

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

A Regular Meeting of the Mayor and Council of the Borough of South River, in the County of Middlesex and the State of New Jersey was held December 23, 2008 and was called to order by Mayor Raymond T. Eppinger at 8:30 PM in the Council Chamber of the Criminal Justice Building at 61 Main Street in South River, New Jersey with the following Councilmembers in attendance:

Councilmembers Buffalino, Hutchison, Razzano, Trenga and Trzeciak  
Councilmember Krenzel was absent

Also attending this meeting were David Himmelman, Esq. sitting in for Borough Attorney, and Andrew Salerno, Borough Administrator.

#### MINUTES

The Minutes of Meeting No. 26 held on December 8, 2008 were submitted to the Council for acceptance and/or amendment.

Councilwoman Buffalino moved that the Minutes be approved as presented.  
Councilman Trzeciak seconded the motion. So carried.

The Minutes of Meeting No. 19 held on November 26, 2007 were submitted to the Council for acceptance and/or amendment.

Councilman Trenga moved that the Minutes be approved as presented.  
Councilman Trzeciak seconded the motion. So carried. Councilmembers Buffalino, Hutchison and Trenga abstained.

#### Presentation of Certificate of Determination of Award

Mr. Salerno presented the Certificate of Determination of Award for the Bond Anticipation Notes, Series 2008A, Sale to the Borough Council.

#### ORDINANCES-SECOND READING & PUBLIC HEARING

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

The Clerk submitted to the Council proof of publication from the Home News Tribune, a newspaper published in Neptune, New Jersey and circulated in the Borough of South River dated December 12, 2008, giving notice of the Second Reading and Public Hearing on the Ordinances.

The Clerk presented to the Borough Council the Supplemental Debt Statement approved by the New Jersey Division of Local Government Services on December 11, 2008 related to the bond ordinances. Mayor Eppinger directed the Clerk to proceed with the reading of the Ordinances.

ORD 2008-37

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER, CHAPTER 344 ENTITLED "WRECKERS" BY AMENDING SECTION 344-2, 5, 7, 11, 14, 18 AND 19 AND ADDING NEW SECTIONS 344-20, 21, 22, AND 23.

BE IT ORDAINED by the Mayor and Council of the Borough of South River, that Chapter 344 of the Code of the Borough of South River entitled "Wreckers" be amended by amending Section 344-2, 5, 7, 11, 14, 18, and 19 and adding new sections 344-20, 21, 22 and 23 (additions are underlined, and deletions are in [brackets]):

SECTION 1.

322-1 Title.

This chapter shall be known as and may be called the "Borough of South River Wrecker Ordinance."

344-2 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context, the following terms shall have the meanings indicated:

Abandoned tow list — A list of licensed towing businesses, maintained by the police department and used for the purpose of calling the appropriate towing service for vehicles deemed to be abandoned by the police department

Absorbent material – refers to any material such as sand or "speedy dry" used to collect liquids such as radiator fluid, gasoline, or diesel fuel spills.

Administrative Yard Fees – refers to a one time fee that is assessed to the vehicle owner to handle the costs of a vehicle while in storage. This fee shall be used to cover the administrative costs associated with placing and keeping the vehicle in storage.

Borough – refers to the Borough of South River.

Clean-up – refers to the removal and/or disposal of any debris left on the road way or property as a result of a motor vehicle accident or vehicle recovery.

Conventional wrecker — refers to a vehicle used to tow or remove other vehicles via a hydraulic beam or winch beam, capable of handling passenger cars and small trucks and has a gross weight of not less than 10,000 pounds.

Cruising – The driving of a wrecker to and fro along any Borough street for the purpose of soliciting business in the Borough.

Dead Storage – refers to the storage of a towed vehicle upon an order of the Police Department at the tow truck operator's storage area after a twenty-four (24) hours grace period from the time of the arrival of said vehicle at the storage facility.

Flatbed wrecker — A vehicle used to tow or lift and carry other vehicles via tilt-body flatbed or wheel lift, capable of handling passenger cars and small trucks, such as a pickup or small-panel trucks.

Heavy duty wrecker — A wrecker commercially manufactured with chassis, hydraulic in nature, with a capacity of not less than 26,001 pounds gross vehicle weight with under reach capabilities, and axle lift with minimum 25,000 pounds lift capability and 80,000 pounds tow capability.

Impound – refers to the act of storing and confining a vehicle upon an order of the Police Department at either the tow truck operator's storage area or at a Borough facility as the result of abandonment, involvement in an accident, or suspected criminal activity.

Owned – Owned, rented or leased.

Person – Any individual, sole proprietorship, firm, partnership, association, corporation or other organization, and the singular or plural, masculine, feminine or neuter thereof, unless the contrary is clearly expressed.

Police Department – refers to the South River Police Department.

Police Impounds – refers to motor vehicles that are stolen, abandoned, involved in a crime, unregistered, uninsured, unsafe, obstructing the safe and proper flow of traffic, involved in a fatal accident or accidents which, in the judgment of the police may become fatal, or vehicles that are being operated by unlicensed drivers or whose license to operate a motor vehicle has been revoked or suspended.

Primary wrecker operator — A borough licensed wrecker operator who responds to the scene of a police tow.

Rotating Wrecker List – refers to a list of licensed tow truck operators shall be maintained by the South River Police Department which contains the names and addresses of all licensed tow truck

operators who will be called on a rotating basis when the Police Department determines that the assistance of such services are required within the Borough.

Standby-time – refers to the addition time a tow truck operator spends at the scene other than the time required for the actual tow and/or recovery of the vehicle. Examples of waiting time includes, but is not limited to, time spent waiting while EMS, Fire, and Hazmat performs all necessary services and/or the police investigate the incident scene.

Subcontractor — A borough licensed tow operator called to the scene by the primary wrecker operator to assist.

Tow Truck Operator – refers to a person who is engaged in the business of towing and storing motor vehicles or offering the services of a tow vehicle and storage.

Tow vehicle — A vehicle, such as a flatbed wrecker or conventional wrecker, that is equipped with a boom, winches, slings, tilt beds, wheel lifts or under-reach equipment designed by its manufacturer for the removal and transport of private passenger automobiles and small trucks.

Winching – refers to the movement of a motor vehicle by the use of a cable and a winch from a position that is accessible for direct hook up by conventional means or loading onto a tow vehicle. Pulling a motor vehicle onto a tilt bed or carrier, or lifting a motor vehicle with a conventional tow sling does not constitute winching.

Wrecker License – refers to a license issued that allows a tow truck operator to engage in the activity of towing and storing motor vehicles at the direction of the Borough of South River. This license entitles the tow truck operator to be placed on the Police Department’s rotating wrecker list.

344-5. Application for License.

Applications for licenses issued hereunder shall be made upon blank forms prepared and made available by the Chief of Police and shall state under oath:

A. The name and address of the applicant, if an individual; the name and address of each partner, if a partnership; the name, date and state under which organized, if a corporation, and if a foreign corporation, whether the same is authorized to do business in the State of New Jersey. A corporate applicant shall indicate the names of directors, principal officers and local representatives and their business addresses.

B. A description of each tow vehicle to be utilized by the tow truck operator in conducting his/her business which shall include the year, make, model, type, vehicle identification number, proof of registration and proof of insurance for each vehicle.

C. The length of time for which the wrecker has been in use as a wrecker.

F. A list of all personnel who are authorized by the applicant to provide services on behalf of the applicant.

344-7. Standards for Approval by the Chief of Police.

B. The Chief of Police shall also have the authority to deny wrecker license applications for any of the following reasons:

1. Incomplete, inaccurate or falsified application.
2. Unsafe or inadequate towing vehicles and/or equipment.
3. Non-compliance with any provision of the Borough's wrecker ordinance.
4. The Business location is not in a zone where the use is permitted (South River

Locations Only).

5. The owner pleaded guilty or was convicted or was convicted of a zoning or property maintenance violation in the Borough of South River during the 12 months proceeding the application date.

6. Criminal or motor vehicle convictions of the owner or his employees which, is the reasonable belief of the Chief of Police would jeopardize the safety of customers.

7. Inadequate or insecure storage facilities.

344-11. Charges.

Charges for the transportation, hauling or services of disable vehicles by any license Wrecker or operate of any license Wrecker shall not exceed the following rates:

F. In the event that a dispatched wrecker arrives on the scene and is required to standby or wait prior to beginning the removal of a vehicle, there shall be a charge as provided in Chapter 155, Fees, as standby time. There shall be no charge for standby time for the first fifty-nine (59) minutes the wrecker operator is at the scene and is unable to begin their duties. Any part of an hour after the elapse of the first fifty-nine (59) minutes shall be counted as one full hour and the fully hourly rate for standby time shall be charged.

344-14. Rotating Call List.

C. If it becomes apparent that a Borough licensed tow truck operator cannot handle a job due to exigent circumstances, or if a separate law enforcement authority directs, the officer in charge may at his/her own discretion, forego the rotating wrecker list and summon a towing service with proper equipment. If fees for this service cannot be negotiated at the scene, the towing service may be directed by the police to perform the required services with reasonable fees to be paid by the owner.

D. The Chief of Police or designee may institute additional reasonable rules, regulations, requirements or standards if deemed necessary under emergency or exigent circumstances and in such circumstances may suspend rotation.

344-18. Number of Licensed Wreckers Limited.

It is hereby determined under the lawful exercise of the police power of the Borough that public convenience and necessity require that the number of wreckers companies that are licensed to operate within the Borough shall be limited to five (5) because of the limited area of the Borough.

344-19 Equipment Specifications.

A. All Borough licensed wreckers shall be equipped with the minimum of the following equipment that is in good repair:

1. A reflective safety vest that shall be worn by the tow truck operator while working on any street, roadway, or public right-of-way.

2. One large street broom and shovel.

3. A three-eighths-inch safety chain.

4. Safety flares for night work.

5. A minimum of twenty (20) pounds of absorbent material such as sand or speedy dry which is suitable to collect liquids such as fluid, oil, gasoline or diesel fuel spills.

6. Fire extinguisher (five (5) pound carbon dioxide or dry chemical).

7. Jumper cables.

8. Pry bar or similar tool.

9. Hammer.

10. Tire changing equipment.

11. One steering lock bar (conventional wreckers only).

12. Conventional wreckers shall also be equipped with a wheel lift.

13. At least one four (4) tone snatch block.

14. Portable lighting equipment (heavy wreckers only).

15. An amber light permit.

16. Emergency warning lights that shall be of sufficient candlepower and intensity to be visible from one-quarter mile away.

17. Emergency warning lights must be at sufficient height to be seen over the towed vehicle.

B. No towing company on the Borough's rotating wrecker list shall operate a flatbed or conventional wrecker that is more than twenty (20) years old for Borough sanctioned towing services.

C. All current Borough licensed wrecker companies shall have until January 1, 2010 to comply with the requirements of this section. Any and all new Borough licenses wrecker companies shall be in compliance with the requirements of this section prior to the issuance of their approved Borough wrecker license.

344-20 Rules and Regulations; Inspections

The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection of the fitness and safety of all Borough licensed wreckers (before and after licensing) and their associated equipment. The Chief of Police and his/her designee shall have the right to at any time to inspect any wrecker for compliance with the safety requirements of this article, the regulations established under this article and the laws of the state or the United States. If, as a result of this inspection, it is determined that the wrecker is not in compliance with any law and regulation, the owner of said wrecker shall be given a period of five (5) business days to correct such violation or non-compliance, during which time the wrecker shall not be dispatched from the rotating wrecker list. If the violation or non-compliance is not corrected within said five (5) day period, the permit for that wrecker shall be suspended.

344-21. Performance Standards.

Light and medium duty tow operators shall not be required to maintain a principal place of operation within the Borough but shall maintain a principal place of operation within ten (10) miles of the Borough's boundaries. A heavy duty tow operator shall maintain a principal place of operation within fifteen (15) miles of the Borough's boundaries. All tow operators shall comply fully with all of the zoning, land use and property maintenance codes of the municipality in which the tow operator's business is located.

A. Each place of business shall maintain the following.

1. A store front including signage displaying the business name, address, and phone number.

2. A person in the office to greet customers rendering service.

B. Information displayed on vehicle.

All licensed Borough wreckers shall be required to display their company name, vehicle number and rates charged on clearly visible location on their tow vehicle.

C. Availability of Services.

1. All Borough licensed tow trucks shall provide 24-hour-per-day, seven-day-per-week towing services.

2. All releases of vehicles and personal property from vehicles shall be conducted during the tow truck operator's normal business hours, exclusive of all exigent circumstances that may be required with the authority and consent of the Police Department.

D. Method of Payment for Services Rendered.

All Borough licensed wreckers must accept all forms of payment from the customers that they serve including but not limited to cash, checks, and credit cards.

E. Response Times.

1. Any Borough licensed towing company contacted by the police department must confirm that it is responding within five(5) minutes of the initial call for service or it will forfeit its turn on the Borough's rotating wrecker list.

2. Response time to the scene of a tow must be within thirty (30) minutes of the time of the confirmation of assignment through the police department communications desk or the towing company shall forfeit its turn on the Borough's rotating wrecker list.

F. Registered Towing Personnel.

The operator of the tow truck company must register all personnel who are authorized to provide services on behalf of the tow truck company. This registration shall include the following information for each person:

a. Name, address, and phone number

b. New Jersey driver's license number and expiration date.

c. Social Security number.

d. Signed statement by each person setting forth their understanding that the background check will be performed by the South River Police Department, the results which will be used by the South River Police Department in determining eligibility of the towing and storage contractor for inclusion on the on call tow list.

e. The tow operator must update this registration as necessary to insure that it remains current.

G. Clean-up of Debris

The tow operator shall be responsible for the clean-up for the clean-up of vehicle debris including glass, plastic, fuel, oil, chemicals and hazardous waste materials in accordance with state law.

H. Unavailable for Service.

Should the tow truck operator not be available for service when called upon by the South River Police Department the next wrecker on the towing list shall be contacted. A tow operator may only subcontract towing services to a licensed wrecker service for the Borough of South River.

I. Compliance with the Requests of the Police Department.

1. All tow truck operators shall comply with the requests of the police officer in charge.

2. No tow truck operator shall respond to the scene of an accident or any scene requiring a Police tow except upon notification by police headquarters.

3. No tow truck operator waiting to conduct a tow shall obstruct the safe and proper flow of traffic on any roadway or right-of-way without the consent of the police officer(s) on scene.

J. Failure to Meet Minimum Performance Standards.

Failure to comply with these aforementioned performance standards may result in the suspension or removal of a tow truck operator from the Borough's rotating wrecker list as outlined in section 344-22.

K. Itemized Payment Receipts.

Each tow truck operator shall be required to the owner of a vehicle a written itemized receipt for all fees paid associated with the vehicle tow.

L. Release of Police Impounds.

No tow truck operator shall release a police impound vehicle without verifying that the owner of the vehicle has obtained of an official police department vehicle release form.

344-22. Unclaimed vehicles

A. All tow operators, in order to be in compliance with N.J.S.A. 39:10A-1, shall notify the South River Police Department Traffic Safety Bureau regarding any unclaimed vehicle within three (3) days after taking possession of the vehicle. The following information shall be included upon notification:

- 1.) The year, make, model, color and vehicle identification number
- 2.) The odometer reading of the vehicle
- 3.) Photograph of vehicle

B. The South River Police Department, Traffic Safety Bureau will make notification of possession to the owner of record or holder of interest and provide information needed for the tow operator to make its own further notice as set forth herein.

C. After notification by the traffic safety bureau, the person storing the vehicle shall notify the owner of record and holder of interest by certified mail return receipt requested of the schedule of costs for storing the motor vehicle and instructions on how the vehicle may be reclaimed.

D. If the person storing the motor vehicle fails to provide such notice to the owner of record or security interest holder within thirty (30) days of the date on which the storer of the vehicle received the notice from the traffic safety bureau, the maximum amount that such person may charge the owner of record or the security interest holder for storing the motor vehicle shall be seven-hundred and fifty dollars (\$750.00), provided that the owner of record or security interest holder submits a proper claim for the vehicle not later than the thirtieth (30th) day

following the date the notice is delivered from the traffic safety bureau to the person storing the vehicle. If the owner of record or security interest holder fails to submit a proper claim for the vehicle on or before that thirtieth (30th) day, the person storing the vehicle may charge the security interest holder reasonable costs for storage.

**344-23. Violations and penalties.**

A. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished as provided in Chapter 1, Article I, General Provisions, and each violation of any of the provisions of this chapter and each day there is a violation thereof shall be deemed and taken to be a separate and distinct offense. In addition, the Mayor and Council, after a hearing, may revoke or suspend any license issued hereunder or may refuse to renew any license previously issued hereunder for violation of any of the provisions of this chapter.

B. A towing operator's license may be revoked and the tow business removed from the rotational list by Mayor and Council if the tow operator's performance is determined to be unreliable, inadequate, or poses a threat to the public safety of the Borough after an investigation conducted by the Chief of Police or his/her designee.

Should the Mayor and Borough Council determine that a license shall be revoked or suspended or that there are reasonable grounds for refusing to renew a license due to failure of an applicant to comply with the provisions of this chapter, the Borough Clerk shall immediately notify the applicant or licensee that the governing body will hold a hearing on whether or not said license shall be revoked, suspended or renewed if the said applicant or licensee files a notice of appeal of said determination with the Borough Clerk within ten (10) days of the date that notice of the determination is received by the applicant or licensee. The Borough Clerk, upon receiving such notice of appeal, shall inform the applicant or licensee of the time, date and place of the hearing, which shall be held no less than 10 nor more than 20 days from the date of service of said notice of appeal upon the Borough Clerk. The applicant or licensee shall then have an opportunity to be heard on the issue of whether or not said license should be renewed, revoked or suspended. An applicant or licensee shall have the further right to appeal any subsequent determination of the Borough Council to the Superior Court of New Jersey within 20 days after service of a resolution setting forth such determination.

C. Suspension from the rotating wrecker list will be a suspension of police towing privileges only. The towing company will remain licensed during the suspension period and will be bound by the rules and regulations governing the licensing of wreckers within the Borough.

D. A tow truck operator who has been terminated from the rotating wrecker list shall be considered unlicensed and must reapply for a license at the conclusion of the termination period.

E. A tow truck operator who has been either terminated or suspended from the rotating wrecker list shall be responsible for responsible for the adherence to towing rates, storage charges and service fees as set forth in section 155-31 (wrecker fees) for police towed vehicles that remain on the tow truck operator's lot during the suspension or termination period.

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. Councilwoman Buffalino 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 Hutchison seconded the motion.

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

ROLL CALL VOTE

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

ORD 2008-38

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH  
OF SOUTH RIVER, CHAPTER 155 ENTITLED "FEES" BY  
AMENDING SECTION 155-31. "WRECKERS"

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 155-31 "Wreckers" (additions are underlined, and deletions are in ~~brackets~~):

SECTION 1.

155-31 Wreckers.

A. License fee: \$50.00 per year; fee on or after August 1: \$25.00

B. Charges

1) For conveying a disabled vehicle from any point in the Borough, when towed, transported and/or conveyed or removed any time of the day or night: \$110.00  
Licensed Borough Wrecker Operator's may assess a one-time "administrative yard fee" in the amount of \$25.00 to cover the handling costs of a vehicle in storage.

- 2) Dead storage
  - a) For the first 15 days of dead storage, after a twenty-four (24) hour grace period from the time of arrival at a storage facility: \$35/day for each twenty-four (24) hour period or fraction thereof
  - b) For every day of dead storage exceeding 15 days: \$50.00/day
- 3) Clean up scene of accident: \$50.00; \$15.00 additional for application of absorbent material.
- 4) Standby time: \$75.00 per hour which time shall begin to accrue once the tow operator has been on the scene for fifty-nine (59) minutes without being able to begin to tow and/or commence recovery efforts. Any part of an hour after the elapsed first fifty-nine (59) minutes shall be counted as a full hour and the full hourly rate of \$75.00 shall then be charged.
- 5) Winching fee: \$75.00 per hour
- 6) The rates delineated in this section shall be exclusive of any other repair service costs provided by the tow operator including, but not limited to, such services as repairing flat tires or installing new and/or spare parts to a disabled vehicle. A tow operator shall be permitted to charge an additional fee of \$75.00 for such services as lockouts, tire changes and fuel deliveries. In such situations, it shall be the responsibility of the tow operator to first inform the owner and/or operator of the motor vehicle of the hourly labor rates and estimated cost for parts, materials, other services and labor prior to the performance of such repair services.
- 7) If a motorist requests to have his or her vehicle taken to any location within the township other than the wrecker operator's business location, the wrecker operator shall comply if the motorist has either cash or a credit card to pay for the towing charges. There shall be no additional charge for towing a vehicle to any location within the Borough of South River. If a motorist requests that his or her vehicle be taken outside the Borough but within Middlesex County and the wrecker operator is able to comply with the request the fee shall be four (\$4.00) per mile beyond the boundaries of South River regardless of the time of day. The motorist shall be responsible for negotiating the terms of a tow beyond Middlesex County. No operator shall refuse a credit card or cash as payment for services.

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. No comments were made. Councilman Razzano moved that the public hearing be closed. Councilwoman Buffalino 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. Councilwoman Buffalino seconded the motion.

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

ROLL CALL VOTE

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

ORD 2008-45

AN ORDINANCE TO AMEND CHAPTER 22 OF THE  
CODE OF THE BOROUGH OF SOUTH RIVER, ENTITLED  
BOARDS, COMMISSIONS, AND AUTHORITIES BY  
AMENDING SECTION 22-2, MEMBERSHIP; TERMS OF  
OFFICE THEREOF

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, that Chapter 22 of the Code of the Borough of South River entitled "Boards, Commissions and Authorities," Section 22-2, be amended as follows:

SECTION 1.

22-2. Membership; Terms of Office.

Said Board of Health shall consist of seven members and two alternate members. The members shall be appointed by the Mayor with the advise and consent of the Borough Council. Of the members first appointed, two shall hold office for a term of one year, two shall hold office for terms of two years and three shall hold office for terms of three years. Thereafter, all appointments shall be for terms of three years. The alternate members shall be designated at the time of appointment as Alternate No. 1 and Alternate No. 2 and their terms shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2.

Thereafter all members appointed shall hold office for terms of three years, except that

appointments to fill vacancies shall be for the expired term only. An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

An alternate member may participate in discussions of Board proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

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. No comments were made. Councilman Razzano moved that the public hearing be closed. Councilwoman Buffalino 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 Hutchison seconded the motion.

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

ROLL CALL VOTE

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

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2008-25 ADOPTED ON JULY 14, 2008, PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT, ROAD AND DRAINAGE IMPROVEMENTS AND VARIOUS OTHER IMPROVEMENTS, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$55,000 FOR A TOTAL APPROPRIATION OF \$1,830,000, AND TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$52,000 FOR A TOTAL DEBT AUTHORIZATION OF \$1,738,000, AUTHORIZED IN AND BY THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of South River, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2008-25 adopted on July 14, 2008 (the "Prior Ordinance") for the acquisition of various equipment, road and drainage improvements and various other improvements throughout the Borough; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefor;

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring),

AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of South River, in the County of Middlesex, New Jersey (the "Borough") and were previously authorized by the Borough by the Prior Ordinance. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$55,000 in addition to the \$1,775,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor and including the sum of \$92,000 as down payment, \$89,000 of such down payment was previously appropriated by the Prior Ordinance, and an additional down payment of \$3,000 is authorized hereby and is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Trust Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes, \$52,000 negotiable bonds are hereby authorized to be issued in addition to the \$1,686,000

previously authorized by the Prior Ordinance for a total principal amount not to exceed \$1,738,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds are to be issued consist of:

- i) The acquisition of a street sweeper, with a total appropriation and estimated cost of \$180,000 (decrease of \$21,000), estimated maximum amount of bonds or notes therefor of \$171,000 (decrease \$19,950), and an average period of usefulness of 5 years;
- ii) The acquisition of a dump truck, with a total appropriation and estimated cost of \$188,000 (increase of \$37,000), estimated maximum amount of bonds or notes therefor of \$178,475 (increase \$35,025), and an average period of usefulness of 5 years;
- iii) The acquisition of a sanitation truck, with a total appropriation and estimated cost of \$200,000 (increase \$39,000), estimated maximum amount of bonds or notes therefor of \$189,875 (increase \$36,925), and an average period of usefulness of 5 years;
- iv) Acquisition of Various Police Department Equipment and Radio System Analysis, with a total appropriation and estimated cost of \$164,000, estimated maximum amount of bonds or notes therefor of \$155,800, and an average period of usefulness of 5 years;
- v) Sewer System TV inspection and repair, with a total appropriation and estimated cost of \$46,000 estimated maximum amount of bonds or notes therefor of \$43,700, and an average period of usefulness of 5 years;
- vi) The replacement of two (2) Sewer Grinder Pumps, with a with a total appropriation and estimated cost of \$260,000, estimated maximum amount of bonds or notes therefor of \$247,000, and an average period of usefulness of 20 years;
- vii) Borough Road Assessment, with a total appropriation and estimated cost of \$11,000, estimated maximum amount of bonds or notes therefor of \$10,450, and an average period of usefulness of 5 years;

- viii) The Annual Road Milling and Paving Program, with a total appropriation and estimated cost of \$165,000, estimated maximum amount of bonds or notes therefor of \$156,750, and an average period of usefulness of 5 years;
- ix) Various Road and Drainage Improvements based on the Borough Road Assessment, with a total appropriation and estimated cost of \$511,000, estimated maximum amount of bonds or notes therefor of \$485,200, and an average period of usefulness of 20 years;
- x) Computer Upgrades, with a total appropriation and estimated cost of \$105,000, estimated maximum amount of bonds or notes therefor of \$99,750, and an average period of usefulness of 5 years;

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,738,000 including the \$52,000 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,830,000, which is equal to the amount of the \$55,000 supplemental appropriation herein made therefor and the \$1,775,000 appropriation made by the Prior Ordinance.

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

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

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

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (11.5) years.

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

(d) An aggregate amount not exceeding \$165,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

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

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division

of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

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

Section 9. All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law

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

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

ROLL CALL VOTE

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

ORD 2008-47

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2008-27 ADOPTED ON JULY 14, 2008, PROVIDING FOR ACQUISITION OF AND IMPROVEMENTS TO VARIOUS CAPITAL EQUIPMENT FOR THE ELECTRIC UTILITY, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$510,000 FOR A TOTAL APPROPRIATION OF \$1,200,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$510,000 FOR A TOTAL DEBT AUTHORIZATION OF \$1,200,000, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

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WHEREAS, the Borough of South River, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2008-27 on July 14, 2008, (the "Prior Ordinance"), providing for acquisition of and improvements to various capital equipment for the Electric Utility; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefor.

WHEREAS, the Borough has determined that the \$20,000 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$10,000 to an aggregate amount of \$30,000.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring),  
AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of South River, in the County of Middlesex, New Jersey (the "Borough") and were previously authorized by the Borough by the Prior Ordinance. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$510,000 in addition to the \$690,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law, as this bond ordinance authorizes obligations solely for purposes which are self-liquidating and deductible from the gross debt of the Borough as set forth in N.J.S.A. 40A:2-7h.

Section 2. In order to finance the costs of said improvements or purposes, \$510,000 negotiable bonds are hereby authorized to be issued in addition to the \$690,000 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$1,200,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the acquisition of and improvements to various capital equipment for the Electric Utility, including, the acquisition of breaker batteries, oil circuit breaker ("OCB"), OCB repair, SF6 switch breaker, various switches, cables, equipment for substation, transformer, electric system maps, and a new bucket truck, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,200,000, including the \$510,000 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,200,000, which is equal to the amount of the \$510,000 supplemental appropriation herein made therefor and the \$690,000 appropriation made by the Prior Ordinance.

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

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

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

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is five (5) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is not increased by the authorization of the \$510,000 Bonds and

notes provided in this bond ordinance because the purposes authorized herein are self-liquidating and are deductible from the Borough's gross debt in accordance with N.J.S.A. 40A:2-44c and the obligations authorized herein will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$30,000, including \$10,000 authorized hereby and \$20,000 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

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

(f) This bond ordinance authorizes obligations of the Borough solely for purposes described in subparagraph (h) of §40A:2-7 of the Local Bond Law, and the obligations authorized herein are to be issued for purposes which are self-liquidating within the meaning and limitation of N.J.S.A. 40A:2-45 of said Law and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44c and N.J.S.A. 40A:2-46 of said Law.

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

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations

issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

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

Section 9. All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

ROLL CALL VOTE

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

ORD 2008-48

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2003-18 ADOPTED ON JULY 21, 2003, AS AMENDED BY BOND ORDINANCE NO. 2008-26 ADOPTED ON JULY 14, 2008, PROVIDING FOR PRELIMINARY EXPENSES IN CONNECTION WITH THE RESURFACING AND UPGRADING OF THE APPLEBY AVENUE WATER STORAGE TOWER AND FOR THE PUBLIC WORKS GROUND WATER STORAGE TANK FOR THE WATER UTILITY OF THE BOROUGH, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE CONSTRUCTION EXPENSES, TO INCREASE THE APPROPRIATION THEREFOR BY \$1,350,000 FOR A TOTAL APPROPRIATION OF \$1,450,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$1,282,500 FOR A TOTAL DEBT AUTHORIZATION OF \$1,382,500, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of South River, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2003-13 on July 21, 2003, as amended by Bond Ordinance No. 2008-27 on July 14, 2008 (collectively the "Prior Ordinance"), providing for the preliminary expenses in connection with the resurfacing and upgrading of the Appleby Avenue Water Storage Tower and for the Public Works Ground Storage Tank for the Water Utility of the Borough; and

WHEREAS, the Borough has determined that the project description set forth in the Prior Ordinance needs to be amended to include construction expenses,

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefore, and

WHEREAS, the Borough has determined that the \$100,000 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$150,000 to an aggregate amount of \$250,000.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, STATE

OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring),

AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of South River, in the County of Middlesex, New Jersey (the "Borough") and were previously authorized by the Borough by the Prior Ordinance. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,350,000 in addition to the \$100,000 appropriated by the Prior Ordinance, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$67,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes, \$1,282,500 negotiable bonds are hereby authorized to be issued in addition to the \$100,000 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$1,382,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvements hereby authorized and the purpose for which the obligations are to be issued is for the preliminary expenses and construction expenses in connection with the evaluation, resurfacing and upgrading of the Appleby Avenue Water Storage Tower and the Public Works Ground Water Storage Tank for the Water Utility of the Borough, together with all items necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefore on file with or through the Borough Clerk, as finally approved by the governing body of the Borough

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,382,500, including the \$1,282,500 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,450,000, which is equal to the amount of the \$1,350,000 supplemental appropriation herein made therefor and the \$100,000 appropriation made by the Prior Ordinance.

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

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

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

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life

thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,282,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$250,000, including \$100,000 authorized hereby and \$150,000 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

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

(f) This bond ordinance authorizes obligations of the Borough solely for purposes described in subparagraph (h) of §40A:2-7 of the Local Bond Law, and the obligations authorized herein are to be issued for purposes which are self-liquidating within the meaning and limitation of N.J.S.A. 40A:2-45 of said Law and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44c and N.J.S.A. 40A:2-46 of said Law.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division

of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

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

Section 9. All Ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

ROLL CALL VOTE

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

ORD 2008-49

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2007-22 ADOPTED ON AUGUST 27, 2007, PROVIDING FOR DRAINAGE IMPROVEMENTS BY AND IN THE BOROUGH OF SOUTH RIVER, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE ROADWAY REPAIRS AND IMPROVEMENTS, AUTHORIZED IN AND BY THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of South River, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2007-22 on August 27, 2007 (the "Prior Ordinance"), providing for drainage improvements by and in the Borough of South River; and

WHEREAS, the Borough has determined that the project description set forth in the Prior Ordinance needs to be amended, without increasing the aggregate appropriation or debt authorization for said purposes.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL of the BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 3(a) of the Prior Ordinance, is hereby amended to read as follows:

- (a) The improvements hereby authorized and the purposes for which said obligations are to be issued include: (1) drainage improvements based on the Borough Road Assessment, including drainage improvements along Paul Avenue and Wilcox Avenue, consisting of the acquisition and installation of storm sewer piping, the construction of catch basins and

inlets as well as site restoration, repaving and landscaping, construction planning, permits and contract administration, (2) various roadway repairs and improvements; and (3) all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

Section Two. The aggregate appropriation of \$320,000, the aggregate debt authorization of \$304,000, the useful life of ten (10) years, and other authorizations set forth in the Prior Ordinance remain unchanged and are hereby confirmed.

Section Three. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section Four. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final passage, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq.

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

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

ROLL CALL VOTE

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

ORD 2008-50

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS EQUIPMENT, ROAD IMPROVEMENTS AND VARIOUS OTHER IMPROVEMENTS, AND APPROPRIATING \$1,180,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$883,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of South River, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,180,000, said sum being inclusive of all appropriations heretofore made therefore and including \$250,000 grant funds expected to be received from the New Jersey Department of Transportation, and the sum of \$46,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq.. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$883,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3.

(a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of:

- xi) The acquisition of a stump grinder, with a total appropriation and estimated cost of \$16,000, estimated maximum amount of bonds or notes therefor of \$15,200, and an average period of usefulness of 5 years;
- xii) The acquisition of a Mason dump truck, with a total appropriation and estimated cost of \$41,000, estimated maximum amount of bonds or notes therefor of \$38,950, and an average period of usefulness of 5 years;

- xiii) Acquisition of Various Fire Department Equipment, with a total appropriation and estimated cost of \$101,500, estimated maximum amount of bonds or notes therefor of \$96,425, and an average period of usefulness of 5 years;
- xiv) Acquisition of Various Police Department Equipment, with a total appropriation and estimated cost of \$137,500, estimated maximum amount of bonds or notes therefor of \$130,625, and an average period of usefulness of 5 years;
- xv) Acquisition of two (2) Sewer-Utility Trucks, with a with a total appropriation and estimated cost of \$81,000, estimated maximum amount of bonds or notes therefor of \$76,950, and an average period of usefulness of 5 years;
- xvi) Acquisition of Sewer- Jet Vacuum Truck, with a with a total appropriation and estimated cost of \$203,000, estimated maximum amount of bonds or notes therefor of \$192,850, and an average period of usefulness of 5 years;
- xvii) The Annual Road Milling and Paving Program, with a total appropriation and estimated cost of \$170,000, estimated maximum amount of bonds or notes therefor of \$161,500, and an average period of usefulness of 5 years;
- xviii) North End Drive improvements, with a total appropriation and estimated cost of \$430,000, including \$250,000 grant funds expected to be received from the New Jersey Department of Transportation, estimated maximum amount of bonds or notes therefor of \$171,000, and an average period of usefulness of 20 years;

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$883,500, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,180,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,180,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$46,500 down payment for said purposes, and \$250,000 grant funds expected to be received by the New Jersey Department of Transportation.

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

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

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

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 6.82 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$883,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

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

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

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

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

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

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

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

ROLL CALL VOTE

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

ORD 2008-51

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2007-21 ADOPTED ON AUGUST 27, 2007, PROVIDING FOR VARIOUS 2007 ROAD IMPROVEMENTS BY AND IN THE BOROUGH OF SOUTH RIVER, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE VARIOUS ROADWAY AND DRAINAGE IMPROVEMENTS, AUTHORIZED IN AND BY THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

WHEREAS, the Borough of South River, in the County of Middlesex, New Jersey (the "Borough") finally adopted Bond Ordinance No. 2007-21 on August 27, 2007 (the "Prior Ordinance"), providing for drainage improvements by and in the Borough of South River; and

WHEREAS, the Borough has determined that the project description set forth in the Prior Ordinance needs to be amended, without increasing the aggregate appropriation or debt authorization for said purposes.

NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL of the BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 3(a) of the Prior Ordinance, is hereby amended to read as follows:

- (a) The improvements hereby authorized and for the purposes for the financing of which said obligations are to be issued are (1) various roadway repairs and improvements and drainage improvements based on the Borough Road Assessment; and (2) the milling, paving and resurfacing, as required, of the following roads: (i) the entire lengths of

Russell Avenue, Gordon Street, Schack Avenue, Sontag Street, Seppi Avenue, Radcliffe Street, Florence Avenue and Norman Street; and (ii) George Street from Thomas Street to Reid Street, Daily Street from Virginia Street to John Street, Wilson Avenue from Franklin Street to Jackson Street, Phillip Street from the cul de sac to Burton Avenue and Water Street from Elizabeth Street to Herman Street, including but not limited to, excavation, grading, milling, joint stabilization, overlay (with the roadway pavement having a useful life or durability equal to that of a Class B Roadway, as defined in the Local Bond Law), striping, replacement/repair of catch basins, piping, inlets and curbs, as required the installation of handicapped accessible curb cuts, and the site work and landscaping, together with all work and labor, materials, equipment and appurtenances necessary therefore and incidental thereto.

Section Two. The aggregate appropriation of \$275,000, the aggregate debt authorization of \$261,000, the useful life of ten (10) years, and other authorizations set forth in the Prior Ordinance remain unchanged and are hereby confirmed.

Section Three. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section Four. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final passage, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq..

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

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

ROLL CALL VOTE

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

ORD 2008-52

AN ORDINANCE ESTABLISHING A TRAFFIC CONTROL  
SIGNAL AT THE INTERSECTION OF OLD BRIDGE  
TURNPIKE AND TICES LANE

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

SECTION 1. That the intersection of Old Bridge Turnpike and Tices Lane, shall be controlled by a Traffic Control Signal in accordance with the as-built plan bearing the revision date of July 9, 2008.

SECTION 2. That the Traffic Control Signal shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised States AND the New Jersey Administrative Code, and shall be operated in conformance with the designated plan.

SECTION 3: 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 4. All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect after final passage, adoption, and publication according to law and upon the approval of the Commissioner of the Department of Transportation.

SECTION 6. Upon adoption, a certified copy of this Ordinance shall be sent by the Borough Clerk to John J. Reiser, Middlesex County Engineer, P.O. Box 1248, 333 Townsend Street, New Brunswick, NJ 08903 for submission to the Middlesex County Board of Chosen Freeholders for a Consenting Resolution.

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

Marilyn Meloni, 52 Kamm Ave.

- Asked what this ordinance was about. Mayor Eppinger stated that a resolution was previously passed approving the traffic signal, but an ordinance had to be adopted as well.

No further comments were made. Councilman Razzano moved that the public hearing be closed. Councilwoman Buffalino 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. Councilwoman Buffalino seconded the motion.

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

ROLL CALL VOTE

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

ORDINANCES-SECOND READING & PUBLIC HEARING

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

The Clerk submitted to the Council proof of publication from the Home News Tribune, a newspaper published in Neptune, New Jersey and circulated in the Borough of South River dated December 15, 2008, giving notice of the Second Reading and Public Hearing on the Ordinances.

ORD 2008-43

AN ORDINANCE AUTHORIZING THE ADVERTISING FOR BIDS TO  
LEASE CERTAIN LANDS, LOT 1.3, BLOCK 380, OWNED BY THE  
BOROUGH OF SOUTH RIVER

WHEREAS, Lot 1.3, Block 380, owned by the Borough of South River consists of a vacant parcel of land; and

WHEREAS, the governing body has determined that it is in the interest of the Borough to lease these premises for construction of a monopole and related equipment for telecommunications carriers for placement of cellular antennae pursuant to the Borough's telecommunications ordinance and specifications which have been approved by the governing body;

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

SECTION 1.

- A. The above property shall be advertised for lease pursuant to specification on file with the borough clerk and all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

Bids shall be received by the Borough Clerk, at her office, 48 Washington Street, South River, New Jersey for a period of fifteen (15) days following the date of advertisement of this ordinance, at no less than a minimum first year's annual rental of \$25,000.00

All bids shall be referred to the Borough Council for review and final approval pursuant to N.J.S.A. 40A:12-14. The Borough of South River shall make a decision on acceptance or rejection of bids by resolution not later than the second regular meeting following the last day for receipt of bids.

Bidders shall make payment for this leasehold by cash payment without terms in the following manner:

Cash or certified check within fifteen minutes of the close of bidding in the amount of the first month's rental together with a non-refundable certified check or cash for soft costs in preparation of the lease documents .

Upon the close of the bidding and opening of bids, the highest qualified bidder, as designated by the Borough Clerk, shall immediately execute an offer to lease at the bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the opening of bids.

5. The highest bidder will have the first preference for a location on the water storage tank and each subsequent bidder will be given the next preference in accordance with their bid ranking. Bidders including the highest bidder will be offered the option of entering into a lease on condition that the location will not be permitted to interfere with the signal or equipment of the highest bidder or existing telecommunications carriers.

6. A lease agreement as set forth in the bid specifications and known as the water tank site lease agreement shall be executed by the successful bidder and submitted for countersignature along with the required performance guarantee and other documents required by the bid specifications.

7. Failure to comply with any of the requirements stated herein or to execute a lease agreement shall entitle the Borough of South River to rescind prior bid approval, terminate any and all rights of the designated bidder in said leasehold and retain all monies theretofore deposited.

8. The lease shall commence upon the lessee's receipt of all necessary government land use or other required approvals and permits.

9. The minimum bid per tank site shall be \$25,000.00 for the first year of the lease term. The term of the lease shall be twenty-five years renewable for two additional five (5) year periods. Starting in year 2 of the term, the lease amount shall be annually modified according to the Consumer Price Index for Urban Wage Earners and Clerical Workers for Metropolitan New York – Northeastern New Jersey, or 4%, which ever is higher.

10. Lease payments shall be made in monthly installments due on the commencement date and thereafter on the anniversary date of each month thereafter.

11. The lessee shall post a suitable performance guarantee in the amount of the first year's rental, to be held throughout the life of the lease, to guarantee rental payments, compliance with all lease terms and removal of all telecommunication equipment and appurtenances at the termination of the lease.

12. The lessee shall pay a non-refundable fee in the amount of \$2,000.00 to offset soft costs associated with preparation of the lease.

13. In the event of failure to make the lease payments, the Borough shall have the right to pursue all legal remedies to collect payments due including denial of access and utilities to the property.

14. The lessee shall maintain bodily injury insurance on the leased premises and improvements pursuant to the specifications. The Borough of South River shall be named as an additional insured on the policy. Failure to provide insurance as specified shall be considered the same as non-payment of the lease amounts.

15. The Borough of South River reserves the right to reject all bids where the highest bid is not accepted.

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 ordinance or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect 20 days 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. Councilwoman Buffalino 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. Councilwoman Buffalino seconded the motion.

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

ROLL CALL VOTE

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

ABSENT: Krenzel

ORD 2008-44

AN ORDINANCE AUTHORIZING THE ADVERTISING FOR BIDS TO  
LEASE CERTAIN LANDS, LOT 1, BLOCK 225, OWNED BY THE  
BOROUGH OF SOUTH RIVER

WHEREAS, Lot 1, Block 225, owned by the Borough of South River contains the Borough's water storage tank among other appurtenances; and

WHEREAS, the governing body has determined that it is in the interest of the Borough to lease space on the water storage tank to telecommunications carriers for placement of cellular antennae pursuant to the Borough's telecommunications ordinance and specifications which have been approved by the governing body;

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

SECTION 1.

- B. The above property shall be advertised for lease pursuant to specification on file with the borough clerk and all requirements and procedures set forth in the Local Lands and Buildings Law (N.J.S.A. 40A:12-1 et seq.) subject to the following conditions:

Bids shall be received by the Borough Clerk, at her office, 48 Washington Street, South River, New Jersey for a period of fifteen (15) days following the date of advertisement of this ordinance, at no less than a minimum first year's annual rental of \$25,000.00

All bids shall be referred to the Borough Council for review and final approval pursuant to N.J.S.A. 40A:12-14. The Borough of South River shall make a decision on acceptance or rejection of bids by resolution not later than the second regular meeting following the last day for receipt of bids.

Bidders shall make payment for this leasehold by cash payment without terms in the following manner:

Cash or certified check within fifteen minutes of the close of bidding in the amount of the first month's rental together with

a non-refundable certified check or cash for soft costs in preparation of the lease documents .

Upon the close of the bidding and opening of bids, the highest qualified bidder, as designated by the Borough Clerk, shall immediately execute an offer to lease at the bid price, which offer shall include the terms and conditions specified herein. Said offer shall be irrevocable for sixty (60) days from the opening of bids.

5. The highest bidder will have the first preference for a location on the water storage tank and each subsequent bidder will be given the next preference in accordance with their bid ranking. Bidders including the highest bidder will be offered the option of entering into a lease on condition that the location will not be permitted to interfere with the signal or equipment of the highest bidder or existing telecommunications carriers.

6. A lease agreement as set forth in the bid specifications and known as the water tank site lease agreement shall be executed by the successful bidder and submitted for countersignature along with the required performance guarantee and other documents required by the bid specifications.

7. Failure to comply with any of the requirements stated herein or to execute a lease agreement shall entitle the Borough of South River to rescind prior bid approval, terminate any and all rights of the designated bidder in said leasehold and retain all monies theretofore deposited.

8. The lease shall commence upon the lessee's receipt of all necessary government land use or other required approvals and permits.

9. The minimum bid per tank site shall be \$25,000.00 for the first year of the lease term. The term of the lease shall be twenty-five years renewable for two additional five (5) year periods. Starting in year 2 of the term, the lease amount shall be annually modified according to the Consumer Price Index for Urban Wage Earners and Clerical Workers for Metropolitan New York – Northeastern New Jersey, or 4%, which ever is higher.

10. Lease payments shall be made in monthly installments due on the commencement date and thereafter on the anniversary date of each month thereafter.

11. The lessee shall post a suitable performance guarantee in the amount of the first year's rental, to be held throughout the life of the lease, to guarantee rental payments, compliance with all lease terms and removal of all telecommunication equipment and appurtenances at the termination of the lease.

12. The lessee shall pay a non-refundable fee in the amount of \$2,000.00 to offset soft costs associated with preparation of the lease.

13. In the event of failure to make the lease payments, the Borough shall have the right to pursue all legal remedies to collect payments due including denial of access and utilities to the property.

14. The lessee shall maintain bodily injury insurance on the leased premises and improvements pursuant to the specifications. The Borough of South River shall be named as an additional insured on the policy. Failure to provide insurance as specified shall be considered the same as non-payment of the lease amounts.

15. The Borough of South River reserves the right to reject all bids where the highest bid is not accepted.

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 ordinance or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect 20 days 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. Councilwoman Buffalino 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. Councilwoman Buffalino seconded the motion.

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

**ROLL CALL VOTE**

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

**PUBLIC COMMENTS** (agenda items only)

No comments were made. Councilman Razzano closed the public portion. Councilwoman Buffalino seconded the motion. So carried.

**RESOLUTIONS**

RES:2008-546

DECEMBER 23, 2008

**RESOLUTION**

WHEREAS, Amal Azer has submitted an application for a Mercantile License for a proposed business known as St. Mark's Gourmet Deli, LLC to be located at 52 Main Street in the Borough of South River, New Jersey; and

WHEREAS, the nature of the business will be a Mediterranean market; and

WHEREAS, the Mercantile License application was distributed to the appropriate agencies as provided by Code of the Borough of South River; and

WHEREAS, recommendations for approval have been submitted by all departments investigating same.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the Mercantile License Application submitted by Amal Azar for a business known as St. Mark's Gourmet Deli, LLC to be located at 52 Main Street, South River, New Jersey is hereby approved.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES: 2008-547

December 23, 2008

**BOROUGH OF SOUTH RIVER**  
**COUNTY OF MIDDLESEX, NEW JERSEY**  
**RESOLUTION CANCELLING UNEXPENDED IMPROVEMENT**  
**AUTHORIZATIONS**

WHEREAS, the Chief Financial Officer has recently performed a review of unexpended balance of improvement authorizations; and

WHEREAS, as a result of his review of the various improvement authorizations, it was determined that various inactive, unexpended and unneeded improvement authorization balances exist that should be considered for cancellation; and

WHEREAS, it is essential to sound financial practices in a municipality to review improvement authorizations and other accounts from time to time for cancellation; and

WHEREAS, the Borough Auditor has recommended the cancellation of certain inactive, unneeded and unexpended improvement authorizations; and

WHEREAS, Business Administrator and Chief Financial Officer have also reviewed the improvement authorizations and concur with the Auditor's recommendations.

NOW, THEREFORE, BE IT RESOLVED that the following improvement authorizations are hereby cancelled and/or transferred charges as follows.

**Electric Utility Capital Fund**

<u>Description</u>	<u>Ordinance Number</u>	<u>Date(s) Adopted</u>	<u>Improvement Authorization Canceled</u>
Acquisition and installation of an electric transformer	2002-07	3/18/2002	\$ 5,448.20
Acquisition of utility vehicles	2003-21, 2005-8	7/21/2003 3/7/2005	3,654.91 20,000.00 (A)
Repair and Rebuilding of Electric	2004-47	10/4/2004	<u>21,461.21</u>
		Electric Utility Total:	<u>\$ 50,564.32</u>
A= Bonds and Notes Authorized			<u>\$ 20,000.00</u>
All others = Canceled to Fund Balance			<u>\$ 30,564.32</u>

**BOROUGH OF SOUTH RIVER**  
**RESOLUTION CANCELLING UNEXPENDED IMPROVEMENT**  
**AUTHORIZATIONS (CONTINUED)**

**General Capital Fund**

<u>Description</u>	<u>Ordinance Number</u>	<u>Date(s) Adopted</u>	<u>Authorization Canceled</u>
General Capital Fund			
Various 1998 capital improvements	1998-17, 2001-06	6/10/1998 2/12/2001	\$ 6,322.64
Roadway and curb improvements to Johnson Place	2001-12, 2006-19	3/26/2001 8/7/2006	3,982.94
Whitehead Avenue Curbs and Sidewalks from Wogie Way to Kamm Avenue	2001-11/2001-37/ 2002-32	3/26/2001 9/24/2001 10/21/2002	4,935.66
Roadway improvement to Ferris Street and Snapper Avenue	2001-20	5/14/2001	1,925.13
2001 Curb and Sidewalk Improvement Program	2001-28, 2003-33, 2004-50, 2005-7	6/11/2001 9/29/2003 10/4/2004 3/7/2005	7,798.94
Reconstruction of Leonardine Avenue between Old Bridge Turnpike and Sheinfine Avenue (Phase 1)	2002-12, 2004-43	4/29/2002 10/4/2004	2,369.15
Various 2002 road and drainage improvements	2002-30, 2004-44	9/23/2002 10/4/2004	11,862.55
Improvements to Grekoski Park and Veteran's Drive Park	2002-31, 2003-43, 2006-20	9/23/2002 11/10/2003 8/28/2006	491.35
Reconstruction of Leonardine Avenue between Sheinfine Avenue and Constitution Way	2003-03	2/24/2003	1,789.15
Phase IV and Phase V streetscape improvements along Main Street and Jackson Street	2003-8, 2003-32, 2003-44	5/19/2003 9/29/2003 12/8/2003	1,738.63
Improvement to Daly's Pond Park	2002-44 2003/23	12/9/2002 7/21/2003	2,670.67 105,000.00 (A)

**BOROUGH OF SOUTH RIVER**  
**RESOLUTION CANCELLING UNEXPENDED IMPROVEMENT**  
**AUTHORIZATIONS**  
**(CONTINUED)**

**General Capital Fund (Continued)**

<u>Description</u>	<u>Ordinance Number</u>	<u>Date(s) Adopted</u>	<u>Improvement Authorization Canceled</u>
Police Communication Equipment	2003-06	3/31/2003	\$ 6,280.97
Construction of a monument in remembrance of the events of September 11, 2001	2003-12	7/7/2003	2,503.16
Road improvements to various streets	2003-16, 2004-45	7/21/2003 10/4/2004	5,774.45
Acquisition of a Mason dump truck	2003-17	7/21/2003	809.07
Acquisition of various firefighting equipment	2003-19	7/21/2003	424.84
Acquisition of fire truck	2003-20	7/21/2003	799.74
Acquisition of a sanitation truck	2004-02	2/23/2004	10,727.95
Reconstruction of a portion of Hillside Avenue	2004-03, 2005-4	2/23/2004 3/7/2005	1,363.38
Preliminary expenses in connection with improvements to the Washington Cemetery retaining wall	2004-16, 2004-52	4/5/2004 10/25/2004	19,030.34
Re-curbng of and construction of ADA- compliant ramps and crosswalks along the causeway	2004-30, 2005-13	6/28/2004 4/4/2005	4,587.69
Replacement of a sanitary sewer main	2004-35	7/12/2004	9,311.37
Installation of pedestrian crosswalks	2004-46	10/4/2004	16,940.79
Phase VI streetscape improvements along Obert Street	2004-53	10/25/2004	3,987.48
Construction of Bike Park	2006-28	8/28/2006	1,141.07
	General Total:		<u>\$ 234,569.11</u>
A=Bonds and Notes Authorized			<u>\$ 105,000.00</u>
All Others = Canceled to Fund Balance			<u>\$ 129,569.11</u>

**BOROUGH OF SOUTH RIVER**  
**RESOLUTION CANCELLING UNEXPENDED IMPROVEMENT**  
**AUTHORIZATIONS (CONTINUED)**

**Water Utility Capital Fund**

<u>Description</u>	<u>Ordinance Number</u>	<u>Date(s) Adopted</u>	<u>Improvement Authorization Canceled</u>
Replacement of Lime Feed System	2006-01	2/13/2001	<u>\$ 23,984.91</u>
		Water Utility Total:	<u><u>\$ 23,984.91</u></u>

BE IT FURTHER RESOLVED that:

- 1 Certified copies of this resolution sent to the Business Administrator, Chief Financial Officer and Borough Auditor.
2. The Chief Financial Officer who is authorized to make the appropriate accounting entries.
3. The Chief Financial Officer in 2009 after the closeout and preliminary audit of the December 31, 2008 unexpended balances will report any difference for recommended further action and reporting to Governing Body.

DATED: December 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF  
SOUTH RIVER TO PROVIDE FOR THE TRANSFER OF YEAR 2008  
CURRENT FUND BUDGET APPROPRIATION

WHEREAS, there appears to be insufficient funds in certain accounts of the 2008 Budget to meet the demands thereon for the balance of the year;

WHEREAS, there appears to be a surplus in other such accounts over and above the demands for the balance of the year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of South River that in accordance with the provisions of R.S. 40A:4-58, the surplus in the accounts herein before mentioned be, and the same is hereby transferred to the accounts mentioned as being insufficient to meet demands.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and he is hereby authorized and directed to make the following transfers:

**CURRENT FUND**

**From:**

**Salaries and Wages:**

Clerk	\$10,000.00
School Guards	24,000.00

**Other Expenses:**

Human Resources	16,000.00
Vehicle Maintenance	5,000.00
Fire-Clothing	<u>2,606.00</u>
	57,606.00

<b>Total</b>	<b>57,606.00</b>
--------------	------------------

**To:**

**Salaries and Wages:**

General Administration	3,600.00
Planning Board	325.00
Board of Health	100.00
Sewer Dept.	<u>2,000.00</u>
	6,025.00

**Other Expenses:**

General Administration	1,600.00
Finance	1,500.00
Tax Collection	3,000.00
Assessor	1,300.00
Legal	12,500.00
Engineering	8,000.00

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Board of Adjustment	700.00	
Police	4,000.00	
Volunteer Fire	2,606.00	
Garbage	2,500.00	
Buildings and Grounds	5,375.00	
Animal Control	5,000.00	
Computer Services	<u>3,500.00</u>	
		51,581.00
	<b>Total</b>	<b>57,606.00</b>

**WATER UTILITY**

<b><u>From:</u></b>		
Insurance	35,000.00	
	<b>Total</b>	<b>35,000.00</b>

<b><u>To:</u></b>		
Operating	24,000.00	
Office/Administrative	5,000.00	
Sayreville Interlocal Service	6,000.00	
	<b>Total</b>	<b>35,000.00</b>

**ELECTRIC UTILITY**

<b><u>From:</u></b>		
Insurance		75,000.00
<b><u>To:</u></b>		
Operating		75,000.00

BE IT FURTHER RESOLVED that any additional transfer required prior to January 1, 2009, shall be by the recommendation of the Chief Financial Officer, approved in writing by the Borough Administrator and ratified by the Borough Council at its first regular meeting in 2009.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-549

DECEMBER 23, 2008

RESOLUTION

WHEREAS, on September 18, 2006, the Borough of South River entered into a contract with Information Management Corporation (IMC) for a Computer Aided Dispatch System for Public Safety (CAD); and

WHEREAS, Information Management Corporation (IMC) submitted Performance Bond No. 140858290 in the amount of \$140,350.00; and

WHEREAS, since there are no further contractual obligations to perform under the terms of the contract, Information Management Corporation (IMC) has requested that Performance Bond No. 10458290 in the amount of \$140,350.00 be released; and

WHEREAS, said request has been reviewed by the Borough of South River Computer consultant, namely Penta Tek, who recommends that said performance bond be released; and

WHEREAS, the Deputy Chief of the Police Department, the Fire Chief, and the Captain of the Rescue Squad agree with this recommendation.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex, the State of New Jersey that Performance Bond No. 10458290 in the amount of \$140,350.00 be released..

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino

Councilmember

ROLL CALL VOTE

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

RES:2008-550

DECEMBER 23, 2008

RESOLUTION CANCELLING UNEXPENDED BALANCES

WHEREAS, the Chief Financial Officer has recently performed a review of unexpended balances of the 2008 Water Utility Operating Budget; and

WHEREAS, as a result of his review of the various accounts, both he and the Borough Auditor have recommended the cancellation of a portion of the unexpended balance of Account No. 8-02-55-502-201; and

WHEREAS, the Borough Administrator has reviewed and concurs with the recommendations of the Chief Financial Officer and Borough Auditor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of South River that \$43,000 is hereby cancelled from Account No. 8-02-55-502-201, Purchase of Water, to Water Utility Operation.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-551

DECEMBER 23, 2008

RESOLUTION

WHEREAS, there exists the need for the purchase an estimated quantity of 800 tons of rock salt (Sodium Chloride) by the Borough of South River in the County of Middlesex of the State of New Jersey to be use for the removal of snow and ice from the roadways; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-11 et seq.) permits a contracting unit to purchase any materials, supplies or equipment under any contract or contracts for such materials, supplies or equipment entered into by the lead agency in a joint purchasing agreement; and

WHEREAS, it appears that the materials, supplies and/or equipment to be purchased pursuant to this resolution at the price and upon the terms and conditions provided therein, are subject to a contract or contracts for such materials, supplies and/or equipment entered into on behalf by the County of Middlesex under its Common Cents Program; and

WHEREAS, the Chief Financial Officer of the Borough of South River has advised that funds are to be appropriated in the 2009 municipal budget for the purchase of said rock salt.

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

1. The appropriate Borough Officials are hereby authorized to sign those documents necessary for the purchase of an estimated 800 tons of rock salt under bid No. 08-560 (Resolution 08-1908) of the Middlesex County Common Cents Program from

Atlantic Salt  
130 Plain Street  
Lowell, MA 01851

2. This contract is awarded without competitive bidding pursuant to the provision of N.J.S.A. 40A:11-1 at the cost of \$64.50 per ton as per the interlocal joint purchasing agreement.

3. Said resolution is now of record and on file in the Office of the Borough Clerk and available for public inspection.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES: 2008-552

DECEMBER 23, 2008

RESOLUTION

WHEREAS, Andrew Salerno is currently being employed by the Borough of South River as the Business Administrator pursuant to a resolution appointing him to said position on January 8, 2007; and

WHEREAS, the governing body desires to amend the employment agreement with the Business Administrator.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, that the amendment to the employment contract between the Borough of South River and Andrew Salerno as Business Administrator, attached hereto, is hereby approved and the appropriate borough officials are hereby authorized to execute the same.

DATED: December 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

YEAS: Buffalino, Hutchison, Razzano, Trenga, Trzeciak

NAYS: None  
ABSENT: Krenzel

RES:2008-553

DECEMBER 23, 2008

RESOLUTION

WHEREAS, the governing body of the Borough of South River in the County of Middlesex, State of New Jersey, had previously authorized and directed the Borough Clerk to advertise for the receipt of sealed bids for Purchase of a New Rear Loader Refuse Truck in accordance with specifications approved and filed in the Office of the Borough Clerk; and

WHEREAS, said bids were received on December 2, 2008 and opened and read aloud in public and an examination thereof shows that Trenton Mack Sales & Services Inc. d/b/a O'Shea Truck Center, was the apparent low bidder thereon with a bid of \$198,960.00 as noted in the report of the borough engineer dated December 2, 2008 and the opinion letter of the borough attorney dated December 4, 2008; and

WHEREAS, both the Borough Engineer and the Borough Attorney have noted that the bid of the apparent low bidder included deviations from the bid specifications that were only minor departures which the Borough may waive.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the governing body of the Borough of South River in the County of Middlesex, the State of New Jersey, that the above recited bid be and the same is hereby accepted and that a contract be and the same is hereby awarded to Trenton Mack Sales & Services Inc. d/b/a O'Shea Truck Center, as per the bid so submitted subject to the contractor completing the bid document forms for contractor/subcontractor and corporation forms in the bidding documents.

BE IT FURTHER RESOLVED that the appropriate officers of the Borough be and they are hereby authorized and directed to execute all instruments necessary to complete the above stated transaction but only upon submission of all documents required by the bid specifications and approval of same by the appropriate borough officials and subject to the contractor completing the bid document forms for contractor/subcontractor and corporation forms in the bidding documents.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES: 2008-554

DECEMBER 23, 2008

RESOLUTION

WHEREAS, the governing body of the Borough of South River in the County of Middlesex, State of New Jersey, had previously authorized and directed the Borough Clerk to advertise for the receipt of sealed bids for Purchase of a New Tandem Dump Truck with Snow Plow and Spreader in accordance with specifications approved and filed in the Office of the Borough Clerk; and

WHEREAS, said bids were received on December 2, 2008 and opened and read aloud in public and an examination thereof shows that Trenton Mack Sales & Service, Inc. d/b/a O'Shea Truck Center. was the low bidder thereon with a bid of \$186,550.00 as noted in the report of the borough engineer dated December 4, 2008 and borough attorney dated December 15, 2008,; and

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the governing body of the Borough of South River in the County of Middlesex, the State of New Jersey, that the above recited bid be and the same is hereby accepted and that a contract be and the same is hereby awarded to Trenton Mack Sales & Service, Inc. d/b/a O'Shea Truck Center as per the bid so submitted on condition that the contractor complete the contractor/subcontractor submission form in the bid documents.

BE IT FURTHER RESOLVED that the appropriate officers of the Borough be and they are hereby authorized and directed to execute all instruments necessary to complete the above stated transaction but only upon submission of the above as well as approval of same by the appropriate borough officials.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-555

DECEMBER 23, 2008

RESOLUTION

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

WHEREAS, the tax collector recommends these changes as listed.

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

<u>Taxpayer</u> <u>Block/Lot</u>	<u>Reason Auth</u>	<u>Year</u>	<u>Amount</u>
JOAO & ROSA SARABANDO 14 FOURTH ST. SOUTH RIVER, NJ 08882 BLK 363.1 LOT 1	POSTING ERROR CORRECTION	3 <sup>RD</sup> QTR 2007	\$2,838.98

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-556

DECEMBER 23, 2008

RESOLUTION

WHEREAS, John Bouthillette is currently being employed by the Borough of South River as the Deputy Chief of the Police Department in the performance of his duties for a time period of 1/1/08 to 12/31/09.

WHEREAS, the necessary employment contract for the Deputy Chief has been reviewed by the Mayor and Council as well as the Borough Attorney and recommendations have been made for the execution of the same.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River that the Employment Contract between the Borough of South River and John Bouthillette as the Deputy Chief of the Police Department for the same is hereby approved and the Mayor and appropriate Borough Officials are hereby authorized to execute the same.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-557

DECEMBER 23, 2008

RESOLUTION

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the transfer of Jan Petrik from Laborer "A" to the position of Lineman Apprentice with the Electric Utility Department is hereby approved.

BE IT FUTHER RESOLVED that this transfer will take effect on February 2, 2009.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-558

DECEMBER 23, 2008

RESOLUTION

WHEREAS, the Borough Engineer originally calculated a performance bond to be posted by the developer in connection with the Gomes Site Plan and variance application, Block 159, Lot 7.01; and

WHEREAS, the borough engineer has determined that all required work has been completed in connection with this project; and

WHEREAS, the borough engineer by letter dated December 4, 2008 has recommended that the performance bond be released subject to posting of a two (2) year maintenance bond in the amount of \$302.40, together with payment of all outstanding engineering inspection or other borough fees.

NOW THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex, the State of New Jersey that the improvements required of the developer are accepted, the performance bond previously posted may be released upon a maintenance bond being provided in the amount of \$302.40 and payment by the developer of all outstanding engineering inspection fees as well as any other fees due the Borough of South River.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-559

DECEMBER 23, 2008

RESOLUTION

WHEREAS monies are held in escrow accounts in the name Frank A. Greek and Sons for various projects in the Borough of South River; and

WHEREAS, it has been determined by the Borough Engineer that from an engineering perspective, all phases are complete and all escrow accounts have been paid in full.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that escrow accounts in the name of Frank A. Greek and Sons totaling \$83,529.74 be hereby released effective this date.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-560

DECEMBER 23, 2008

RESOLUTION

WHEREAS, there is a need for an additional police officer in order to maintain proper coverage of the Borough by its police force; and

WHEREAS, on recommendation of the Chief of Police and consideration by the governing body there is not only apparent need but the financial ability to appoint a patrolman to the police force in order to bring the police department to appropriate strength and allow for its efficient operation as required by law, and

WHEREAS, the governing body has considered Wesley Sanches for the position of patrolman, has reviewed his personnel file, received the results of medical examinations of the candidate and background checks by the Chief of Police as well as previously administered test results for candidates for the position.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River in the County of Middlesex, State of New Jersey, that Wesley Sanchez be and he is hereby appointed as a Patrolman within the Police Department of the Borough of South River effective January 1, 2009 at the Start salary level for a probationary period in accordance with law.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-561

DECEMBER 23, 2008

RESOLUTION

WHEREAS, there is a need for an additional police officer in order to maintain proper coverage of the Borough by its police force; and

WHEREAS, on recommendation of the Chief of Police and consideration by the governing body there is not only apparent need but the financial ability to appoint a patrolman to the police force in order to bring the police department to appropriate strength and allow for its efficient operation as required by law, and

WHEREAS, the governing body has considered John Kenny for the position of patrolman, has reviewed his personnel file, received the results of medical examinations of the candidate and background checks by the Chief of Police as well as previously administered test results for candidates for the position.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Borough Council of the Borough of South River in the County of Middlesex, State of New Jersey, that John Kenny be and he is hereby appointed as a Patrolman within the Police Department of the Borough of South River effective January 1, 2009 at the Start salary level for a probationary period in accordance with law.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-562

DECEMBER 23, 2008,

RESOLUTION

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the resignation of Shawn McCarthy from the South River Fire Department, Engine Company #1, effective December 19, 2008, is hereby accepted.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-563

DECEMBER 23, 2008

RESOLUTION

WHEREAS, several municipal employees, have requested that they be allowed to carry over unused vacation time into the next calendar (2009) year; and

WHEREAS, Chapter 68 of the Code of the Borough of South River permits the Governing Body to grant requests based on exceptional unforeseen circumstances which prevents the usage in the current year; and

WHEREAS, after careful deliberation, the Governing Body has agreed that employment circumstances did prevent the use of said vacation time.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of South River that said employees are granted permission to carry-over their

unused 2008 vacation time in the following year of 2009 which the condition that said vacation time be used by March 31, 2009.

<u>Name</u>	<u>Amount to be Carried Over</u>
Kim Bell	11 days
Mary Bloss	3.5 days
Joanne Calvo	1 day
Karen Cuomo	3 days
Richard Dudas	2 days
Joe Jelonek	1 day
George Lyons	1 day
Sheryl Nevin	2 days
Joni O'Brien	3 days
Siva Sivananthan	1 day

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES: 2008-564

DECEMBER 23, 2008

RESOLUTION

WHEREAS, the governing body of the Borough of South River in the County of Middlesex, State of New Jersey, had previously authorized and directed the Borough Clerk to advertise for the receipt of sealed bids for an aerial bucket truck in accordance with specifications approved and filed in the Office of the Borough Clerk; and

WHEREAS, said bids were received on December 12, 2008 and opened and read aloud in public when it was determined that the bids did not comply with the bid specifications and/or contained material departures from the bidding requirements; and

WHEREAS, the Borough reserved the right in the bid specifications to reject all bids.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the governing body of the Borough of South River in the County of Middlesex, the State of New Jersey, that the above recited bids be and the same are hereby rejected.

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized and directed to return all bid securities submitted and re-advertise for an aerial bucket truck

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES: 2008-565

DECEMBER 23, 2008

RESOLUTION

WHEREAS, the governing body of the Borough of South River in the County of Middlesex, State of New Jersey, had previously authorized and directed the Borough Clerk to advertise for the receipt of sealed bids for Janitorial Services for the year 2009 in accordance with specifications approved and filed in the Office of the Borough Clerk; and

WHEREAS, said bids were received on December 23, 2008 and opened and read aloud in public and an examination thereof shows that Ron's Floor Waxing & Office Maintenance was the low bidder thereon with a bid of \$31,200 per year.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the governing body of the Borough of South River in the County of Middlesex, the State of New Jersey, that the above recited bid be and the same is hereby accepted and that a contract be and the same is hereby awarded to Ron's Floor Waxing & Office Maintenance as per the bid so submitted.

BE IT FURTHER RESOLVED that the appropriate officers of the Borough be and they are hereby authorized and directed to execute all instruments necessary to complete the above stated transaction.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-566

DECEMBER 23, 2008

RESOLUTION

WHEREAS, the Borough of South River has participated as a member of the Middlesex County Municipal Joint Insurance Fund (hereinafter the "Fund") existing pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq.) and is desirous of continuing said membership for a term expiring on December 31, 2011; and

WHEREAS, the Borough Council of the Borough of South River has determined that continued membership in the Fund is in the best interest of the Member:

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

SECTION 1. The Borough of South River hereby agrees to continue as a Member of the Fund for the period of three (3) year commencing January 1, 2009 and terminating on December 31, 2011 for the purpose of securing the following types of insurance coverage:

- a) Workers Compensation and Employer's Liability.
- b) General Liability Coverage.
- c) Motor Vehicle and Equipment Liability Coverage.
- d) Property Damage Coverage (Building, Contents, Auto Physical Damage and Boiler and Machinery).

After the expiration of the said three (3) year period of membership, participation may be canceled or extended in accordance with the Bylaws of the Fund.

SECTION 2. For the purposes of contribution of sums into the Fund to be designated for administrative costs and claims, the Borough of South River hereby agrees to obtain the types of coverage from the Fund as are set forth in Section 1 of this Resolution and the Indemnity and Trust Agreement to be signed by it.

SECTION 3. The By-Laws of the Middlesex County Municipal Joint Insurance Fund are hereby adopted and accepted.

SECTION 4. The Mayor and Borough Clerk are hereby authorized and directed to execute an Indemnity and Trust Agreement signifying continued membership.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
ember

ROLL CALL VOTE

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

RES:2008-567

DECEMBER 23, 2008

RESOLUTION

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the resignation letters submitted by Peter

Guindi as a Member of the Planning Board and as a Member of the Economic Development Committee, are hereby accepted.

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

RES:2008-568

DECEMBER 23, 2008

RESOLUTION

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

<u>VENDOR</u>	<u>AMOUNT</u>
A&A CHIMNEY SERVICE	300.00
ALLIED OIL COMPANY LLC	1,847.95
ALTEC INDUSTRIES IN.	1,163.06
AMERICAN PUBLIC WORKS ASSN.	50.00
APPROVED FIRE PROTECTION	37.50
SOFIA ARTISHENKO	3,104.00
BANNISTER CO.	222.00
BENECARD SERVICES INC.	34,836.20
BIGNELL PLANNING CONSULTANTS	2,426.25
BRIAN'S LAWN MOWER & SAW SVC,	589.75
BOARDWALK HALL	455.00

CCTS CAPITAL LLC	2,982.86
CAMPBELL SUPPLY CO..	440.82
CARD DATA SYSTEMS	142.28
CENTRAL JERSEY SECURITY	335.00
CME ASSOCIATES	26,233.50
ANDREW COGSWELL	50.00
CONRAD MECHANICAL INC.	1,650.00
MANUEL CRUZ	200.00
CUSTOM BANDAG INC.	4,417.64
ANGEL CIUFFARDI	5.76
DARLEY	206.65
DELL COMPUTER CORP.	989.94
DEPTCOR	807.30
DUNELLEN AUTO GLASS INC.	985.00
FRANCES M. DECARLO	180.00
EDWARD DOBRZYSKI	140.62
REINA TIRE SERVICE INC.	443.22
TOWNSHIP OF EAST BRUNSWICK	2,730.61
EZ PASS	100.00
ECKO INC.	12,710.24
MICHAEL J. FRANGELLA, JR.	196.38
CAMILLE FISHER	12.40
GABOWITZ & APPLICANCE	1,649.98
GALLS INC.	767.92
CHRISTINE GOLEC	540.58
FRANK A. GREEK & SON INC.	85,529.74
HOAGLAND, LONGO, MORAN, DUNST	586.50
HOME NEWS TRIBUNE	739.21
HOME NEWS TRIBUNE	16.53
JULIA HUGHES	65.00
AMELIA HOWLAND	203.13
JOE'S HEATING IN C.	738.00
DEBRA A. JONES	50.00
CHRISTINE JENNINGS	63.85
ELAINE KULYASSA	145.65
LAWMEN SUPPLY CO. OF NJ INC.	352.15
GLEN LAURITSEN	137.14
DR. MAREK R. LUPICKI	520.00
MAY LING KUNG NG	98.61
ELIANA A. L OPES	182.60
FRANCISCO LOPES	143.90
JULIETA LUCAS	132.36
W. B. MASON CO.	2,453.85
MAIN ELECTRIC SUPPLY CO. INC.	793.84

MGL PRINTING SOLUTIONS	586.50
MIDDLESEX WELDING SALES	48.50
MIDDLESEX COUNTY TREASURER	20.44
MIDD. CTY. IMPROVEMENT AUTHORITY	18,186.48
L-3 COM MOBILE VISION INC.	975.00
MUNIDEX INC.	2,217.44
MING NG & MICHELLE WANG	59.25
MORGAN PROPERTIES	30.45
NATIONAL CHURCH RESIDENCES	151.04
NEXTEL COMMUNICATIONS	924.97
NEXTEL COMMUNICATIONS	524.08
NEW JERSEY STATE	60.94
THOMAS J. NOTO, P.E.	5,980.00
PATRICIA O'CONNOR	193.00
CHRIS O'HEARN	421.86
OLD DOMINION BRUSH	2,686.50
PALOS SPORTS	247.60
PENTATEK SOLUTIONS INC.	300.00
PINNACLE WIRELESS INC.	220.00
PLYMOUTH PARK TAX SVCS. LLC	8,711.57
PUBLIC SERVICE ELECTRIC & GAS	4,377.41
PUBLIC STORAGE	277.00
PUBLIC POWER ASSN. OF NJ	13,125.79
DANIEL & AGNIESZKA PALKA	2,281.92
RAZOR PRINTING INC.	186.00
RON'S OFFICE MAINTENANCE	800.00
JOHN & LINDA RUZICKI	40.00
JOSE RIBEIRO	51.01
TOM RILEY	36.72
S. BROTHERS INC.	118,784.24
SAFETY KLEEN CORP.	563.79
MICHAEL J. SCANLON	1,340.00
GARY M. SCHWARTZ, ESQ.	6,025.00
SEELY EQUIPMENT COMPANY	1,927.12
SAKER SHOPRITES INC.	272.66
KANTHIAH SIVANANTHAN	37.00
WALTER SOSULSKI	3,742.40
SOUTH RIVER ELECTRIC UTILITY	471.06
SOUTH RIVER PUBLIC LIBRARY	75,000.00
ANDREW J. SALERNO	142.90
JOSE SANTOS	1,223.59
ROSE SAWYER	106.19
GEORGE SCHNEPF	200.00
EDWARD SORENSEN	50.24

KIM BELL	247.43
MAIN ST. FLORIST	192.50
NEW JERSEY PERFORMING ARTS CTR	601.00
UTILITY BILLING SERVICES INC.	300.00
JASON SPESS	27.87
TAYLOR OIL CO. INC.	2,768.16
TOTAL VIDEO PRODUCTS INC.	331.00
TOP HAT UNIFORM RENTAL	360.42
CORY TRAVERS & KIM MASCHER	147.40
UTILITY BILLING SERVICES INC.	14,542.01
UTILITY BILLING SERVICES INC.	1,448.64
USA MOBILITY WIRELESS INC.	266.11
VERIZON WIRELESS	1,520.38
VFIS INC.	6,907.13
VILLAGIOS RESTAURANT	114.25
W. E. TIMMERMAN CO. INC.	1,354.98
WALTERS AUTO BODY	1,766.22
MARK F. WOJCIECHOWSKI	40.00
ERIC WAKSMUNSKI	648.34
ROSA WENCESLAW	94.02
STANISLAW & LEOKADIA ZYGADLO	62.74
ABE'S OF MAINE CAMERAS & ELECT	2,366.01

DATED: DECEMBER 23, 2008

/s/ Anthony Razzano  
Councilmember

/s/ Suzanne Buffalino  
Councilmember

ROLL CALL VOTE

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

COUNCIL COMMENTS

Councilman Razzano

- Attended DARE graduation at elementary school. Commended Det. Novak for wonderful job done.
- Attended OOA Christmas Party. Kim Bell did a great job.

- Congratulated John Kenny and Wesley Sanches on their appointment to the Police Department.
- Expressed condolences to the family of Connie Votta, a secretary for the Board of Education for forty years, who passed away last week.
- Thanked Councilmembers Krenzel and Buffalino for their service to the community; enjoyed working with them.
- Wished all a Merry Christmas. Thanked residents for their support of the Borough Council.

Councilman Hutchison

- Thanked staff for their hard work.
- Congratulated the new Patrolmen.
- Unable to attend the Alternative Energy Committee meeting and Environmental /Shade Tree Commission meeting due to sickness.
- 1/6/09 - Parks and Recreation meeting – 55 Reid St., 7:00 p.m.
- 1/13/09 – Alternative Energy Committee meeting - Council Chambers, 7:30 p.m.
- 1/15/09 – Environmental/Shade Tree Commission meeting –Library, 7:00 p.m.
- Looks forward to working with Councilmen-elect Guindi and Almeida.
- Thanked Councilwoman Buffalino for her dedication and commitment to the Council and wished her all the best.
- Thanked Councilman Krenzel for his service; will be difficult not having him sit on the dais; was instrumental in having him run for Council; learned a lot from him. Councilman Krenzel is a gentleman, a class act and a good friend and wished him all the best.
- Happy Holidays to all.

Councilman Trenga

- Thanked employees and volunteers for the hard work.
- Welcomed the two new Police Officers; Chief Bomba and Deputy Chief Bouthillette did an excellent job.
- Councilwoman Buffalino will be missed; thanked her for her service; was instrumental in finding grant money; was an honor working with her.
- Councilman Krenzel will be sorely missed; brought extensive knowledge to the governing body.
- Have accomplished a lot in twelve months; takes time to prioritize things in the Borough.
- Looking forward to working with Councilmen-elect Guindi and Almeida.
- Was unable to attend Alternative Energy Committee meeting due to illness.
- Happy Holidays to all.

Councilman Trzeciak

- Attended Public Safety meeting; met with department heads; established list of resources for emergency; will be meeting on a monthly basis.
- Congratulations to the two new Patrolmen, John Kenny and Wesley Sanches.
- Commended Councilwoman Buffalino on doing a great job in a short time on the Council, her attention to detail and putting resources together for TV 35/36.
- Commended Councilman Krenzel on his tireless work ethic.
- Accomplished a lot this year; prioritized things and established a future for the town.
- Proud to be a part of the Borough Council.
- Good luck to Rutgers football team.
- Merry Christmas, Happy Holidays to all.

Councilwoman Buffalino

- Met with Board of Education, Charles Benn and Art Lodensky regarding TV 35/36; Board of Education is enthusiastic about working with the town; hopefully enter into an interlocal agreement next year.
- Accomplished a lot and is proud of the year she spent on the Borough Council.
- Very proud of John Krenzel and his time spent on the Council.
- Looking forward to helping out when she can.

Mayor's Comments

- Congratulations to the new Patrolmen, John Kenny and Wesley Sanches.
- Bond ordinances – Borough Council worked together, never had to vote; in good shape to start in 2009.
- Reorganization Meeting - 1/1/09 at 12 Noon in Elementary/Middle School Cafetorium.
- Looking forward to working with Councilmen-elect Guindi and Almeida.
- Suzanne Buffalino - went to high school together; privilege and honor of serving the community with her; will always be a good friend and is a credit to South River; wished her nothing but the best.
- John Krenzel - known for many years; decent person; brought so much wisdom to the Council; his concern is always South River.
- Will be senior member of Borough Council and it is only his fourth year on the Council; Councilmembers have a lot to learn and must work together for the betterment of the town regardless of political affiliation.
- Thankful of the privilege and honor of serving as Mayor.
- Happy Holidays to all and peace and prosperity in the new year for our state and country

PUBLIC COMMENTS (good & welfare of Borough)

Jim Maiello, 2 O'Brien Ave.

- Thanked the Borough Council members for the good job they do.
- Would like to see taxes and electric rates go down next year.

John Scala, 440 Turnpike Road

- Asked if the Borough Council could consider bringing the Building Department back to South River.
- Commended the Borough Council for doing a good job.
- Merry Christmas and Happy Holidays.

No further comments were made. Councilman Razzano closed the public portion. Councilwoman Buffalino seconded the motion. So carried.

ADJOURNMENT

Councilman Razzano moved that this meeting be adjourned at 9:35 p.m. Councilwoman Buffalino seconded the motion. So carried.

Respectfully submitted on  
January 9, 2009.

Patricia O'Connor, RMC  
Borough Clerk

Approved at the regular meeting  
held on January 12, 2009.