

(4) Whether the applicant, or any individual enumerated in 310-10A(1), has ever been convicted, in this or in any other jurisdiction, of a crime, high misdemeanor, misdemeanor, reckless driving or violation of this chapter or any ordinance, statute or law governing taxicabs.

(5) Whether a driver's license issued by any state or municipality to the applicant, or any individual enumerated in 310-10A(1), has ever been suspended or revoked and for what cause.

(6) Whether the applicant or any individual enumerated in 310-10A is, or has ever been, addicted to the use of intoxicating liquors or drugs.

(7) The year, type, color, make, model and serial number of the vehicle for which the license is desired.

(8) New Jersey motor vehicle registration plate number of vehicle sought to be licensed.

(9) Color scheme of the vehicle or name, monogram or insignia to be used.

(10) The length of time the vehicle has been in use.

(11) Address from which the applicant intends to conduct the operation of the taxicab sought to be licensed.

(12) Any other pertinent information deemed necessary by the Chief of Police in the interest of public safety, health and welfare.

B. The annual application for renewal of taxicab owner's licenses shall be filed not later than 60 days prior to the expiration date thereof.

C. The application shall be accompanied by four passport-type photographs of the applicant, if an individual, or the manager or chief operating officer of the applicant, if other than the individual, front view, taken within 30 days of the application. The photographs shall be of a size not less than 1 ¼ inches in height and 1 ¾ inches in length.

D. Upon the request of the Borough Clerk, the applicant, or any individual enumerated in 310-10A(a), shall submit to fingerprinting by the South River Police Department.

E. The application shall also be accompanied by the license fee prescribed by this chapter.

F. If, at any time following the filing of the application and continuing throughout the effective period of any license issued pursuant to this chapter, there are any changes in any of the information required by this section, the applicant or licensee shall report the same, in writing, to the Borough Clerk within three days after such change.

G. A copy of the complete schedule of the rates to be charged and copy of the complete schedule of hours and days of intended operation of the vehicle.

#### 310.13. Insurance.

A. No taxicab shall be licensed until an insurance policy or a certificate in lieu thereof and power of attorney executed shall have been filed with the Borough Clerk, as provided for taxicabs and autocabs pursuant to the provisions of N.J.S.A. 48:16-1 to 48:16-22, inclusive, together with any amendments or supplements adopted or hereafter adopted relative thereto.

B. The Borough Clerk shall notify the Chief of Police of the filing of the insurance policy required by paragraph a. of this subsection.

C. The taxicab license and operation hereunder shall be effective only so long as the insurance policy required by this subsection shall remain in full force to the full and collectible amounts as required by this section.

#### 310.15. Issuance, Denial, Revocation, and Suspension

A(7). Makes a misrepresentation of any material act made or disclosed in an application.

#### 310.19. Taxicabs to be so designated.

A. All taxicabs added to any taxicab company's fleet, after the effective date of this subsection, shall be of matching color and lettering.

B. Every taxicab so licensed shall have conspicuously located on the exterior thereof the word "Taxicab," which shall be illuminated during darkness.

C. No tinting or obstruction shall be added to any windows of the taxicab vehicle that restricts the view of the interior of the vehicle, excluding such tinting or obstructions that are original

manufacturer's installed equipment.

310.23. Substitution of Vehicle.

The vehicle described on the taxicab license may be substituted or replaced by another vehicle only after written permission is received from the Chief of Police. Permission shall not be granted until:

- A. The existing license application is amended to include the relevant information with respect to the substituted vehicle.
- B. The vehicle substituted has been inspected as required by subsection 310-11.A.
- C. The vehicle complies with all the requirements of this chapter, and the insurance policy required pursuant to subsection 310-13 has been amended to disclose the substitution of the new vehicle.
- D. The license for said substitute vehicle shall have the same effective date and expiration date as the original vehicle's license.

310.24. License Transferable/Not Transferable.

A. Taxicab owner's license

- 1. Taxicab licenses issued pursuant to this section may be sold, assigned, mortgaged or otherwise transferred by the designated person to whom such licenses were issued provided that such transfer takes place simultaneously with the sale of the business and that the transferee of the licenses will be the new owner.
- 2. Any licenses not transferred to the new owner of the business shall immediately and automatically revert back to the Borough.

B. Taxicab driver's license

No taxicab driver's license issued pursuant to this section may be sold, assigned, mortgaged or otherwise transferred by the designated person to whom such license was issued.

310.25. Taxicab operating regulations.

A. Parking and Standing

- 1. No person shall park any taxicab on any streets of the Borough at any time except at such place or places as the Borough Council may from time to time designate as a municipal taxi stand.

2. No taxicab shall stand at the curb within fifteen (15) feet of the entrance to any hotel, restaurant, tavern or other public place, and it shall not stand within twenty-five (25) feet of any crosswalk or fire hydrant.

B. Cruising

No person shall cruise on the streets of the Borough with any taxicab at any time for the purpose of soliciting passengers.

C. Additional passengers.

No driver shall permit any other person to occupy or ride in the taxicab unless the person or persons first employing a taxicab shall consent to the acceptance of an additional passenger or passengers.

D. Restriction on Number of Passengers.

1. The number of passengers permitted to be carried in any taxicab shall be in accordance with the particular vehicle manufacturer's passenger capacity specifications.

2. Transportation of all passengers shall be in accordance with all applicable New Jersey State statutes and regulations.

E. Recordkeeping by Owners.

1. The holder of each and every taxicab license shall record in a book kept solely for such purpose the time of departure and the time of return of each taxicab. It shall also include the place of origin and destination as well as the name of the driver.

2. The record book shall be kept open for inspection at all times by a duly authorized representative of the Police Department.

F. Recordkeeping by the Drivers.

1. The licensed driver of each taxicab shall keep a daily record upon which all trips shall be recorded. The daily record shall show the time and place of origin and destination of each trip and the amount of fare received for each trip. All such records shall be given to the holder of the taxicab license and shall be retained for two (2) years by such holder. The holder of the taxicab license shall be responsible for the maintenance of daily records of all taxicabs operated by him. Such daily record shall be kept in the taxicab vehicle during daily operations.

2. The form of such records shall be approved by the Chief of Police.

310.26. Violations and penalties.

Any person who shall violate a provision of this article shall, upon conviction thereof, be punished by one or more of the following: a fine not exceeding \$2,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days.

ARTICLE II- LIMOUSINE AND LIVERY SERVICE

310.27 Purpose. The purpose of this Article is to regulate and control the operation of autocabs, also known as limousine and livery services within the Borough pursuant to N.J.S.A. 48:16-13 et seq.

310-28. Definitions.

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

AUTOCABS -- A limousine.

BOROUGH -- The Borough of South River, New Jersey.

CRUISING -- The practice of driving about the streets of the borough with a taxicab or limousine so as to bring the presence of the taxicab or limousine to the attention of prospective passengers. A Taxicab or limousine driving along the streets of this borough for any purpose other than while transporting a passenger going to a definite destination by the most direct route, in response to a call for a taxicab or limousine by a prospective passenger or returning by the most direct route to the taxicab or limousine's home, terminus or stand after discharging a passenger or going to or from the said terminus or stand to the driver's home by the direct route shall be prima facie evidence of cruising.

DRIVER -- Any person who drives a limousine within the Borough.

LIMOUSINE -- A motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. Nothing in this definition shall be construed to include taxicab, hotel buses or buses regulated by the New Jersey Department of Transportation.

LIMOUSINE SERVICE -- Includes the business of carrying passengers for hire by limousine.

OWNER -- Includes any individual, copartnership, association, corporation or joint-stock company.

PRINCIPAL PLACE OF BUSINESS -- The location of the main place of business of the limousine service in the municipality where limousine service is conducted, where limousines are dispatched, or where limousine drivers report for duty.

STREET -- Includes any street, avenue, park, parkway, highway, boulevard or other public place.

304.29. Classes of licenses.

There are hereby established two classes of limousine licenses, to be known as "limousine owner's license" and "limousine driver's license."

A. Limousine owner's license. A limousine owner's license shall entitle the limousine therein described to be operated anywhere within this Borough by a driver duly licensed hereunder, until such license either expires or is surrendered, suspended or revoked, and shall not be transferable. There shall be no limit to the number of limousine owner's licenses issued.

B. Limousine driver's license. A limousine driver's license shall entitle the person named therein to operate within this Borough any limousine duly licensed hereunder, until the license either expires or is surrendered, suspended or revoked, and shall not be transferable. There shall be no limit to the number of limousine driver's licenses issued.

310.30. License required.

A. An owner of a limousine service having a principal place of business in the Borough of South River must obtain a license for said service from the Borough Clerk of the Borough of South River as hereinafter provided.

B. Each driver of a limousine service having his or her principal place of business in the Borough of South River must obtain a limousine driver's license from the Borough Clerk of the Borough of South River.

C. No person shall drive a limousine upon the streets of South River and no person who owns or controls a limousine shall permit it to be driven and no limousine licensed by the borough shall be driven for hire unless the driver of the limousine shall have first obtained and shall have then in force and in his possession a limousine driver's license issued by the Borough of South River.

310.31. Owner's license application requirements.

Applications for licenses shall be made in writing, upon forms provided by the Borough of South River, signed by the applicant before a notary public or another person duly authorized to administer oaths and filed with the Borough Clerk. Said applications shall contain or be accompanied by the following:

A. The name, age and residence of the applicant.

(1) If a partnership, the names, ages and residents of all partners, along with the business address of the partnership.

(2) If a corporation, the names, ages and residences of its president, secretary and treasurer.

Applications made by a corporation shall be signed in its name by the president and attested by the secretary.

B. The serial number, type, color, year and make of the limousine, the state registration number, number of doors on said vehicle and number of persons the vehicle can carry as passengers.

C. A certificate of compliance attesting that the applicant has complied with all state statutes governing limousine services.

D. Insurance requirements.

(1) Before a person or party shall be allowed to operate an autocab, also known as limousine service or livery service, the party or person, as the owner, shall file with the Clerk of the Borough an insurance policy pursuant to N.J.S.A. 48:16-14 in the sum of one million five hundred thousand dollars or as may otherwise be required by the statute in such case made and provided against loss by reason of liability imposed by law upon every autocab, limousine, or livery service owner for

damages or bodily injury or death suffered by any person as a result of an accident and against loss by reason of property damage. The right to operate an autocab, also known as limousine service or livery service, shall be permitted only so long as the insurance policy shall remain in full force and effect for such statutory amounts. The contents of the insurance policy shall also provide for the payment of any final judgment recovered by a person on account of the ownership, maintenance and use of such autocab, limousine, or livery service, or any fault in respect thereof, shall be for the benefit of every person suffering loss, damage, or injury and state the name of the insurance company, the number and the date of expiration of the policy and a description of every limousine insured there under and the registration number of the same. In addition to the actual policy, the party or person, as owner, shall provide a specific power of attorney to the Borough Administrator permitting the Borough to confirm at any time that the above required insurance is in effect.

(2) The operation shall be permitted only so long as the insurance policy remains in full force and effect as to the full and collectible amount of \$1.5 million or such other amount as may be required by statute. Limousine owners, or anyone on their behalf, shall not undertake to cancel or have canceled any such policy without giving the Borough Clerk 10 days' notice of the intention to do so.

(3) The insurance policy shall provide for the payment of any final judgment covered by any person on account of the ownership, maintenance and use of such limousine upon any public street or any fault in respect thereto and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

(4) Every person operating a limousine, whether an owner and/or driver, who is transporting a child under five years on the roadways, streets or highways of the Borough, shall be responsible for the protection of the child by properly using a child passenger restraint system that complies with federal vehicle safety, N.J.S.A. 39:3-76.2a.

E. Power of attorney. The owner of the limousine shall execute and deliver to the Division of Motor Vehicles, concurrently with the filing of a certificate of insurance, a power of attorney, wherein and whereby the owner shall appoint the Director of Motor Vehicles his true and lawful attorney for the purpose of acknowledging service of any process out of a court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed.

F. No limousine owner's license shall be issued until the location of the business is approved by the Zoning Officer.

G. The owner and operator of each limousine operating in the Borough shall keep the limousine in good running order so that it makes a presentable appearance and is in compliance with all current Division of Motor Vehicle (DMV) regulations. The owner of each limousine shall have each limousine presented to the Chief of Police or his designee prior to the issuance or renewal of the limousine owner's license and thereafter upon the request of the Chief of Police or his designee so that it may be inspected to determine whether it complies with the provisions of this article.

H. A nonrefundable limousine license fee as set forth in Chapter 155-3.1. This license is nontransferable and shall be valid from its date of issue until December 31 of the same year. Thereafter, a renewal license shall be valid for one year from January 1 until December 31. There will be no pro-ration of the fee.

310.32. Limousine appearance.

No lettering, emblem or advertising may be placed on a licensed limousine [This section should be further discussed in light of the comments made by a limousine owner at the last meeting].

310.33. Limousine operation.

Limousine drivers shall not solicit business in a manner similar to that of a taxicab or attempt to solicit business by knowingly misleading a prospective passenger.

No person shall cruise upon the streets of the Borough of South River with any limousine at any time for the purpose of soliciting passengers. Upon conviction for violation of this provision, in addition to any fine that may be imposed, the license of the operator of such vehicle may be suspended for a period of up to thirty (30) days by the Borough Clerk.

The driver of any limousine shall, upon request of any passenger, render a receipt for the fare charged. The receipt shall state the name of the driver, limousine license number, the amount of the fare, the points of original and destination and the date and time of the transaction. The number of passengers permitted in any taxicab or limousine shall comply with the particular vehicle manufacturer's passenger capacity specifications.

310.34. Driver's license application requirements.

Applications for licenses shall be made in writing, upon forms provided by the Borough of South River, signed by the applicant before a notary public or another person duly authorized to administer oaths and filed with the Borough Clerk. Said applications shall contain or be accompanied with the following information:

- A. The name, residence, age, height, weight, color of eyes and color of hair of the applicant.
- B. The name and address of the applicant's current employer and name and address of all employers within the last five (5) years.
- C. Whether a driver's license issued to the applicant by New Jersey or any other State has ever been suspended, and, if so, for what cause.
- D. Copy of a valid New Jersey driver's license.
- E. A copy of the written notification of the Commissioner of Transportation's determination that the applicant is qualified for employment as a limousine driver.
- F. Results of a drug screening testing conducted within thirty (30) days of an application submitted to the South River Police Department. This drug test must have been performed by a facility duly licensed to conduct drug testing by the State of New Jersey, which shall have screened for all illegal substances.
- G. A certificate from a licensed physician of the State of New Jersey, at the applicant's expense, certifying that the applicant has been examined within the preceding 30 days and that such applicant has no infirmity of body or mind, or visual impairment or deficiency which might render the applicant unfit for the safe operation of a limousine.
- H. Two recent photographs, being not less than 1 1/4 inches in height by one inch in length, of the applicant.
- I. A statement as to whether the applicant has ever been convicted of violating any criminal or quasi-criminal statute, including traffic laws and municipal ordinance; if the applicant has been convicted, a statement as to the date and place of conviction, the nature of the offense and the punishment imposed.

J. A nonrefundable limousine driver's license fee of \$50 per year. This license is nontransferable and shall be valid from its date of issue until December 31 of the same year. Thereafter, a renewal license shall be valid for one year from January 1 until December 31. There will be no pro-ration of the fee.

Any misrepresentation of any material act made or disclosed in the application shall be cause for refusal and/or revocation of the license or the imposition of the penalty provided in section 310.35.

310.35. Issuance of license to operate limousine.

A. Upon proof that the owner of the autocab, limousine, or livery service has complied with filing the required insurance policy, the Borough Clerk shall issue a certificate in duplicate showing that the owner has complied with the terms and provisions of this section and the New Jersey State statutes. This certificate issued by the Borough Clerk shall recite the name of the insurance company, the number and date of expiration of the policy, a description of every autocab, limousine, and livery service insured under the policy and the registration number of the vehicles registered thereto. The duplicate certificate shall be filed with the Division of Motor Vehicles before any car is registered as an autocab, limousine, or livery service. The original certificate shall be posted in a conspicuous place within the autocab, limousine, or livery vehicle.

B. The license shall state the name of the insurance company, the number and date of the expiration of the policy and a description and the registration number of each limousine insured thereunder. The duplicate license shall be filed with the Division of Motor Vehicles before any such vehicle is registered as a limousine service.

C. A limousine shall not be operated for service within the Borough unless the driver thereof has been issued a valid limousine driver's license.

310.36. Inspection of license and operations.

A. The original license shall be retained within the limousine and shall be available for inspection by any police officer of the state.

B. No limousine shall operate on the highways of this state unless it has a license issued and the limousine is equipped, in accordance with minimum standards established by the Director of the Division of Motor Vehicles and the Department of Transportation, with:

(1) A two-way communications system, which at a minimum shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and which requirement may be satisfied by a mobile telephone;

(2) A removable first-aid kit and an operable fire extinguisher, which shall be placed in an accessible place within the vehicle;

(3) Sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level.

310.37. Jurisdiction and Responsibility.

The Chief of Police or his designee shall have the jurisdiction and responsibility for:

A. Inspecting limousines and ensuring that any limousine service has sufficient off-street parking for all its limousines and employees of the limousine service.

B. Instituting an investigation of the facts stated in any application and evaluating the application in light of the criteria set forth in Sections 310.28 and 310.31. A report containing the results of the investigation and evaluation, a recommendation by the Chief of Police that the license be granted or denied, and the reasons for his recommendation shall be forwarded to the Borough Clerk at least three (3) days before the date set for any action by the governing body with regard to such application. A copy of the report shall also be sent to the applicant.

C. Conducting periodic inspections of licensed limousines. Before any limousine license is issued, the vehicle sought to be licensed shall be driven to a place designated by the Chief of Police and shall be inspected to determine if the vehicle is safe for the transportation of passengers, sanitary and otherwise fit for the transportation of passengers as well as in conformity with the provisions of this ordinance. Any vehicle found to be unsafe, unsanitary, or not suitable for service may be removed from service and not returned to service until it has been re-inspected by the Chief of Police or his designee.

#### 310.38. Enforcement

This ordinance shall be enforced by the Police Department of the Borough of South River.

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.

*Councilman Hutchison left the meeting at 9:10 p.m.*

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

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Almeida 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: Almeida, Guindi, Razzano, Trenga, Trzeciak  
NAYS: None  
ABSENT: Hutchison

ORD 2009-12

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 72 ENTITLED "PUBLIC SAFETY" BY ADDING A NEW SECTION 72-32 TO ARTICLE III ENTITLED "OFF-DUTY EMPLOYMENT"

WHEREAS, the governing body desires to regulate and control the operation of "Off-Duty Employment by members of the South River Police Department within the borough.

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, that Chapter 72 of the Code of the Borough of South River entitled "Public Safety" be added by adding a new section, "Off-Duty Employment."

SECTION I

72-32 Off-Duty Employment

A. Purpose. For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Borough of South River Police Department, and to authorize the outside employment of Borough police while off-duty, the Borough of South River has established a policy regarding the use of said officers in compliance with Attorney General Formal Opinion 1997- No. 23.

(1) Members of the South River Police Department shall be permitted to accept police-related employment from private employers or school districts only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty of the Borough.

(2) Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police or his or her designee, which approval shall be granted, if, in the opinion of the Chief or his or her designee, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

B. Escrow account.

(1) To assure the timely payment of wages to police officers who perform off-duty services to meet the requirements of the Fair Labor Standards Act, the Borough of South River hereby establishes a trust fund to be known as the "Off-Duty Employment Escrow Account,"

which trust fund shall be dedicated for the receipt of fees collected from private persons or entities for the payment of wages to police officers for off-duty or outside employment services.

(2) Any person or entity requesting the services of an off-duty officer in the South River Police Department shall execute an agreement to be provided by the police department setting forth the terms and conditions of such employment and shall also estimate the number of hours for which law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, or his or her designee, and shall establish an escrow account with the Chief Financial Officer of the Borough of South River by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in Subsection D of this section for the total estimated hours of service.

(3) In an instance where the number of hours required is unknown and cannot be reasonably estimated, or is anticipated to be in excess of 10 days, the person or entity requesting the services of an off-duty law enforcement officer shall deposit an amount sufficient to cover the rate of compensation and administrative fees set forth in Subsection D for the equivalent of 10 days prior to the commencement of any work. Any unused portion of the deposit shall be returned or credited against the final amount owed.

(4) Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police or his or her designee shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police or his or her designee shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Chief Financial Officer. All payments must be remitted directly to the Borough of South River. No officer shall provide any such services for more hours than are specified in the request for services.

(5) In the event that funds in such an escrow account should become depleted, service of off-duty law enforcement officers shall cease, and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above. In the event of an unforeseen emergency situation that would require an officer to remain beyond the time for which funds have been posted, the Chief of Police or his or her designee may waive the requirements for posting additional funds after the first 10 hours for any person or entity exhibiting a previous satisfactory payment history. However, payment for additional hours shall be made by the person or entity requiring the extended service within 48 hours.

(6) The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.

(7) Failure to pay. In the event the person or entity contracting for such services should fail to pay any balance due for services performed by the members of the South River Police

Department, such failure shall be forwarded to the Borough Attorney for appropriate legal action to collect said funds.

(8) Exemption. All public utility companies that are under the jurisdiction of and regulated by the New Jersey Board of Public Utilities are exempt from the provisions set forth in this section requiring advance payment to the escrow account; providing however, that there are no amounts previously due that are outstanding prior to any officer engaging in any further off-duty assignments.

C. Requests for services.

(1) All requests to the Borough for the services of off-duty law enforcement officers in the South River Police Department for any period shall be forwarded to the Chief of Police or his or her designee for posting at least 48 hours before such services are required. Any law enforcement officers, when so employed by the Borough, shall be compensated at the rates established in Chapter 155-3.2 and treated as an employee of the Borough provided, however, the wages earned for outside employment shall not be applied toward pension benefits of law enforcement officers so employed.

(2) In emergency situations, request to the Borough for the services of off-duty law enforcement officers in the South River Police Department shall be made as necessary to the Chief of Police or his or her designee, who shall make every effort to accommodate such request in a reasonable manner in his or her discretion. Any law enforcement officers, when so employed by the Borough, shall be compensated at the following hourly rate and treated as an employee of the Borough; provided, however, the wages earned for outside employment shall not be applied toward pension benefits of law enforcement officers so employed.

D. Rates of compensation; administrative fee; payment for services. Rates of compensation and fees for contracting the services of off-duty law enforcement officers are established in Chapter 155-3.2.

E. Cancellation. In the event that the person or entity requesting the services of off-duty law enforcement officers fails to contact the South River Police Department at least two hours prior to the scheduled start time to cancel the job, or the officer works less than four hours and the job is completed, the Borough is entitled to be paid for a minimum of four hours at the established rate of compensation.

F. Public emergency. The Chief of Police or his or her designee shall have the authority to order any police officer engaged in off-duty assignments within the Borough to respond to an emergency situation within the Borough of South River. The Chief of Police or his designee shall also have the right to order an off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the citizens of the Borough of South River. In the event that a police officer is assigned to an emergency situation, the Police Chief or his designee shall make note of said off-duty assignment. In any situation where an off-duty police officer is called to an emergency situation, any contracting person or entity shall not

be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the Borough of South River until such time as said police officer and/or equipment returns to the assignment with the off-duty employer.

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

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Razzano moved that the ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Trzeciak 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: Almeida, Guindi, Razzano, Trenga, Trzeciak  
NAYS: None  
ABSENT: Hutchison

ORD 2009-13

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 155 ENTITLED "FEES" BY AMENDING SECTION 155-27. "CHAPTER 310 - TAXICABS" AND SECTION 155-3.1 "CHAPTER 72 – DEPARTMENT OF PUBLIC SAFETY"

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, that Chapter 155 of the Code of the Borough of South River entitled "Fees" be amended by amending Section 155-27 "Chapter 310, Taxicabs" and Section 155-72 "Chapter 72 – Public Safety" as follows:

SECTION 1.

155-27. Chapter 310, Taxicabs and Limousines

- A. For each taxicab owner's license, the sum of \$35 per year or any fraction thereof.
- B. For each taxicab driver's license, the sum of \$10 per year or portion of the year.
- C. For each limousine license, the sum of \$50 per year or any fraction thereof.

155-3.1. Chapter 72, Department of Public Safety, Article III – Off-Duty Police Officer Compensation

Off-duty police officer compensation and fees.

- A. Regular police officers at an hourly rate of \$55 per hour for a four hour minimum.
- B. Special police officers at an hourly rate of \$32 per hour for a four hour minimum.
- C. An administrative fee of six (6%) per cent of the total wages paid to cover administrative costs, overhead, and out-of-pocket expenses of the Borough of South River.
- D. Fee for police vehicle and fuel: \$100 per vehicle for one to four hours or any part thereof; \$12 per hour or any part thereof for each hour beyond the first four hours in any twenty-four hour period.
- E. Vehicle barricades - \$5 per hour for each barricade
- F. Flairs - \$2 each
- G. \$35 for any returned check

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

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Razzano moved that the ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Almeida 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: Almeida, Guindi, Razzano, Trenga, Trzeciak  
NAYS: None  
ABSENT: Hutchison

*Councilman Hutchison returned to the meeting at 9:15 p.m.*

ORD 2009-14

AN ORDINANCE REPEALING SECTIONS 74-80 OF ARTCILE XV  
OF CHAPTER 72 OF THE CODE OF THE BOROUGH OF SOUTH  
RIVER ENTITLED "MUNICIPAL AMBULANCE DIVISION"

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River as follows:

SECTION 1. Sections 74-80 of Article XV of Chapter 72 of the Code of the Borough of South River entitled "Municipal Ambulance Division" are hereby repealed.

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

Mayor Eppinger asked the Councilmembers as to the action to be taken on this Ordinance. Councilman Razzano moved that the ordinance be approved and the Clerk be authorized to publish same as is required by law. Councilman Trzeciak 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: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak  
NAYS: None

ORDINANCES - FIRST READING

ORD 2009-15

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER BY ADDING A NEW CHAPTER 257 ENTITLED "REGULATIONS FOR THE PURCHASING OF GOLD, SILVER, AND OTHER PRECIOUS METALS AND GEMS" 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 May 26, 2009 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Razzano seconded the motion.

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak  
NAYS: None

ORD 2009-16

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 99 ENTITLED "ALARM SYSTEMS" BY AMENDING SECTION 99-1, 3, 4, and 5

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 May 26, 2009 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Razzano seconded the motion.

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

ORD 2009-17

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF  
SOUTH RIVER, CHAPTER 193 ENTITLED "VEHICLES AND  
TRAFFIC" BY AMENDING SECTION 193-31.1, SCHEDULE IIA  
"HANDICAPPED PARKING" 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 May 26, 2009 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Razzano seconded the motion.

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

ORD 2009-18

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF  
SOUTH RIVER, CHAPTER 193 ENTITLED "VEHICLES AND  
TRAFFIC" BY AMENDING SECTION 193-30, SCHEDULE I "NO  
PARKING" 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 May 26, 2009 at 8:30 p.m. in the Council Chambers of the Criminal Justice Building at 61 Main Street in South River, New Jersey. Councilman Razzano seconded the motion.

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

*Meeting recess at 9:15 p.m.*

*Meeting reconvened at 9:20 p.m.*

PUBLIC COMMENTS (agenda items only)

Ed Trygar

- Commented on the Trust Fund for the Economic Development Commission.

No further comments were made. Councilman Razzano moved to close the public portion. Councilman Guindi seconded the motion. So carried.

### LICENSES

Raffle License – RL 1320 – St. Stephen’s Protomartyr Church – 50/50 raffle

Councilman Trzeciak moved that the above-referenced license be approved. Councilman Trenga seconded the motion. So carried.

### RESOLUTIONS

RES:2009-179

MAY 11, 2009

### RESOLUTION

WHEREAS, the NJDOT is currently accepting applications for the FY-2010 Transportation Grant; and

WHEREAS, it is to the benefit of the Borough of South River to apply for said grant which is being offered by the NJDOT Trust Fund Grant for work to be performed on William Street from Prospect Street to the Varga Park area.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-South River Borough-00314 to the New Jersey Department of Transportation on behalf of South River Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of South River Borough and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak  
NAYS: None

RES: 2009-180

MAY 11, 2009

BOROUGH OF SOUTH RIVER  
COUNTY OF MIDDLESEX

RESOLUTION REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF  
LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER  
FOR AN ECONOMIC DEVELOPMENT COMMISSION

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 allows municipalities to reserve donations; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may provide expenditures of monies by dedication by rider.

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

- 1) The Mayor and Borough Council hereby requests permission of the Director of the Division of Local Government Services to pay expenditures for the Economic Development Commission.
- 2) The Borough Clerk of the Borough of South River is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

DATED: MAY 11, 2009

MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES:2009-181

MAY 11, 2009

RESOLUTION

WHEREAS, Siva Sivananthan is an employee within the Borough of South River in the position of Chief Financial Officer; and

WHEREAS, Siva Sivananthan has submitted his retirement notification to the Borough of South River effective on May 31, 2009; and

WHEREAS, the South River Business Administrator has negotiated a retirement agreement with Siva Sivananthan to the satisfaction of all parties involved.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the attached agreement is approved in its entirety and the Borough Administrator, Mayor, and other appropriate Borough Officials are hereby authorized to execute the same.

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

MAY 11, 2009

RES: 2009-182

MAY 11, 2009

RESOLUTION

WHEREAS, the official utility records of the Borough of South River, New Jersey show certain adjustments, recessions, amendments, cancellations, corrections, refunds and uncollectibles should be made on certain accounts due to various reasons; and

WHEREAS, the Utility Collector recommends these changes as listed; and

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED that the Borough Utility Collector be and he is authorized to make the necessary adjustments, indicated below and any attached list.

UTILITY CUSTOMER

<u>ACCOUNT NUMBER</u>	<u>REASON</u>	<u>AUTH</u>	<u>YEAR</u>	<u>AMOUNT</u>
ZYGADLO, STANISLAW & LEOKADIA 31 Amherst St South River, NJ 08882 #65-999-986-712	Elec Credit	Refund	2009	\$112.50
		STATE LIFELINE		

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES: 2009-183

MAY 11, 2009

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>
65-999-894-763 CD	RODOLFO AQUILAR 75 DIVISION ST APT A SOUTH RIVER, NJ 08882	\$172.00
65-999-892-915 CD	ROSEANN BENNY 137 LEONARDINE AVE SOUTH RIVER, NJ 08882	\$187.60
65-999-897-183 CD	LATAVIA BLACKSHEAR 280 FULTON ST APT C17 NEW BRUNSWICK, NJ 08901	\$69.35
65-999-947-013 CD	BRAZIL TRAVEL II 34 MAIN ST SOUTH RIVER, NJ 08882	\$211.03
65-999-895-940 CD	DOROTHY EVANS 126 STEWART CT SPOTSWOOD, NJ 08884	\$160.11
65-999-950-401 CD	LUCIA LAWRENCE 14 MARKS PL SOUTH RIVER, NJ 08882	\$77.51
66-999-931-590 WTR PRIOR	JOHN MARTINS 266A MATCHAPONIX AVE MONROE, NJ 08831	\$215.67
65-999-887-701 CD	RENATA MIKLOJCZAK 140 W END AVE SOMERVILLE, NJ 08876	\$117.50
65-999-956-495 CD	JANICE MOSCATO 20 WOJIE WAY APT 203 SOUTH RIVER, NJ 08882	\$55.85
65-999-904-080 CD	VICTOR NAVARRO 50 BROOKSIDE ESTATE CT	\$162.16

	HAZLET, NJ 07730	
65-999-904-476 CD	JORGE & BRANDEE PUENTE 245 ATLANTIC AVE LONG BRANCH, NJ 07740	\$159.35
65-999-930-051 CD	RIVER MILL ART GALLERY 504 NORTH AVE E WESTFIELD, NJ 07090	\$225.84
65-999-909-866 ELEC PRIOR	AALIYAH ROBINSON 706A VILLAGE DRIVE SOUTH NORTH BRUNSWICK, NJ 08902	\$85.54
65-999-893-234 CD	MOZELLA ROBINSON 157 WHITEHEAD AVE APT 2J SOUTH RIVER, NJ 08882	\$14.49
65-999-898-998 CD	ADSON SERRA 8A EBERWEIN ST SOUTH RIVER, NJ 08882	\$124.52
65-999-972-896 ELEC PRIOR	DANIEL SHEEHAN, JR 83386 STAGECOACH ROAD INDIO, CA 92203	\$1963.38
65-999-955-868 CD	RIGOBERTO VALVERDE 25 HARBORAGE AVE BAYVILLE, NJ 08721	\$67.83
65-999-970-168 ELEC CURRENT	JOE VAS 65 ARMSTRONG AVE SOUTH RIVER, NJ 08882	\$99.78

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

MAY 11, 2009

RES:2009-184

MAY 11, 2009

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint the following to the Mayor's Advisory Council on Aging:

Paul Cheponis – Alternate

Term: 5/11/09 – 12/31/11

DATED: MAY 11, 2009

/s/ Raymond T. Eppinger  
Mayor

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES:2009-185

MAY 11, 2009

RESOLUTION

WHEREAS, the South River Elks Lodge #2033 located at 205 Main Street has requested permission to conduct a voluntary Coin Toss fundraiser on Main Street on Saturday, May 23, 2009 from 10:30 a.m. to 1:00 p.m.; and

WHEREAS, the South River Elks Lodge #2033 is a not for profit organization and the proceeds from the Coin Toss Fundraiser will provide special needs children with many extra curricular activities; and

NOW, THEREFORE, BE IT AND IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of South River that South River Elks Lodge #2033 has permission to conduct a voluntary Coin Toss fundraiser on Main Street on May 23, 2009 from 10:30 a.m. to 1:00 p.m. subject to the following:

MAY 11, 2009

1. That the individuals conducting the Coin Toss fundraiser shall wear a reflective safety vest while coin tossing.
2. That there will be no interference with the flow of traffic on the roadway.
3. All fundraising shall be conducted by individuals having attained at least the age of eighteen (18) years.

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES:2009-186

MAY 11, 2009

RESOLUTION

I, Raymond T. Eppinger, Mayor, with the advice and consent of the Council of the Borough of South River, do hereby appoint Colleen Collins to the position of Probationary Member in the Rescue Squad of the Borough of South River effective as of this date.

BE IT FURTHER RESOLVED that said appointment is subject to the successful completion of:

1. Police background and fingerprint investigation
2. Physical examination
3. Drug/alcohol testing

Raymond T. Eppinger  
Mayor

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

MAY 11, 2009

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES:2009-187

MAY 11, 2009

RESOLUTION

WHEREAS, the Economic Development Commission has recommended that the borough's annual Cruise Night event be held on Thursday June 18, 2009, Thursday, August 20, 2009 and Thursday, September 17, 2009; and

WHEREAS, in conjunction with said Cruise Night the governing body would like to close/detour traffic on Main Street, a county road, from Reid Street to Gordon Street (but allowing a right-hand turn from Ferry Street onto Main Street); and

WHEREAS, on Cruise Night, various residents from the Borough of South River and individuals from other towns socialize in the downtown area which benefits merchants located in that area; and

WHEREAS, correspondence has been or will be forwarded to the County of Middlesex requesting the temporary closing/detour of traffic on Main Street for this event.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that Cruise Night may occur on Thursday, June 18, 2009, Thursday, August 20, 2009 and Thursday, September 17, 2009 on the designated area of Main Street on condition that approval is obtained from Middlesex County for the required county road closure.

BE IT FURTHER RESOLVED that upon approval from Middlesex County, Main Street from Reid Street to Gordon Street shall be closed between the hours of 5:00 p.m. to 9:00 p.m. on Thursday, June 18, 2009, Thursday, August 20, 2009 and Thursday, September 17, 2009 although traffic shall be permitted to make a right-hand turn only upon exiting Ferry Street onto Main Street.

BE IT FURTHER RESOLVED that the Borough acknowledges to Middlesex County that it shall be responsible for providing motorists with posted detour routes and providing sufficient personnel for traffic control purposes and shall assume liability for damages or claims for damages to persons or property which may arise from the closure of such County road.

DATED: MAY 11, 2009

MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES:2009-188

MAY 11, 2009

RESOLUTION

WHEREAS, pursuant to the applicable Statutes of the State of New Jersey, the Local School District is required to requisition funds for Operating Expense and Debt Service Expense from the Borough; and

WHEREAS, a requisition dated May 5, 2009 has been received from the Local School District for the following amount:

CURRENT OPERATING EXPENSE: \$988,413.00

RESTORED FUNDS:

DEBT SERVICE EXPENSE: \_\_\_\_\_

TOTAL \$988,413.00

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the Chief Financial Officer is hereby authorized and directed to draw the above stated amount from the proper accounts and pay to the Custodian of the School Monies the amount so drawn pursuant to the applicable Statutes of the State of New Jersey by June 10, 2009.

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

MAY 11, 2009

NAYS: None

RES:2009-189

MAY 11, 2009

RESOLUTION

WHEREAS, the Borough of South River and County of Middlesex are desirous of entering into an Inter-Local Agreement for a project called New Jersey Data Exchange (NJ DEx); and

WHEREAS, this system will permit limited information sharing between the South River Police Department and other law enforcement agencies in Middlesex County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South River that the Mayor and appropriate Borough Officials are hereby authorized to sign said Agreement for a project called New Jersey Data Exchange (NJ DEx) with the County of Middlesex.

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES: 2009-190

MAY 11, 2009

RESOLUTION

WHEREAS, a number of vehicles have gone unclaimed by owners who have had said vehicles stored after being impounded on behalf of the Borough of South River; and

WHEREAS, the Borough of South River wishes that these vehicles be sold at auction so they may be removed from the tow operator's yard; and

WHEREAS, minimum bids have been set with respect to said vehicles to allow the tow operators to be compensated for their towing and storing charges.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of South River, that the following vehicles are to be placed at auction with a minimum bid as set forth herein:

<u>YEAR</u>	<u>VEHICLE</u>	<u>V.I.N.</u>	<u>MIN. BID</u>	<u>WRECKER</u>
2000	Chevrolet Blazer	1GNDDT13WXY2220493	\$8,616.50	Coppa's
1989	Volkswagon Jetta	WVWTC01G9KW067924	\$1,000.00	Rich's
1997	Mercury Sable	1MELM50U0VA621093	\$5,583.40	Coppa's
1993	Toyota Camry	4T1VK12E6PU062578	\$5,850.90	Coppa's
1991	Honda Civic	2HGED6351MH583492	\$8,830.50	Coppa's

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES:2009-191

MAY 11, 2009

RESOLUTION

AUTHORIZATION FOR FIREWORKS DISPLAY  
BY SOUTH RIVER RECREATION DEPARTMENT

ON JULY 1, 2009 (RAIN DATE JULY 2, 2009)

BE IT AND IT IS HEREBY RESOLVED in the matter of the letter of the South River Recreation Department of the Borough of South River dated May 4, 2009 for permission to make a public display of fireworks at the launch site on the South River Board of Education property known as Denny Stadium, Block 191, Lots 1, 2, and 3.3 in the Borough of South River, County of Middlesex on July 1, 2009 (rain date July 2, 2009), the Borough Council makes the following to wit:

Permission is granted, and the Borough Clerk is directed to issue a letter permit on the following conditions:

1. Fire Art Corporation, responsible to the applicant, shall be placed in charge of the display.
2. The applicant and the contractor shall post with the Borough Clerk pursuant to NJAC 5:70-3.1(a) 31, F-3103.4 a bond or certificate of insurance in the sum of \$1,000,000.00 each, conditioned for the payment of all damages which may be caused either to a person or persons, or to property, by reason of such display.
3. The applicant and contractor shall comply with all required regulations and instructions issued by the Fire Official/Inspector of the Borough of South River and obtain the necessary permit; and shall solicit the cooperation of the South River Board of Education, South River Police Department, South River Fire Department, South River Rescue Squad and South River Office of Emergency Management.
4. The fireworks display shall not commence later than 11:30 p.m.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to transmit a certified copy of this resolution to the following:

- a. South River Bureau of Fire Prevention
- b. South River Recreation Department
- c. South River Board of Education
- d. South River Police Department
- e. South River Rescue Squad
- f. South River Office of Emergency Management
- g. Fire Art Corporation
- h. Bureau of Explosives of the Department of Labor

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES:2009-192

MAY 11, 2009

RESOLUTION

WHEREAS, the Borough of South River maintains bank accounts in all funds of the Borough for checking accounts, statement savings, passbook savings, money market funds and cash management funds; and

WHEREAS, the Chief Financial Officer of the Borough reconciles these accounts on a monthly basis to the books and records of the Borough; and

WHEREAS, there exists reconciling items that relate to the period ending September 30, 2008; and

WHEREAS, such items are deemed outdated and stale; and

WHEREAS, generally accepted accounting principals and generally accepted internal control standards require periodic review; and

WHEREAS, the Chief Financial Office of the Borough has performed a review and determined that such action of cancellation be taken as follows:

IMPRESS ACCOUNT

<u>Check No.</u>	<u>Amount</u>
12614	659.68
15950	1,260.47
19024	150.00
20021	1,408.60
20217	8.67
21278	69.72
21933	65.00
21438	0.84
21445	1.88
22019	1.00
22222	43.09
22329	10.00
22716	525.00
22826	600.00
22855	22.56
22860	2.58
22892	70.00
23000	33.64
23048	4.82
23256	131.42
23263	7.11
23284	105.55
23343	91.86

23344	256.00
23498	32.43
23519	147.64
23570	36.17
23602	11.37
23605	100.00
23614	117.18
23709	53.79
23723	103.25
23764	161.56
23940	16.22
24017	0.13
24360	118.84
24464	95.00
24542	87.87
24609	13.69
24651	136.56
24922	14.37
25344	100.63
25378	9.49
25463	111.44
25465	40.00
25519	118.33
25890	12.06
26235	172.08
26406	51.95
26435	79.54

**Total 7,471.08**

**Disbursement of Funds:**

Current Fund	4,551.30
Water Utility	147.96
Electric Utility	294.49
Trust Fund	70.00
General Capital	525.00
Consumer Deposit	1,882.33

**Total 7,471.08**

**CONSUMER DEPOSIT**

<u>Check No.</u>	<u>Amount</u>
13597	30.83
13601	174.00
13609	36.84
13616	63.78

13618	118.32
13656	111.10
13662	116.56
13664	87.25
13676	119.06
13681	29.82
13684	45.88
13780	63.19
13788	109.63
13827	19.31
13859	105.45
13866	120.81
13880	39.56
13883	135.24
<b>Total</b>	<b>1,526.63</b>

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the Chief Financial Officer be authorized to make such adjustments to the books and records.

DATED: MAY 11, 2009

/s/ Anthony Razzano  
Councilmember

/s/ Peter Guindi  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

RES:2009-193

MAY 11, 2009

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, be and the same are hereby ordered paid.

VENDOR

AMOUNT

APWM

170.00

ACADEMY FENCE COMPANY	775.00
ADVANCED GENERATOR EXCHANGE	437.00
ALEXANDER PUBLICATIONS	741.94
ALLIED OIL COMPANY LLC	3,049.75
AMERICAN POWERNET MGMT, LP	1,166.00
ATLANTIC DETROIT DIESEL-ALLISN	453.47
ATLANTIC TACTICAL OF NJ	707.59
APRUZZESE MCDERMOTT MASTRO	1,125.00
ANWAR ALI	94.55
A PEST PLUS LLC	201.50
BATTERY ZONE	44.94
BIG DADDY CONSTRUCTION CO.	3,240.00
BIGNELL PLANNING CONSULTANTS	362.50
BYRAM LABORATORIES	768.00
KEVIN BONOMO	124.13
CAMPBELL SUPPLY CO. LLC	890.69
CLEARWATER TECHNOLOGY	650.70
CME ASSOCIATES	2,863.00
COMCAST	721.46
CONTINENTAL FIRE & SAFETY INC.	610.25
CONTINENTAL FIRE & SAFETY LLC	4,375.00
SANSI CORDERO	138.77
DARLEY	14.24
DEPTCOR	598.80
JANET DOMINIECKI	275.80
NICOLE DAVIS	238.88
EAST BRUNSWICK PLUMBING INC.	713.71
TOWNSHIP OF EAST BRUNSWICK	64,248.71
TOWNSHIP OF EAST BRUNSWICK	2,730.61
EAST COAST CUSTOM LLC	3,790.00
FLAGHOUSE INC.	358.60
HALLS SAFETY EQUIP. CO. INC.	35.20
WILLIAM HERMSTEDT	217.24
HOME DEPOT	810.31
HOME NEWS TRIBUNE	1,036.59
SUNSET PRODUCTION INC.	100.00
IRON MOUNTAIN	75.00
JB EQUIPMENT SALES I NC.	572.75
DIANE LORENZO	198.00
JOE'S HEATING INC.	1,660.00
JOHNNY ON THE SPOT INC.	105.40
JOULE TECH SVC.	1,110.52
MARISSA KEROD	65.00
LAW OFFICE OF JAMES KINNEALLY	1,161.50
SAMUEL KLEIN & COMPANY	26,127.50

LAWMEN SUPPLY CO. OF NJ INC.	11,753.76
LEE'S AUTO PARTS INC.	4,471.20
LOMBARDI & LOMBARDI PA	505.50
LIDI LISAKOVSKA BLASI	78.66
R FIQUEIREDO & J LOPES	180.38
JOSE LOPEZ	148.93
MILTON LUSOTTO	180.10
MIDDLESEX COUNTY TREASURER	32.88
MAIN ELECTRIC SUPPLY CO. INC.	614.80
MCC ATHLETIC TRUST NO. 81	495.00
MIDDLESEX WELDING SALES	48.50
MIDD. CTY. IMPROVEMENT AUTHORITY	15,617.53
VIOLA MEYER	156.69
ZAW PHYO MIN	151.27
NEXTEL COMMUNICATIONS	102.30
NEXTEL COMMUNICATIONS	234.74
NJ DEPT. OF HEALTH/SENIOR SVCS.	204.64
NATIONAL SAFETY COMPLIANCE INC.	1,603.00
ONE CALL SYSTEMS IN C.	55.90
ORIENTAL TRADING CO.	251.58
CHRIS O'HEARN	476.69
PRIDE LANDSCAPE SUPPLY	199.75
PUBLIC STORAGE	277.00
KANTHIAH SIVANANTHAN	222.80
RICHARD PISCIOTTA	150.44
PRUDENTIAL RETIREMENT	26.76
RAYCO	350.00
REESE & SO NS ROOFING & REPAIR	440.00
RT #18 SPORTS LLC	299.98
JAVIER RAMON	161.98
READ PROPERTIES	90.39
SAYREVILLE, BORO OF	2,188.98
SAYREBROOK VETERINARY	169.34
SCHWARTZ, GARY M. ESQ.	9,900.00
SELECTIVE SIGNALING	375.00
SKILLPATH SEMINARS	299.00
SOUTH RIVER ELECTRIC UTILITY	3.73
SPRING BROOK WATER	30.00
STA-SEAL INC.	978.61
STAMPS.COM	568.50
STAR OF THE SEA CONCRETE CORP.	22,149.71
STATE OF NEW JERSEY	3,206.77
STAVOLA COMPANIES	825.60
STAHL, DAVID, ESQ.	1,240.67
TAYLOR OIL CO. INC.	2,781.72

THYSSENKRUPP ELEVATOR CORP.	1,565.58
TRYGAR & SONS HARDWARE INC.	64.73
SEAN TARRICONE	169.73
UNIVERSAL FITNESS STORE INC.	195.00
VALLEY POWER INC.	712.00
VERIZON	1,596.00
VERSALIFT EAST INC.	1,763.89
ARACELI VASQUEZ	95.09
BERNARDO VASQUEZ	82.35
WACKS & HARTMAN LLC	1,500.00
WESCO DISTRIBUTION INC.	1,766.60
DOROTHY WARD	156.66
LILLIAN WILSON	124.58
YUHAS PLUMBING & HEATING INC.	240.00
LESLIE ZELANKO	35.85
ROBERT ZUCZEK	320.00

DATED: MAY 11, 2009

/s/ Peter Guindi  
Councilmember

/s/ Anthony Razzano  
Councilmember

ROLL CALL VOTE

YEAS: Almeida, Guindi, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None

COUNCIL COMMENTS

Councilman Almeida

- Memorial Day Parade on 5/25/09 at 1:00 p.m.
- Borough Council meeting on Tuesday, 5/26/09
- SR Portuguese Club – 6/27/09 Outdoor barbecue and yard sale – proceeds to SR Fire Dept.
- Kudos to Tele for new e-mail system.
- Public hearing on budget – very tight budget
- Commended governing body in helping members of American Legion with Memorial Day Parade

Councilman Guindi

- Met with department heads on 5/7/09 regarding long range planning.
- Economic Development Commission meeting on 5/14/09. Guest speaker from State EDC.

- Bike Rodeo - 5/16/09
- Condolences to family of Firefighter Milton Mead who passed away.
- Thanked all for attending fundraiser for Wes Bomba's daughter-in-law.
- Drive carefully – great weather and children are outside.

#### Councilman Hutchison

- Thanked Anthony Maglioglio for his work with the Scouts.
- Thanked Tele for e-mail conversion.
- Condolences to Mead Family.
- Parks and Recreation met on 5/5/09. Complaints regarding abuse of fences, fields and goals at Varga Park. Elks and Friends of SR donated swings in Grekoski Park. Fireworks on 7/1/09, rain date 7/2/09.
- Alternative Energy Committee meeting – 5/12/09
- Environmental/Shade Tree Commission meeting – 5/14/09
- Thanked Siva Sivananthan for his service to the Borough.

#### Councilman Razzano

- 2% surcharge for commercial businesses discussed.
- Presided over Rescue Squad election. Election went well. Congratulated newly elected officers.
- Emergency Medical Services Week – 5/17/09 to 5/22/09
- Paid EMS a reality soon.
- Attended fundraiser for Wes Bomba's daughter-in-law
- Attended Crossing Guard meeting. Commended Crossing Guards for the work they do.
- Bike Rodeo - 5/16/09
- Toured George Street firehouse with Councilman Guindi. Pushing for a new firehouse.
- Appreciated all who offered condolences to the Mead family.

#### Councilman Trenga

- Thank you to the borough employees
- Middle School Dance – 5/15/09
- Economic Development Commission meeting – 5/14/09
- Alternative Energy Committee meeting – 5/12/09
- Offered condolences to the Mead Family
- Attended fundraiser for Wes Bomba's daughter-in-law, over 1,000 people attended

#### Councilman Trzeciak

- Met with Borough Engineer on roads being paved.
- Attended long range planning meeting with department heads.
- Knows firehouse is needed. Need to make plans and not do anything rash.
- Thanked Tele for new e-mail system.
- Middle School Dance – 5/15/09
- Library Trustee meeting – 5/18/09
- Memorial Day Parade – 5/25/09

- Bike Rodeo – 5/16/09
- Attended fundraiser for Wes Bomba's daughter-in-law
- Public hearing on 2009 Budget – 0% tax increase. Will adopt at next meeting.

Mayor's Comments

- Condolences to Mead Family
- Congratulations to Michael Tarantino – attended his Eagle Scout Court of Honor and presented a scholarship in his father's name
- Long Range Planning meeting with department heads - purpose is to discuss capital needs of each department
- South River and East Brunswick Post Offices Food Drive – 5/9/09
- Attended New Jersey Conference of Mayors Meeting – no other municipalities are in as good shape as South River
- Kudos to residents for supporting fundraiser for Wes Bomba's daughter-in-law
- Knows we need a new firehouse
- Electric rates – as of 6/1/09 rates of PSE&G and JCP&L are going up and they will be higher than South River rates
- Third Grade Government Day – 5/22/09
- Memorial Day Parade – 5/26/09
- Discussed 10 minute rule for public comment

Public Comment (for good and welfare of borough)

Joe Manzo, Willett Ave.

- Asked what happened to the "X" on Lincoln School. Mr. Salerno stated that it was removed due to fire training exercises.
- Stated that he read the AIA contract on 55 Reid St. Last payment to contractor was not to be paid until CO was issued. Asked who signed off on contract. Mr. Salerno stated that he signed off on it, there was a temporary CO issued.

Dan Palka, Rose St.

- Asked about water issue on Rose St. Flushing was done and a week after testing water turned brown. Mayor Eppinger stated that pipes were tested and water is ok. Problem may be between the main and Mr. Palka's house. Will have Mr. Salerno ask Mr. Lyons to retest the water line.
- Concerned about speeding issue on Rose Street. Cannot wait until tragedy occurs.

Ed. Trygar

- Asked what type of privacy will be in place with remote read electric meters. Mr. Schwartz stated that once meter is put in and billing is read, bills become public record.
- Concerned with people getting information on residents' daily electric usage. Mr. Salerno stated that he expects information to be secure.\
- Urged that security be put in place when electric meters are installed.

- Electric rates – hopes to see breakdown of residential and commercial users.

John Scala, 440 Old Bridge Turnpike

- Asked what the cost of permit was to install a hot water heater. Mr. Salerno stated he would have to look in the code book.
- Asked if money goes to Old Bridge or South River. Mr. Salerno said Old Bridge.
- Asked if Building Dept. was coming back. Mr. Salerno stated that we are looking into it.

No further comments were made. Councilman Razzano moved to close the public portion. Councilman Trzeciak seconded the motion. So carried.

ADJOURNMENT

Councilman Razzano moved that this meeting be adjourned at 10:45 p.m. Councilman Almeida seconded the motion. So carried.

Respectfully submitted on  
May 22, 2009.

Patricia E. O'Connor, RMC  
Borough Clerk

Approved at the regular meeting  
held on May 26, 2009