

**REGULAR MEETING MINUTES
FEBRUARY 26, 2024
MAYOR AND BOROUGH COUNCIL
MEETING NO. 6**

A 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 on February 26, 2024 and was called to order by Mayor Guindi at 7:00 PM with the following Council Members in Attendance:

Mayor and Council Roll Call	Present	Absent	Excused Tardy
<i>Mayor Peter S. Guindi</i>	X		
<i>Council President Jason Oliveira</i>	X		
<i>Councilwoman Donna Balazs</i>	X		
<i>Councilman Anthony Ciulla</i>	X		
<i>Councilman Hank Dziemian</i>	X		
<i>Councilman James Gurchensky</i>	X		
<i>Councilman John Krenzel</i>	X		

Also attending this meeting were Business Administrator Arthur Londensky, Chief Financial Officer Joseph Zanga, DPW Director Adriano Soares, Fire Chief Craig Miller, Borough Attorney Andrea Wyatt, and Borough Engineer Bruce Koch.

IN COMPLIANCE WITH CHAPTER 231 OF PUBLIC LAW OF 1975, NOTICE OF THIS MEETING TO BE HELD AT THE CRIMINAL JUSTICE BUILDING, 61 MAIN STREET, SOUTH RIVER HAS BEEN PUBLISHED IN THE HOME NEWS TRIBUNE ON JANUARY 5, 2024, POSTED ON THE MUNICIPAL BUILDING BULLETIN BOARD, THE BOROUGH WEBSITE, THE FRONT DOOR OF THE CRIMINAL JUSTICE BUILDING AT 61 MAIN STREET, SOUTH RIVER.

SALUTE TO THE FLAG AND MOMENT OF SILENCE

Mayor Guindi lead the salute to the Flag and a moment of silence.

CERTIFICATE OF APPRECIATION

- Mayor Guindi presents a certificate of appreciation to Brian Timm for his heroic efforts during his mail route.

Councilman Ciulla and Fire Chief Miller thanks Brian Timm for his service.

PRESENTATION

- Chris Gonda, from Keep Middlesex Moving, was invited to speak by the Local Greenteam. Mr. Gonda speaks on a campaign called Street Smart New Jersey and speaks on Vision Zero.

AGENDA SESSION

- Discussions on First Reading Ordinances – CFO Zanga speaks on the rate change for electric and water. There will be a decrease on electric rates by 5% and increase of water rates by 10%. The next meeting will be the introduction of the budget. BA Londensky speaks on Bond Ordinance 2024-10. Mayor Guindi speaks on Ordinances 2024-11 and 2024-12.

ORDINANCE– SECOND READING & PUBLIC HEARING

ORDINANCE 2024 –3

**AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF**

SOUTH RIVER, SO AS TO AMEND CHAPTER 258, ENTITLED “PROPERTY MAINTENANCE”

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

SECTION 1. Chapter 258 of the Borough Code of the Borough of South River, entitled “Property Maintenance” is hereby amended so as to add Article VIII entitled “Parking Restrictions” to read entirely as follows:

Article VIII- Parking Restrictions.

§258-35 Parking Restriction.

Except in the event of a Borough declared emergency, it shall be unlawful for any person to park any vehicle at any time on a property in any front yard or side yard as defined by Section 350-7 Definitions of Chapter 350, Zoning of the Borough Code of the Borough of South River unless the vehicle is parked entirely on a driveway paved with asphalt, concrete, pavers, or gravel, or in a parking area constructed in accordance with a site plan appointed by the Borough of South River Planning Board or Zoning Board. Any driveway or parking space constructed of gravel shall have edges that are clearly delineated by a wooden or masonry curb.

§258-36 Violations and Penalties.

Any person who violates any provisions of this article shall, upon conviction, be punished as provided in Chapter 1, Article I, General Penalty. Each violation of any of the provisions of this article and each day that such violation continues shall be deemed and taken as a separate and distinct offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

Councilman Ciulla motioned to waive the full reading; seconded by Councilwoman Balaza. All in Favor. The Clerk read Ordinance 2024-3 by title only. Mayor Guindi opened the floor for public hearing of Ordinance 2024-3 only.

Being no public came forth, Councilman Ciulla motioned to close public hearing of said Ordinance; seconded by Councilman Krenzel. All in Favor.

Adopted 2-26-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>			X			
<i>Councilman Ciulla</i>	X		X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>		X	X			
<i>Council President Oliveira</i>			X			

ALYSSA HAGER, RMC
BOROUGH CLERK

ORDINANCE 2024 –5

**AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF
SOUTH RIVER, SO AS TO AMEND CHAPTER 344, ENTITLED “WRECKERS”**

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

SECTION 1. Chapter 344 of the Borough Code of the Borough of South River, entitled
“Wreckers” is hereby amended so as to amend Section 344-17 entitled “Power to require removal of vehicles” to read
entirely as follows:

§344-17 Power to require removal of vehicles.

Police Department shall have the power to require wreckers to remove vehicles where:

- A. There is obstruction of a public right-of-way or private property.
- B. A vehicle has been vandalized or presents a fire or safety hazard or an attractive nuisance.
- C. An abandoned vehicle bears no discernible registration or identification data.
- D. An abandoned vehicle is not licensed or operable.
- E. A vehicle is violating any emergency no-parking provisions as set forth in the Borough Code.
- F. Any other condition where permitted or required by law.
- G. Any vehicle parked on public property, State or Municipal, in violation of Chapter 193, Vehicles and Traffic, Section 193-6.

SECTION 2. Chapter 344 of the Borough Code of the Borough of South River, entitled
“Wreckers” is hereby amended so as to amend Section 344-18 entitled “Number of licensed wreckers limited” to read
entirely as follows:

§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 wrecker companies that are licensed to operate within the Borough shall be limited to ten because of the limited area of the Borough.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby
repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Councilman Gurchensky motioned to waive the full reading; seconded by Councilwoman Balazs. All in Favor. The Clerk read Ordinance 2024-5 by title only. Mayor Guindi opened the floor for public hearing of Ordinance 2024-5 only.

Being no public came forth, Councilman Ciulla motioned to close public hearing of said Ordinance; seconded by Council President Oliveira. All in Favor.

Adopted 2-26-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>		X	X			

ALYSSA HAGER, RMC
BOROUGH CLERK

ORDINANCE 2024 –6

AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF SOUTH RIVER, SO AS TO AMEND CHAPTER 22 ENTITLED “BOARDS, COMMISSIONS AND AUTHORITIES”

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

SECTION 1. Chapter 22 of the Borough Code of the Borough of South River, entitled “Boards, Commissions, and Authorities” is hereby amended so as to repeal Article IV entitled “Municipal Alliance Committee for Prevention of Alcoholism and Drug Abuse” and all of its sections in its entirety.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Councilman Gurchensky motioned to waive the full reading; seconded by Councilman Ciulla. All in Favor. The Clerk read Ordinance 2024-6 by title only. Mayor Guindi opened the floor for public hearing of Ordinance 2024-6 only.

Being no public came forth, Councilwoman Balazs motioned to close public hearing of said Ordinance; seconded by Councilman Ciulla. All in Favor.

Adopted 2-26-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>		X	X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>	X		X			

ALYSSA HAGER, RMC
BOROUGH CLERK

ORDINANCE 2024 –7

**AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF
SOUTH RIVER, SO AS TO AMEND CHAPTER 193 ENTITLED “VEHICLES AND
TRAFFIC”**

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

SECTION 1. Chapter 193 of the Borough Code of the Borough of South River, entitled "Vehicles and Traffic," is hereby amended and supplemented so as to amend § 193-6 entitled, “No Parking Any Time,” to read entirely as follows:

- A. No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule I (§ 193-30), attached to and made a part of this chapter.

- B. No person shall park a vehicle at any time upon any land or property owned by the State of New Jersey preserved as open space for conservation and passive recreation, also known as Blue Acres property.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

Councilman Gurchensky motioned to waive the full reading; seconded by Councilwoman Balazs. All in Favor. The Clerk read Ordinance 2024-7 by title only. Mayor Guindi opened the floor for public hearing of Ordinance 2024-7 only.

Richard Byrne, Environmental Commission, the commission is in full support of this ordinance.

Being no public came forth, Councilman Gurchensky motioned to close public hearing of said Ordinance; seconded by Councilman Ciulla. All in Favor.

Adopted 2-26-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>		X	X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>	X		X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

ALYSSA HAGER, RMC
BOROUGH CLERK

ORDINANCE— FIRST READING BY TITLE ONLY

The Borough Clerk read Ordinance 2024-8 by title only.

ORDINANCE 2024-8

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF SOUTH RIVER,
CHAPTER 155 ENTITLED “FEES” BY AMENDING SECTION 155-30. “CHAPTER 30,
WATER”**

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 155-30 “Chapter 30, Water”:

SECTION 1.

February 26, 2024 Council Regular Meeting Minutes- ADOPTED 3/11/24

155-30 Chapter 30, Water.

A. Article 1, Water Use:

1. Payment of bills; discontinuance of service;
 - a. To cover the cost of turning on water service during 7:00 a.m. until 2:00 p.m., Monday through Friday, excluding holidays: \$50.
 - b. After 2:00 p.m. on any given workday or on weekends or holidays: \$125.
 - c. Application fee for opening or changing an account: \$25.
 - d. Final read fee for closing an existing account: \$25.
2. Water rates.
 - a. Effective April 1, 2024, the minimum charge per quarter for all consumers within the Borough of South River shall be as follows:

Meter-Size (inches)	Minimum Charge per Quarter
All meter sizes	\$80.38

b. Quarterly rates.

1. Effective April 1, 2024, the quarterly rates of all water consumed by consumers in all meter size categories shall be as follows:

Amount (cubic feet)	Rate per 1,000 Cubic Feet per Quarter
0 to 1,000	\$80.38
1,001 to 4,000	\$97.84
4,001 to 8,000	\$107.25
8,001 to 12,000	\$118.10
12,001 and up	\$129.87

2. There will be a surcharge of 5% on all water consumption based on water readings taken in the months of July, August and September. Said readings are taken during the normal water reading cycles as established by the Borough of South River Water Utility.

c. Senior citizen discount not to exceed \$10.00 for each quarterly tax bill

d. Tapping fees:

1. Three-fourths inch: \$46.30
2. One inch: \$52.90

3. Tap larger than one inch: the owner's plumbing contractor shall make waterline tap under supervision of Utilities Department personnel upon payment of an inspection fee of \$35

e. Water meter fee:

According to meter size and vendor pricing.

f. Connection fees:

Connection Size (inches)	Connection Fee Charge
¾	\$947.58
1 and 1 1/4	\$2,132.05
1 ½	\$3,600.80
2	\$5,969.75
3	\$13,171.36
4	\$22,647.16
6	\$50,600.77
8	\$88,124.94

B. Fire Service Charges Effective April 1, 2024.

1. Quarterly charges

Meter Size (inches)	Minimum Charge per Quarter
2	\$62.10
3	\$139.40
4	\$245.25
6	\$552.60
8	\$984.25
10	\$1536.80
12	\$2212.15

2. Minimum quarterly charge for each hydrant installed on private property: \$66.15

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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on February 26, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body

to be held on the 11th day of March, 2024, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 2-26-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>		X	X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzle</i>			X			
<i>Council President Oliveira</i>	X		X			

ALYSSA HAGER, RMC
BOROUGH CLERK

The Borough Clerk read Ordinance 2024-9 by title only.

ORDINANCE 2024-9

AN ORDINANCE AMENDING BOROUGH CODE CHAPTER 155 – FEES

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

SECTION 1. Chapter 155 of the Borough Code of the Borough of South River, entitled “Fees” is hereby amended so as to amend Section 155-29 entitled “Chapter 147, Electrical Connections, Article I” to read entirely as follows:

§ 155-11. Chapter 147, Electric Connections, Article I.

The schedule of charges for electrical energy consumption is as follows:

A. Class A: residential consumption.

(1) Service charge: \$8.75.

(2) Charge per kilowatt-hour:

Number of Kilowatt-Hours	Charge (per kilowatt-hour)
All consumption	\$0.1970

B. Class B: general service/nondemand consumption.

- (1) Service charge: \$35.
- (2) Charge per kilowatt-hour:

	Charge
Number of Kilowatt-Hours	(per kilowatt-hours)
All consumption	\$0.2972

C. Class C: retail power/demand consumption.

- (1) Service charge: \$25.
- (2) Demand charge (all kilowatts). The kilowatt demand charge for all kilowatts of monthly demand shall be as follows:
 - (a) June 1 through September 30: \$17.70.
 - (b) October 1 through May 31: \$15.60.
- (3) Kilowatt-hour charge.
 - (a) All consumption: \$0.2100.
- (4) Minimum monthly charge: \$81.30.

D. Class F: street lighting consumption.

- (1) Charge per kilowatt-hour.

	Charge
Number of Kilowatt-Hours	(per kilowatt-hour)
All consumption	\$0.1910

Pole rental: \$4.82 per month.

E. Class G: yardlighting.

- (1) Charges:

Size of Light Bulb	Rental Charge	Monthly Charge
(inwatts)	(per lamp)	(per pole)
90 Watt LED	\$49.40	\$4.82

70 Watt LED

\$38.87

\$4.82

F. Class H: standby emergency service.

- (1) Service charge: \$25
- (2) Demand charge (all kilowatts). The kilowatt demand charge for all kilowatts of monthly demand shall be as follows:
 - (a) June 1 through September 30: \$17.70.
 - (b) October 1 through May 31: \$15.60.
- (3) Kilowatt-hour charge.
 - (a) All consumption: \$0.2000.

G. Class I: commercial demand rate: general purpose at secondary - distribution voltages.

- (1) Service charge: \$20.
- (2) Demand charge (all kilowatts). The kilowatt demand charge for all kilowatts of monthly demand shall be as follows:
 - (a) June 1 through September 30 (after first 15 kilowatt- hours): \$20.66.
 - (b) October 1 through May 31 (after first 15 kilowatt-hours): \$18.22.
- (3) Kilowatt-hour charge.
 - (a) Up to 4,500 KWH: \$0.2970.
 - (b) 4,501 KWH and up: \$0.2360.
- (4) Minimum monthly charge: \$81.30.

H. Class J: public school building operated by the South River Board of Education with demand metering.

- (1) Service charge: \$27.
- (2) Demand charge (all kilowatts). The kilowatt demand charge for all kilowatts of monthly demand shall be as follows:
 - (a) June 1 through September 30: \$5.
 - (b) October 1 through May 31: \$3.30.

(3) Kilowatt-hour charge.

(a) June 1 through September 30: \$0.1930.

(b) October 1 through May 31: \$0.1860.

(4) Minimum monthly charge: \$292.50.

I. Application fee for opening an account: \$25.

J. Final read fee for closing an existing account: \$25.

K. Reconnection fee: \$50.

L. Tenant deposit.

(1) Residential: \$200.

(2) Commercial: \$500.

M. Interest shall be charged on all unpaid account balances at 8% per annum on the first \$1,500 of delinquency and 18% per annum on any amount in excess of \$1,500 from the billing date if the balance is not paid within 30 days of the billing date. For all South River Board of Education accounts, interest shall be charged on all unpaid account balances at 8% per annum on the first \$1,500 of delinquency and 18% per annum on any amount in excess of \$1,500 from the billing date if the balance is not paid within 60 days of the billing date.

N. Annual power cost adjustment (APCA).

(1) Each class of service set forth in this § 155-11 that is billed for electricity on a per-kilowatt-hour basis shall be billed or credited with the annual power cost adjustment factor as provided in § 147-3B.

O. Notwithstanding the kilowatt charge subsections above, the governing body is authorized to provide demand charge relief to certain not-for-profit organizations residing within the Borough of South River. The governing body shall provide said demand charge relief through the adoption of a resolution on an annual basis.

SECTION II. The various parts, sections, clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION III. Any ordinances and parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV. This Ordinance shall take effect on April 1, 2024 after upon final adoption and publication as may be required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on February 26, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 11th day of March, 2024, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 2-26-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>			X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Gurchensky</i>		X	X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>	X		X			

ALYSSA HAGER, RMC
BOROUGH CLERK

The Borough Clerk read Bond Ordinance 2024-10 by title only.

ORDINANCE 2024-10

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE BOROUGH’S WATER TREATMENT, STORAGE AND DISTRIBUTION SYSTEM, APPROPRIATING \$950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF SOUTH RIVER, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as Water Utility 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 \$950,000, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$50,000 as the down payment for said purposes. Said 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. In accordance with N.J.S.A. 40A:2-11c of the Local Bond Law, no down payment is required 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. Additionally, this bond ordinance authorizes a project intended to be funded through the New Jersey Water Bank.

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 \$900,000, 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 various improvements to the Borough's water treatment, storage and distribution system, including, but not limited to, water mains, lead and galvanized pipes, valves and hydrants, 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 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 \$900,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$950,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$950,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$50,000 down payment for said purposes.

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

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

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as Water Utility improvements, 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 twenty (20) 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 \$900,000 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 \$400,000 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.

(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 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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on February 26, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 11th day of March, 2024, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 2-26-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>		X	X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenznel</i>			X			

Council President Oliveira	X		X			
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ALYSSA HAGER, RMC
BOROUGH CLERK

The Borough Clerk read Ordinance 2024-11 by title only.

ORDINANCE 2024 –11

**AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY,
AMENDING THE BOROUGH CODE OF THE BOROUGH OF SOUTH RIVER, SO AS TO CREATE CHAPTER
43, ENTITLED “FILMING PERMITS”**

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

SECTION 1. Chapter 43 of the Borough Code of the Borough of South River is hereby amended so as to create Chapter 43 entitled “FILMING PERMITS” to read entirely as follows:

§43-1. Purpose and Intent

The intent of the Borough in adopting this filming and broadcasting chapter is to facilitate entertainment industry work performed in the Borough while safeguarding the interests of Borough residents and businesses. The chapter delegates responsibility for processing applications and permits within the Department of Administration under the direction and supervision of the Administrator which will be dedicated to responding to the needs and issues pertaining to entertainment industry work.

§43-2. Permits for filming and broadcasting.

- A. Any producer that wishes to perform entertainment industry work, including filming or broadcasting, on public property must first obtain a permit.
- B. Permits are issued under the authority of the Administrator on behalf of the Borough Council.
- C. Permits are issued to the producer.
- D. A permit is required for each location where filming or broadcasting will take place.
- E. All permit applications will be processed on a "first come, first served" basis. If two or more permit applicants request the same date and the same location, the filming or broadcasting application that was received first shall be first eligible for approval.
- F. Duration of permits. Permits shall be valid for a minimum of one day and a maximum of 30 days

calculated from the date of issuance. Longer filming or broadcasting periods require additional permits and payment of the established application and permit fees.

- G. A permit will specify the filming or broadcasting that may occur at a particular location at a particular time. The permit will authorize element(s) to be performed as part of the filming or broadcasting provided that the elements have been approved by the Administrator after consultation with the appropriate Department.
- H. Where the application includes a request to close all or any portion of a Borough street, lane and/or sidewalk, the request shall be evaluated under and the closure must comply with all pertinent sections and subsections of this chapter applicable to the filming or broadcasting at issue.
- I. A producer that receives a permit is responsible for knowing and complying with all other laws, including other ordinances and regulations that establish prerequisites, authorizations and other required permissions applicable to the filming.
- J. Where permitted filming or broadcasting includes advertising signs or other displays of commercial speech, the signs and/or displays must be removed upon the expiration of the permit.
- K. Notwithstanding any other part of this Code, any producer that performs filming or broadcasting without receiving a permit, violates the material terms of a permit, or is otherwise in violation of this entertainment filming and broadcasting ordinance, shall be subject to the provisions of § 43-11.
- L. Notice. Applicants are required to provide written notice to any residents, businesses, and merchants located within a three-block radius of the site. The notice shall state the location and approximate duration, and describe the nature and extent of the filming or broadcasting. The notice shall be provided no later than the date and time contained in the permit. The applicant shall provide the Administrator proof that notice was provided within 24 hours of the notice date and time.
- M. Hold harmless/indemnification. Applicants must agree in writing to hold harmless and indemnify the Borough and its officials, employees, and agents for any and all claims, liabilities, judgments, and damages, including reasonable attorneys' fees and costs of suit, resulting from death, bodily injury, or property damage arising out of or in any way connected with their filming or broadcasting activities.
- N. Additional police protection. If the South River Chief of Police determines that additional police protection/manpower is necessary to maintain peace and good order and control traffic and spectators at the site of a filming event, the cost thereof determined by the Chief of Police shall be paid by the applicant in accordance with § 155-3.2, Chapter 72, Department of Public Safety, Article III- Off-duty police officer compensation of Chapter 155 of the Code. The applicant may be required to execute an agreement with the Borough setting forth the terms and conditions of the arrangement.
- O. While it is the intent of the Borough to honor each permit, the issuance of such permit shall not grant the producer a constitutionally protected property interest.

§43-3. Exemption from filming or broadcasting permit requirement.

- A. The following types of filming and broadcasting are exempt from the permitting requirement of § 43-2 above. This provision does not exempt a producer from complying with other applicable code provisions, laws, ordinances or regulations that require elements or other activities included in the filming or

broadcasting to be permitted or approved by the appropriate governmental entity.

(1) First Amendment activity.

- (a) Filming or broadcasting associated with any permitted or unpermitted parade, rally, protest or demonstration, except when the same is staged for the sole purpose of being included in the filming's final product.
- (b) Filming or broadcasting associated with any permitted or unpermitted parade, rally, protest or demonstration, except when using vehicles or equipment.
- (c) Filming or broadcasting associated with an outdoor event that is authorized by a Borough-issued outdoor special event permit, as defined in this chapter, except when the same is staged for the sole purpose of being included in the film's or broadcast's final product.

(2) Other than First Amendment activity.

- (a) Coverage of news or matters of public importance by print, broadcast, or electronic media.
- (b) Filming of limited duration intended primarily for personal, documentary, or promotional purposes that does not involve a movie studio or production company.
- (c) Filming or broadcasting occurring on public property involving the use of handheld devices.
 - 1. For the purposes of this section, handheld devices shall mean Film, still or television cameras, video cameras or other equipment which are held in the photographer's or filmmaker's hand and carried at all times with the photographer or filmmaker during the course of filming. Handheld devices shall not include cables or any other item or equipment not carried by the photographer or filmmaker at all times during the course of photography, filming or transmission.
 - 2. If such activity does not involve the assertion by any means of exclusive use of all or any section of the public property
 - 3. For purposes of this subsection, standing on public property while using a handheld device and not otherwise asserting exclusive use by any means is not activity that requires a permit.

§43-4. Filming and broadcasting elements.

- A. An applicant shall indicate on the application each of the elements listed below that will be included in the filming or broadcasting. The final decision of whether to allow the element shall be made by the Administrator after consultation with the Borough department head. Prior to denying permission to perform an element, the Administrator and a representative from the department shall consult with the producer in an attempt to find alternative ways to accommodate the producer's filming needs.
- B. This section applies to the activities listed below only when they occur on public property. Where the element requires approval from an additional governmental jurisdiction, the producer must obtain that

approval as well. The elements are as follows:

- (1) Nighttime filming or broadcasting with the use of outdoor lighting where a residence exists within 150 feet from the location of an outdoor light;
- (2) Filming or broadcasting in buildings that are owned by the Borough or leased to a third party by the Borough, or in buildings of which the Borough is a lessee;
- (3) Use of public property that is owned, leased or maintained to or by the Borough;
- (4) Use of a temporary structure that requires permitting by any local, county, state or federal agency;
- (5) Closure of all or any section of a street, lane and/or sidewalk;
- (6) Use of pyrotechnics or other explosives;
- (7) Use of smoke effects, water effects, or flame effects;
- (8) Display of real or artificial fire arms, grenades, or other weapons that would cause the public to fear violence;
- (9) Vehicle chases and/or vehicle crashes;
- (10) Dangerous stunts that have a reasonable likelihood of causing substantial personal injury;
- (11) Use of large or any other equipment that has a reasonable likelihood of causing damage to public property;
- (12) Filming or broadcasting in a Borough park or from a Borough beach or boardwalk; and
- (13) Use of wild animals controlled under federal, state, or county law and/or ordinances.

§43-5. Processing of Permit Applications.

- A. A producer that wishes to perform filming or broadcasting must submit to the Administrator a completed application and the application fee set forth in § 43-10 below. Where the producer is an organization, corporation or other entity, the application must be signed and submitted by an individual authorized to bind the producer.
- B. The application shall include, but not be limited to, the following:
 - (1) The filming or broadcasting project name;
 - (2) The name and contact information of the applicant, including postal address, email address, and telephone number;

- (3) A valid photo identification of the applicant;
 - (4) The name and contact information of the producer (if the applicant is not the producer);
 - (5) The dates, times and locations of the filming or broadcasting for which a permit is being requested, and a general description of the filming or broadcasting activity that will occur at each location;
 - (6) A description of any elements that may be performed during the filming or broadcasting, including the dates, times and locations of each;
 - (7) A description of any aspects of the filming or broadcasting, other than the elements, that may require Borough services;
 - (8) A description of any assistance the producer may need from the Administrator and Department of Administration, and/or concerns that the producer wants the Administrator and Department of Administration to be aware of; and
 - (9) Where the producer is a student, an official letter or document from her/his school confirming that s/he is currently enrolled there. In addition, the student must appear in person at the Department of Administration and present her/his current student identification card and a valid driver's license. Where the student does not have a driver's license, s/he may present a different form of identification that includes her/his photo.
- C. There is no deadline by which a permit application must be submitted to the Administrator; however, where a permit application includes a request for a street closure, the closure portion of the application will not be approved unless it is received at least 10 business days prior to the closure.

§43-6. Permit denials.

- A. The Administrator may deny an application if the Administrator reasonably determines that one or more of the below-listed conditions exists. Prior to denial, the Administrator shall make reasonable efforts to consult with the producer in an attempt to resolve issues of concern and/or find alternative ways to accommodate the producer's filming or broadcasting needs.
- (1) The filming or broadcasting poses an unreasonable risk of personal injury or property damage to people or property not associated with the filming or broadcasting;
 - (2) The filming or broadcasting poses an unreasonable risk of damage to public property;
 - (3) Filming or broadcasting would unreasonably interfere with the use and enjoyment of adjoining properties;
 - (4) Filming or broadcasting would unreasonably impede the free flow of vehicular or pedestrian traffic;
 - (5) The location sought is not suitable because the proposed use cannot reasonably be accommodated in the proposed location;
 - (6) The applicant is unlikely to comply with the material terms of the requested permit;
 - (7) Filming or broadcasting would endanger the public's health, safety, or welfare, or otherwise create

- a public nuisance;
- (8) Filming or broadcasting would negatively affect residents' quality of life;
 - (9) Filming or broadcasting would negatively impact local businesses;
 - (10) Filming or broadcasting would unduly strain Borough resources;
 - (11) Noncompliance with the provisions of this chapter;
 - (12) Other municipalities' experience with the applicant's activities;
 - (13) The cast or crew's prior criminality;
 - (14) The date and time requested for a particular location conflicts with previously issued permits or permissions for filming, broadcasting, outdoor events, or other activities;
 - (15) Use of the location, or use of the location during the date or time requested, would unreasonably interfere with the operation of Borough functions;
 - (16) Use of the location or the proposed activity at the location would violate a law, ordinance, statute or regulation, regardless of whether the illegal activity is part of the message or content of the filming. A permit shall not be denied based upon simulation of an illegal activity where the actual illegal activity is not being performed;
 - (17) The producer owes an outstanding debt to the Borough;
 - (18) The producer previously caused significant damage to public property and, at the time of submitting the application under consideration, failed to adequately repair the damage or pay in full the Borough's invoice for damage repair and restoration of services;
 - (19) The producer previously violated this chapter, including without limitation by violating a material condition and/or restriction of a permit;
 - (20) The applicant made a material misrepresentation or gave incorrect material information on the application.
- B. Where the Administrator reasonably determines that one or more of the conditions set forth above exists and that the application should therefore be denied, the Administrator shall issue a written communication to the applicant that includes an explanation for the denial.
- C. In the event that permission to perform an element is denied, the Administrator will process the remainder of the application and grant all other aspects of the filming or broadcasting for which the requirements have been met.
- D. In no event shall the Administrator's or any Borough employee's evaluation of whether to grant or deny the application, including any of the elements, include consideration of: a) the race, color, creed, religion, gender, age, disability, domestic relationship status, parental status, familial status, sexual orientation,

national origin, gender identity, political affiliation or associational relationships of the applicant, producer or any person associated with the filming; or b) the message or content of the filming.

§43-7. Appeal.

- A. Grounds for appeal. An aggrieved applicant may appeal the denial of a permit, or the imposition of any conditions imposed thereon, in accordance with the procedures set forth below.
- B. Time for appeal. The appeal must be submitted in writing to the Administrator no later than seven business days following the decision denying or conditionally approving the permit.
- C. Appeal panel. The appeal will be reviewed by the South River Borough Council. The appeal will be adjudicated based on the written submission of the applicant.
- D. Standard of review.
 - (1) The denial of a permit, or the imposition of any conditions thereon, may be overturned only upon a showing by clear and convincing evidence that the filming or broadcasting will not produce any of the negative effects upon which the original denial was based.
 - (2) The denial of a permit pursuant to § 43-5 may be overturned only upon a showing by clear and convincing evidence that the filming or broadcasting:
 - (a) Will not result in the negative effects identified in §43-5;
 - (b) Will be completed in less than three days;
 - (c) Will take place largely in the interior of a residential dwelling;
 - (d) Will not violate any applicable Borough zoning ordinance;
 - (e) Will comply with all other provisions of this section.
- E. Decision on appeal. The South River Borough Council shall issue a written decision affirming, reversing, or modifying the original determination no later than 30 days following the filing of the appeal.

§43-8. Responsibilities of producer once permit is obtained.

- A. A producer or producer's designee must have the permit on site at the time and location of the filming or broadcasting, and must also have on site any other permits required for that location by the Borough or any other governmental agency.
- B. A producer must confine filming to the locations, times, guidelines and conditions specified in the permit and must abide by all other material terms of the permit.
- C. Permits are not transferable.

- D. A producer must clean and repair the filming location, and restore it to the condition it was in immediately prior to the filming, unless otherwise agreed upon in writing by the Administrator and the producer. The Administrator will inspect the filming location after the filming is completed to ascertain whether this requirement has been met. Where a producer fails to fulfill this requirement, the Administrator will bill the producer for the cleaning, repair and/or restoration costs borne by the Borough, and the producer must pay the invoice in full within 30 days of receipt.
- E. A producer shall remove all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit.
- F. Permits shall require the producer to notify the Administrator immediately upon learning of any emergency event regarding or arising from the filming or broadcasting that involves the media, the police or fire departments or emergency medical services.
- G. Vehicle parking. Only vehicles with permits issued by the South River Police Department will be allowed to park in areas designated for the rigging or shooting activity at the time(s) and location(s) described in the applicable permit.
- H. Dolly track or other equipment. No dolly track or other equipment may be laid across a street or block a fire lane without prior approval of the Administrator and the South River Police Department.
- I. Pyrotechnics. The use of pyrotechnics, fire effects and explosions, including simulated smoke and smoke effects, shall be conducted only upon authorization by the New Jersey Division of Fire Safety or other approval agencies and subsequent approval shall be obtained from the Administrator prior to shooting.
- J. Animals. The use of wild animals shall be used only upon authorization by the appropriate New Jersey department or agency, and subsequent approval shall be obtained from the Administrator prior to shooting.
- K. Potentially dangerous activities. Conduct or activities associated with rigging or shooting permits which are determined by the Administrator to cause a potential danger to persons or property will be referred by the Administrator for approval by the South River Police Department or other governmental agency having jurisdiction over such activity. Such activities shall include, but not be limited to, the use of stunts, helicopters, firearms or simulated firearms.
- L. Trees and plantings. Trimming, damaging, removing or cutting trees or vegetation on public property is prohibited without the prior approval of the Administrator.
- M. Street structures. No street signs, lights, postal boxes, parking meters or any other permanent street structure may be removed or altered without the prior approval of the Administrator and/or local, state or federal agencies charged with maintaining such structures.
- N. Production location access. If determined by the Administrator to be appropriate, permittees shall submit a mitigation plan for minimizing the potential inconvenience to residents and/or businesses caused by rigging or shooting activities.
- O. A producer is responsible for:
 - (1) Knowing and complying with all Borough ordinances and other laws applicable to the filming or broadcasting and to the other activities arising from the producer's permit; and
 - (2) Requiring and using commercially reasonable efforts to enforce the requirement that any person

working for or at the direction of the producer (including without limitation contractors) complies with all Borough ordinances and other laws applicable to the filming or broadcasting and to the other activities arising from the permit.

- P. The requirements above shall include without limitation that the producer is responsible for obtaining any and all permissions, licenses or other required authorizations for use of intellectual property, including intellectual property which is on public property but is not owned by the Borough.
- Q. Notwithstanding issuance of permit pursuant to this article, a producer is prohibited from acting or claiming to act as a representative or agent of the Borough or Administrator, and from indicating Borough endorsement of the filming or broadcasting, except as otherwise agreed to in writing by the Administrator. This provision shall not prohibit the producer's use of the Borough logo in the filming credits.
- R. The Administrator shall require that notification be given to residents and businesses within a three-block radius of a location for which a permit has been issued. The Administrator may provide the notification, may require the producer to provide the notification, or may utilize a different mechanism for providing notification. The notification must state that a filming or broadcasting permit has been issued, and must include the date(s), time(s), location(s) and activities that are authorized by the permit. The Administrator shall determine the most effective means and timing of notification based upon factors such as the type of impact that the filming or broadcasting will have on the neighborhood, the time between receipt of the application and commencement of the filming or broadcasting, the producer's budget and previous communications from a neighborhood regarding notification preferences.

§43-9. Other Permit Requirements.

After a permit has been approved by the Administrator, it will be issued once the following have occurred:

- A. The producer signs an indemnification provision on the permit whereby the producer agrees to indemnify the Borough and its officials and employees from all claims, losses and expenses, including attorneys' fees and costs, that may arise from the permit and any of the activities performed pursuant to the permit by, on behalf of, or at the direction of the producer, except to the extent that that claims, losses and/or expenses are caused by the negligence or intentional misconduct of the Borough, its officials and/or employees.
- B. The producer signs a provision agreeing to comply with all applicable environmental laws, including an agreement not to allow legally prohibited contaminants from entering the sewage and stormwater drainage systems serving the area where the filming or broadcasting will occur. The producer must sign a separate indemnification clause, such as the one described in Subsection A immediately above, that pertains specifically to environmental breaches and includes without limitation the fines and cleanup costs associated therewith;
- C. The producer obtains insurance coverage in an amount determined by the Borough's risk manager, covers the Borough as an additional insured on the policy, and provides proof of the coverage in a manner established by the Borough's risk manager;
- D. The producer pays the permit fee and any other applicable fees set forth in § 43-10 below

§43-10. Other Permit Requirements.

- A. The Borough shall collect all applicable fees arising pursuant to this chapter. These fees are set forth below, and in other sections of the Code pertaining to the cost of services or goods provided by other Borough departments.
1. Nonrefundable application fee. A filming or broadcasting permit application must be accompanied by a nonrefundable application fee in the amount set forth below. An application shall not be deemed complete until the application fee is received by the Borough Clerk.
 - i. Except for students: \$300.
 - ii. For students: \$25.
 2. Filming or broadcasting permit fee. A permit authorizes all filming or broadcasting for a particular project during a calendar month, regardless of the number of filming or broadcasting locations. A permit is valid through the last day of the calendar month and may be renewed for additional calendar months.
 3. Standard permit fee. The following fees apply when the completed permit application is submitted to the Administrator more than three business days prior to the effective date of the permit:
 - i. For original filming or broadcasting permit, except for students: \$300.
 - ii. For each renewal permit, except for students: \$300.
 - iii. For students, valid for length of filming project: \$25. Monthly renewals not required.
 4. Rush permit fee. Where a completed filming or broadcasting permit application is submitted to the Administrator three or fewer business days prior to the intended effective date of the permit, the producer must pay the standard permit fee plus the rush fee set forth below in this subsection. Additionally, where a producer submits an application more than three business days prior to the intended effective date of the permit, the producer voluntarily may pay the standard permit fee plus the rush fee in order to have the application processed within three or fewer business days.
 - (a) Except for students: \$300.
 - (b) For students: \$25.
 5. Cancellation fee. Except as set forth in § 43-10A(6) below, a filming or broadcasting permit fee is nonrefundable.
 6. A filming or broadcasting permit fee is refundable if cancellation is required because of extraordinary circumstances for which the producer is not responsible and which are not within the producer's control. Inclement weather, except for declared states of emergency, and common illness shall not be deemed extraordinary circumstances.
- B. Street closures permits — minimum notice. A full street closure will not be permitted unless the application or change request is submitted at least five business days prior to the closure.

C. Rush fees may not be utilized for full street closure requests.

§43-11 Violations and Penalties.

Any person who violates any provisions of this article shall, upon conviction, be punished as provided in Chapter 1, Article I, General Penalty. Each violation of any of the provisions of this article and each day that such violation continues shall be deemed and taken as a separate and distinct offense.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on February 26, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 11th day of March, 2024, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 2-26-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>		X	X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>	X		X			

ALYSSA HAGER, RMC
BOROUGH CLERK

The Borough Clerk read Ordinance 2024-12 by title only.

ORDINANCE 2024 –12

**AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF
SOUTH RIVER, SO AS TO AMEND CHAPTER 155, ENTITLED “FEES”**

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

SECTION 1. Chapter 155 of the Borough Code of the Borough of South River, entitled "Fees" is hereby amended so as to add Section 155-1.1 entitled "Ch. 43, Filming Permits" to read entirely as follows:

§155-1.1 Chapter 43, Filming Permits.

1. Nonrefundable application fee.
 - i. Except for students: \$300.
 - ii. For students: \$25.
2. Standard permit fee:
 - i. For original filming or broadcasting permit, except for students: \$300.
 - ii. For each renewal permit, except for students: \$300.
 - iii. For students, valid for length of filming project: \$25. Monthly renewals not required.
3. Rush permit fee.
 - (c) Except for students: \$300.
 - (d) For students: \$25.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on February 26, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 11th day of March, 2024, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council

Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 2-26-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>			X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Gurchensky</i>		X	X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>	X		X			

ALYSSA HAGER, RMC
BOROUGH CLERK

DEPARTMENTAL/PROFESSIONAL REPORTS

Borough Engineer Bruce Koch

- **NJDOT FY 2023 Local Aid Program**
 - The borough received a \$681,405.00 grant Leonardine Ave. from the OBT to Grand Ave., Prentice Ave., from Willet Ave. to Sheldon Ave., & Beryl St. from Cleveland Ave., to Wilcox. We are working on the project design.
- **NJDOT FY 2023 Local Transportation Projects Grant**
 - We applied for Albourne Street from Ferris Street to Seppi Avenue, Franklin Street from Wilson Avenue to Pulawski Avenue and Olchaskey Avenue from Kamm Avenue to Prentice Avenue.
- **NJDOT FY 2024 Local Aid Program**
 - The NJDOT has awarded the Borough a grant in the amount of \$606,980.00 for the Improvements to Darrow Street from Virginia Street to Bright Street, Dailey Street from Ferris Street to John Street and John Street from Colfax Street to George Street. We are working on the project design.
- **NJDOT FY 2024 Local Transportation Projects Grant**
 - According to the NJDOT SAGE site, applications are being accepted for the above program. Applications must be submitted by June 30, 2024.
- **2023 Electrical Substation Maintenance**
 - The contractor is working on the testing of the batteries and various relays.
- **NJDEP Stormwater Assistance Grant Application**
 - Our survey department is working on this year's portion of the project.

Chief Financial Officer Joseph Zanga

- Speaks on resolutions 2024-116 and 2024-120.

DPW Director Adriano Soares

- No report

Councilman Krenzel speaks on potholes.

Fire Department Chief Craig Miller

- 60 alarms for the year.
- 5 out of the 6 trucks are in service.

Borough Clerk Alyssa Hager

- No report

Borough Attorney Andrea Wyatt

- No report

Borough Administrator Londensky

- Pumping Station delay.
- Speaks on Resolution 2024-117.
- Explains the operation of the Water Treatment Plant and speaks on a notice that residents will receive with their next water bill regarding the drinking water.

COUNCIL LIAISON REPORTS

Councilman Krenzel

- No report

Councilman Gurchensky

- There was an OOA meeting today.
- AARP services are being offered in East Brunswick, Old Bridge, and Sayreville.

Council President Oliveira

- Winter sports will be ending soon.
- Spring sports registration will be opening up.
- Waiting on the Board of Education for Summer Recreation.
- The budget will be introduced on 3/11 and adopted on 4/22. There will be two public sessions on 3/23 and 4/20.

Councilman Ciulla

- The EDC met on 2/21. There was discussion on signage and parking.
- The next EDC meeting will be on 3/20.

Councilman Dziemian

- No report

Councilwoman Balazs

- There will be a free rabies clinic on 3/16 in the DPW lot.
- The Library has many events that can be found on their website.
- Cars were not removed during the recent snowstorm.

Mayor Guindi

- No report

PUBLIC COMMENT

Mayor Guindi opened the floor for Public Comment.

Jim Hutchison, 38 Virginia Street, Mr. Hutchison gives a recommendation regarding second reading ordinances and also speaks on the ongoing water issue on Cleveland.

Richard Byrne, 11 Bissett Place, Mr. Byrne seconds the comment made by Mr. Hutchison. Mr. Byrne speaks on the presentation by Mr. Gonda. Mr. Byrne also speaks on raising water rates and decreasing electric rates.

Tabitha Forgue, 84 Ferris Street, Ms. Forgue speaks on her tenants concerns for their increase in their electric bills on Whitehead Avenue. Ms. Forgue speaks on the potholes and fixing the fire hydrant on Cleveland. BA Londensky advises Ms. Forgue's tenants to come in and speak with the Tax Collector. Councilman Gurchensky comments on the fire hydrant.

Madelina Rivera, 8 Northside Avenue, Ms. Rivera commends the dispatchers on their professionalism. Ms. Rivera also speaks on the dismissal from the Police Department regarding Ordinance violations.

Being that no one else came forward for public comment, Mayor Guindi requested motion to close. Councilman Ciulla motioned to close; seconded by Councilwoman Balazs. All in Favor.

MAYORAL APPOINTMENTS

- Environmental/Shade Tree Commission Advisory Board – Richard Byrne, Chair

CONSENT RESOLUTIONS 2024-110 TO 2024-121

WHEREAS RESOLUTION 2024-01 AUTHORIZES THE BOROUGH COUNCIL TO UTILIZE A CONSENT AGENDA TO ADOPT VARIOUS RESOLUTIONS OF A ROUTINE AND NONCONTROVERSIAL NATURE AT ONE TIME. NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED THAT THE BELOW LISTED RESOLUTIONS ARE HEREBY ADOPTED BY THE BOROUGH COUNCIL IN WHOLE AS IF THE SAME WERE INDIVIDUALLY ACTED UPON.

The Borough Clerk read the resolution titles on the consent agenda.

RESOLUTION 2024-110 RESOLUTION AWARDING A CONTRACT TO CME ASSOCIATES FOR PROFESSIONAL SERVICES RELATED TO SUBMISSION OF NJDEP STORMWATER DISCHARGE PERMIT

BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River, in the County of Middlesex and State of New Jersey that CME Associates is authorized to perform professional engineering services related to submission of the NJDEP Stormwater Discharge Report, as outlined in the Borough Engineer's letter dated February 15, 2024, at a cost not to exceed \$3,3334.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Borough has certified the availability of funds in account 4-01-20-165-205.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			

Council President Oliveira			X			
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I do hereby certify that the foregoing is a true and exact copy of authorization to approve the foregoing resolution adopted by the Mayor and Borough Council of South River on February 26, 2024

Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-111

RESOLUTION AUTHORIZING PERMISSION TO THE SOUTH RIVER HIGH SCHOOL BOOSTER CLUB TO CONDUCT A VOLUNTARY CANNING FUNDRAISER

WHEREAS, the South River High School Booster Club has requested permission to conduct a voluntary Canning fundraiser to support athletes at the intersections of Prospect Street and Old Bridge Turnpike on Saturday, March 23rd, 2024, and Saturday March 30th, 2024, with a rain date of Sunday March 24th, 2024 and Saturday April 6th, 2024, from 9:30 am to 2 pm; and

NOW, THEREFORE, BE IT AND IS HEREBY RESOLVED, by the Mayor and Borough Council of the Borough of South River that the South River High School Booster Club has permission to conduct a voluntary Canning fundraiser at the intersections of Prospect Street and Old Bridge Turnpike on Saturday, March 23rd, 2024, and Saturday March 30th, 2024, with a rain date of Sunday March 24th, 2024 and Saturday April 6th, 2024 from 9:30 am to 2 pm subject to the following:

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

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Balazs	X		X			
Councilman Ciulla			X			
Councilman Dziemian		X	X			
Councilman Gurchensky			X			
Councilman Krenzel			X			
Council President Oliveira			X			

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Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-112
RESOLUTION AUTHORIZING A PROPERTY TAX REFUND

WHEREAS, the following property listed below applied for tax exempt status under the provisions for a total disabled veteran status in accordance with N.J.S.A. 54:4-3.30et seq; and

WHEREAS, the Tax Assessor reviewed and approved the application for the remainder of the 2023 tax year and the 2024 tax year for Jarrid Isaac-Wright; and

WHEREAS, the Tax Collector is recommending a refund for taxes for the 1st quarter of 2024.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of South River, County of Middlesex, State of New Jersey that the Tax Collector refund taxes for the first quarter of 2024 in accordance with the following schedule:

<u>Block</u>	<u>Lot</u>	<u>Property Location</u>	<u>Amount</u>
355	1.09	Jarrid Isaac- Wright 20 Congress Lane South River, NJ 08882	\$2991.04 – Refund (errant payment by Corelogic)

Pay to: Corelogic Centralized Refunds
PO Box 9202
Coppell, TX 75019-9760

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve the foregoing resolution adopted by the Mayor and Borough Council of South River on February 26, 2024

Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-113
RESOLUTION AUTHORIZING APPOINTMENT OF JONATHAN HARRIS AS LABORER A FOR THE BOROUGH OF SOUTH RIVER SANITATION DEPARTMENT

WHEREAS, the South River Director of Public Works, Adriano Soares, recommends Jonathan Harris for the position of Laborer A within the Sanitation Department with a starting salary of \$19.36 per hour pursuant to the Local 255 United Service Workers Union Contract; and

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WHEREAS, the Borough of South River Mayor and Council desire to approve said recommendation of appointment for Jonathan Harris.

NOW, THEREFORE, BE IT RESOLVED, the Borough of South River Mayor and Council, do hereby authorize the appointment of Jonathan Harris for the position of Laborer A within the Borough of South River Sanitation Department with a starting salary of \$19.36 per hour pursuant to the Local 255 United Service Workers Union Contract on or about February 27, 2024.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzlel</i>			X			
<i>Council President Oliveira</i>			X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve the foregoing resolution adopted by the Mayor and Borough Council of South River on February 26, 2024

Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-114

PROPERTY TAX REFUND

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

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

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

Block	Lot	Reason	Name& Address	Property Location	Amount
122	34	1 st qtr payment 2024 (Dis Vet)	Ronald & Maureen Szymanski 23 Wilcox Ave South River NJ 08882	23 Wilcox Ave	\$2000.17
363.12	32	1 st qtr payment 2024 (Dis Vet)	Jermaine Williams Pay to :	2 Rotunda Lane	\$3177.09

Corelogic Centralized Refunds
PO Box 9202
Coppell TX 75019-9760

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve the foregoing resolution adopted by the Mayor and Borough Council of South River on February 26, 2024

Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-115
RESOLUTION AUTHORIZING CERTAIN UTILITY REFUNDS

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

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

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

<u>ACCOUNT #</u>	<u>PAYABLE TO:</u>	<u>AMOUNT OF CHECK</u>
65-999-008-849 CD	JULIANA ASANTE T/A JJARA BEAUTY PARLOR LLC 60 FERRY ST STORE SOUTH RIVER, NJ 08882	\$227.80
65-999-006-888 CD 65-999-006-888 ELEC CURRENT	VITOR COSTA 42 WILCOX AVE SOUTH RIVER, NJ 08882	\$167.49 \$3.31
65-999-005-025 CD 65-999-005-025 ELEC CURRENT	OZILENE LUCAS CURTY 4 HOLMES AVE APT B SOUTH RIVER, NJ 08882	\$79.67 \$65.00
65-999-008-651 CD	ANATOLIY FBYANCHUK	\$132.69

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	118 C JOHNSON PL SOUTH RIVER, NJ 08882	
65-999-008-625 CD	ROMAN HRABOVSKI 110 B JOHNSON PL SOUTH RIVER, NJ 08882	\$149.45
65-999-937-135 ELEC PREVIOUS	MARC LANGE 43 NORTHSIDE AVE SOUTH RIVER, NJ 08882	\$209.00
66-999-003-569 WATER PREVIOUS	RENATO & YASMIN MATOS MARINALVA MATOS 3 MILLER ST BACK SOUTH RIVER, NJ 08882	\$97.38
65-999-004-580 CD	LINDA SOLECKI 1717 E 18 TH ST APT 4 F BROOKLYN, NY 11229	\$119.98
65-999-004-345 CD	VOJISLAVKA STANKOVIC 16 ALLGAIR ST FLR 1 SOUTH RIVER, NJ 08882	\$94.43
66-999-003-299 WATER PREVIOUS	PEDRO LOPEZ & MEYLIN M VASQUEZ 23 YATES AVE SOUTH RIVER, NJ 08882	\$114.08
65-999-006-816 CD	MHAMAD YASSINE TRACY BECHARA 26 OAKWOOD TRL S MONROE, NY 10950	\$85.36
65-999-007-275 ELEC CURRENT	WHITEHEAD GARDEN LLC 175 OBERLIN AVE N STE 1 LAKEWOOD, NJ 08701	\$56.94

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve the foregoing resolution adopted by the Mayor and Borough Council of South River on February 26, 2024

Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-116

RESOLUTION APPROVING A GRANT APPLICATION WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR DAILEY FIELD REPAIRS

WHEREAS, the Borough of South River desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$75,000.00 to carry out a project to renovate Dailey Field, to include fencing, a netting system and a camera system.

BE IT THEREFORE RESOLVED,

1. That the Borough of South River does hereby authorize the application for such a grant; and,
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs , does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of South River and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Mayor and Chief Financial Officer are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve the foregoing resolution adopted by the Mayor and Borough Council of South River on February 26, 2024

Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-117

RESOLUTION AUTHORIZING CONTRACT AWARD FOR THE WATER TREATMENT PLANT CHEMICAL MODIFICATION TO VNL INCORPORATED IN THE AMOUNT OF \$509,000.00

WHEREAS, the governing body of the Borough of South River in the County of Middlesex, State of New

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Jersey, had previously authorized and directed the Borough Clerk to advertise for receipt of sealed bids for the Water Treatment Plant Chemical Modification Project in accordance with specifications approved and filed in the Office of the Borough Clerk; and

WHEREAS, said bids were received on February 15, 2024, and opened and read aloud in public and an examination thereof shows that VNL Incorporated was the apparent low bidder thereon with a bid of \$509,000.00; and

WHEREAS, the Borough Attorney has noted that the bid of the apparent low bidder contained no material departures from the bidding documents; and

WHEREAS, the Chief Financial Officer of the Borough has certified the availability of funds in accounts W-07-19-010-101 and W-07-22-019-101.

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 the appropriate officials are authorized to sign a contract with VNL Incorporated when all required bid documents are received.

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.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve the foregoing resolution adopted by the Mayor and Borough Council of South River on February 26, 2024

Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-118
RESOLUTION ACCEPTING THE BOROUGH OF SOUTH RIVER COUNCIL MEETING MINUTES

BE IT RESOLVED by the Mayor and Council of the Borough of South River that the February 12, 2024 Regular and Executive Session Meeting Minutes are approved.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			

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<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve the foregoing resolution adopted by the Mayor and Borough Council of South River on February 26, 2024

Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-119
RESOLUTION APPROVING THE BILLS AND CLAIMS LIST

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, in the total amount of \$962,873.83 and previously paid claims in the amount of \$682,739.43 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.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Oliveira</i>			X			
<i>Council President Oliveira</i>			X			

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Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-120
RESOLUTION APPROVING SUBMISSION OF A GRANT APPLICATION TO THE NJDEP GREEN ACRES PROGRAM FOR THE CONSTRUCTION OF A COMPLETELY INCLUSIVE PLAYGROUND AT GREKOSKI PARK

***(REVISED TO INCLUDE RENOVATIONS FOR FAMILY/ASSISTED USE RESTROOM,
UPON REVIEW AND RECOMMENDATION FROM NJDEP GREEN ACRES)***

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides grants and/or loans to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of South River desires to further the public interest by obtaining funding in the amount of \$554,250.00, in the form of a \$554,250.00 matching grant and, if available, a \$0 loan, from the State to fund the following project(s): Completely Inclusive Playground at Grekoski Park, at a cost of \$739,000.00;

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations, and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, the governing body/board resolves that:

1. Mayor Guindi or the successor to the office of the Borough of South River is hereby authorized to:
 - a. make application for such a loan and/or such a grant,
 - b. provide additional application information and furnish such documents as may be required, and
 - c. act as the authorized correspondent of the above-named applicant;
2. The applicant agrees to provide its matching share to the Green Acres funding request, if a match is required, in the amount of \$184,750.00;
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

I do hereby certify that the foregoing is a true and exact copy of authorization to approve the foregoing resolution adopted by the Mayor and Borough Council of South River on February 26, 2024

Alyssa Hager, RMC
Municipal Clerk
Borough of South River

RESOLUTION 2024-121

RESOLUTION AUTHORIZING SUBMISSION OF THE 2024 HCD COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSAL TO THE MIDDLESEX COUNTY PUBLIC HOUSING AGENCY

WHEREAS, the Citizens Advisory Committee on Housing and Community Development met on February 12, 2024, and has recommended that the Borough's 2024 funding allocation from the Housing and Community Development Block Grant, approximately in the amount of \$81,841.00, be made as follows:

- To utilize \$50,000.00 for public safety to improve visibility at 4-way intersections.
- To utilize \$31,841.00 for public safety Improvements at Grekoski Park.

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- If either of the projects are determined to be ineligible, those funds will be utilized for Road Improvements in target area and near parks and curbcuts.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of South River that the Borough Engineer and other appropriate officials prepare and submit the aforesaid project proposals to the Middlesex County Public Housing Agency.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

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Alyssa Hager, RMC
Municipal Clerk
Borough of South River

**Councilman Ciulla abstained from voting on purchase orders 23-02053 and 23-03451.

GOVERNING BODY COMMENTS (For the Good and Welfare of the Borough)

Councilman Ciulla

- Nice weather is coming. Be mindful with children on bicycles.
- There will be a paper shredding event at the Funeral Home on Whitehead Avenue on 4/27 from 12:30-3.
- Speaks on Solicitors. Go to 48 Washington Street to receive a No Knock decal.

Councilwoman Balazs

- Nice weather is coming.
- Be careful parking by the school.

Councilman Gurchensky

- Thank you to all public safety officers.
- Speaks on Ordinance 2024-3.

Councilman Dziemian

- Speaks on the retirement of Evalina Erbe.
- Vision Zero.

Councilman Krenzel

- Attended two wakes for two South River residents.
- Speaks on the retirement party for Evalina Erbe. Please visit the library.
- Thanks Brian Timm and all who serve in South River.
- Speaks on Vision Zero.
- Daylight Savings Time is 3/10.

Council President Oliveira

- Thanks the council for adopting Ordinance 2024-5 and 2024-7.
- Thanks DPW for their work during the recent storm.

Mayor Guindi

- Speaks on truck parking.
- Speaks on snow removal. If a car does not move, they will be towed and ticketed.
- Congrats on the retirement of Evalina Erbe.
- Thank you to Brian Timm and his heroic efforts.
- Speaks on the ongoing water issue
- Speaks on watermain breaks.

EXECUTIVE SESSION**RESOLUTION 2024-122****RESOLUTION OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AUTHORIZING THE ENTRANCE INTO EXECUTIVE SESSION**

WHEREAS, Section 8 of Chapter 231, Public Law 1975 permits the exclusion of the general public from a meeting of the Governing Body under certain circumstances; and

WHEREAS, the Mayor and Council of the Borough of South River are of the opinion such circumstances presently exist.

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 of the State of New Jersey, that the public be excluded upon the hereinafter specific subject matter and that such subject matter to be so discussed is as follows:

- Potential Litigation

BE IT FURTHER RESOLVED that such record of the above discussion will be made public when confidentiality is no longer required.

Adjourn to Executive Session at 8:14 pm

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>	X		X			
<i>Councilman Ciulla</i>		X	X			
<i>Councilman Dziemian</i>			X			
<i>Councilman Gurchenksy</i>			X			
<i>Councilman Krenzel</i>			X			
<i>Council President Oliveira</i>			X			

Reconvene to Public Session at 8:23 pm

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>			X			
<i>Councilman Ciulla</i>			X			
<i>Councilman Dziemian</i>	X		X			
<i>Councilman Gurchensky</i>			X			
<i>Councilman Krenzel</i>		X	X			
<i>Council President Oliveira</i>			X			

*The Borough Council did not take formal action after the Executive Session

ADJOURNMENT

Being no further business; Mayor Guindi requested motion to adjourn. Councilman Ciulla motioned to adjourn; seconded by Councilman Dziemian. All in favor. Meeting adjourned at 8:24 pm.

Respectfully submitted,

Alyssa Hager

Alyssa Hager, RMC
Borough Clerk