

**BOROUGH OF RIVER EDGE
MAYOR AND COUNCIL
WORK SESSION MINUTES
TUESDAY, SEPTEMBER 6, 2016**

PRESENT:

Mayor	Edward J. Mignone
Councilman	Vito Acquafredda
Councilman	Alphonse Bartelloni
Councilwoman	Ellen Busteed
Councilwoman	Kathleen Murphy
Councilwoman	Mary Davis
Councilman	Thomas Papaleo

ALSO PRESENT:

Borough Attorney	Thomas Sarlo
Borough Administrator	Alan Negreann
Borough Clerk	Stephanie Evans

ABSENT:

None

Mayor Mignone called the meeting to order 7:00 PM by reading the Open Public Meetings Act and asking for a roll call.

BOROUGH ADMINISTRATOR'S TOPICS

1. Garbage Collection Bids – Mr. Negreann explained that the Mayor and Council authorized us to go out to bid for a complete solid waste collection service back in May of this year. Recently the Clerk and I received a bid from Sterling Carting, this was the only bid we received. The total amount of the bid for a 5 yr was \$2,203,500.00, this information was distributed to Mayor and Council, along with the Borough Attorney. Tonight, we also sent out to you a comparison between our current contract and the Sterling bid, that document shows on an annual basis anywhere from \$114,000.00 to \$143,000.00 or more for the Sterling contract. The new bid was to provide twice a week service for the entire year as opposed to the part year twice a week service that we currently have. The Sterling bid each year is 37%, 39%, 41%, 44%, and 46% higher than the contract we currently experience. It is his understanding that a representative from Sterling is here tonight to say a few words about the company and he thinks it would be beneficial in terms of having that information as well.

Mr. Richard Trenk, Sterling Carting's Attorney, proceeded to say Sterling Carting is a successor in essence of DiBella Carting, they have been in this business since the 1960's, it's a 3rd generation business, it was started by the Grandfather, Frank in the 1940's. Obviously what you have seen since this isn't your first garbage bid, is that prices are going up, there is no doubt about that and that is because of a number of fixed costs that Ms. DiBella can address. What he can tell you is, and he has represented Sterling Carting for the last 4-5 years, they do a number of contracts, they do Midland Park currently, South Hackensack recycling, and Lodi. They also do a number of towns in New York such as Tuxedo Park, and a host of commercial accounts. What is noteworthy about your existing contract, and he isn't speaking out of school, it's all publicly available, is Galaxy or Smentkowski is having a number of financial issues. Their recycling company has

already filed bankruptcy and it being converted to a Chapter 7, and they are not in operation. As you know no one else bid this contract, in order to bid a solid waste contract in New Jersey you submit a Consent of Surety, which Sterling complied in all respects. Under your existing contract 120 days before October 15, the contractor would have had to put up a renewal bond so you know what you have or don't have. He respectfully submit the reason Smentkowski/Galaxy did not is because of their financial issues. Obviously there is nothing more important in terms of public health and safety than the adequate, efficient, and cost sensitive performance of these responsibilities, Sterling has an unblemished reputation, and he thinks it noteworthy that the municipality has the right to look at it, and he doesn't think there is a representative of your current vendor here, they do not. He has litigated with them in a number of towns on these issues and they have not been successful in the majority of them. The bottom line is Sterling is here and they are willing and able to provide this service, he believes they have complied and he understands there is a price difference and he understands everyone is concerned about the price but service is obviously criteria especially something of this nature, but he will yield to Ms. DiBella who will tell you a little about the company and provide answers to any questions.

Ms. DiBella explained that they were a 3rd generation company, she ran the business with her sister and father, doing the daily operations and any other situations that come on, you know, we are in the office every single day running the business, you guys have an issue you call us and we take care of it. Please feel free to call any of our references and she really recommend that you do, reach out to Lodi, Midland Park. Mr. Trenk stated again he thinks there is an issue now with all due respect, when you put out a bid when you have options on other years obviously no one bid because no one could bid that \$300,000.00 or whatever the number is in that option that Galaxy, Galaxy can't even perform for that number, so again you have options, and he doesn't think any option is towards Galaxy because they don't have a bond up they can't be awarded. If you wanted to rebid because you feel it exceeds by 37% he guesses that is one option, but the concept you have for lack of a better word, you have a qualified vendor here ready, willing, able to perform and he thinks most people know in public that Galaxy/Smentkowski has these issues and submits this town will be well served by strongly considering awarding to Sterling, checking references as you already have or will and considering that part of the decision making process and he appreciated the time. Councilwoman Murphy asked if they only did the South Hackensack recycling, and Ms. DiBella's reply was yes we only do the recycling. Councilwoman Murphy asked the only Bergen County towns you do are Midland Park and Lodi, Ms. DiBella agreed, Councilwoman Murphy asked they didn't do more towns, Ms. DiBella said they do some in New York since they are a New York based company. We put in fair price for bid, we put in what the job should cost and she believes this is why Galaxy is having problems. Mr. Trenk said that is what you are finding, the reason this companies underbid the jobs is they get them and they (inaudible) and you pay the price, you may get a temporary cost savings but you have resident complaints and other issues that go with it. The market is higher, every bid that he is seeing, and he represents a number of partners throughout north Jersey, bids are definitely higher, like Bayonne every year they went out to bid and they did every well for a number of years, but now the bids are going up by basically 30%, that's the numbers you are seeing now. You can call your counterparts and see what they are seeing the market. Councilwoman Murphy asked if they ever did joint bids, Ms. DiBella replied no, and Councilwoman Murphy asked if there was a reason for that, Ms. DiBella misunderstood the question. Mr. Trenk if the bid came out with two towns, the Board of Education did as you know with municipalities many times, they never not bid because it

was a joint bid. Ms. DiBella stated we bid the job to do the job, if that is part of the bid specs we bid it that way. Councilwoman Murphy asked if that would be a reduction in cost if it was a joint bid with another town. Mayor Mignone said its road miles, and pick-ups, those are the fundamentals. The other problem with this in particular is we really don't have a clear comparison. He thought it was the intent of the council was to have a few more alternatives in this bid, such as once a week, twice a week. The Smentkowski bid had the garden refuse in one lump sum so we couldn't break that out either. Had we had once a week option we maybe we would have seen a different comparison in the numbers, but at this point from his perspective as long as they are still an operating company he wouldn't see the need to...Mr. Trent said unless you don't have the bond. He asked if it was noticed that grass was included, which is heavy, they in the current contract included, we broke it out and that is part of why you see the numbers higher on ours. Mayor Mignone said we don't really have a comparison, it isn't an apples to apples comparison. Mr. Trenk said if we chose to do that there is something inherently unfair, if you want to exercise that option you have to exercise it before you go out to bid, you have bidders in good faith come to bid they don't know hypothetically what the low bid is, if they knew you were going to stick with \$300,000.00 if they couldn't go lower Sterling wouldn't bid because they know that's not a fair price. He understands the Mayor's perspective, if you can do well on the money then if God forbid something goes wrong hopefully the surety will help you on. Mayor Mignone stated that we had issues with them over the years and at least with people contacting him he gets less and less complaints, we got more so with the refuse with things not getting picked up or missed streets probably because of the weight and they generally have been responsive. He also stated that at this point he doesn't see a path but going forward and Council can weigh in on what they think later on. Mr. Trenk thanked them for their time.

2. TAP Grant – Streetscape – Design – Mr. Negreann reminded the Mayor and Council that sent them a memorandum on August 22, regarding this DOT grant who is now looking for reassurance from the council that you are committed to the competitive negotiation process as outlined under the Federal Regulations, if you are and in agreement that we should look for an engineering firm for design aspect of this grant through the competitive process then he would go back to the DOT and they would give him direction on how to move the scope of work forward as well as the rest of the process we have to go through. At this time there is no indication that the DOT will have a design program similar to SAGE street grant where you already indicated that we participated in that one. Mayor Mignone asked hasn't Mr. Costa performed some preliminary design work on this phase. Mr. Negreann replied that he has done some preliminary work and we did award a contract to him in 2014 to do some work on this preliminary design. Since that contract was awarded prior to this grant those expenses won't be reimbursable in terms of anything we spent thus far on. Mayor Mignone asked will the design service be reimbursed under the grant or not, usually the inspection services might be but not the design services. Mr. Negreann agreed and said that would require some research and he wasn't sure, but traditionally the Mayor was absolutely right the DOT contract especially from the State usually the inspection side is reimburse not the design. Mayor Mignone asked Mr. Negreann what he was actually looking for tonight. Mr. Negreann wanted a consensus of the council to move forward with the hiring of an engineering firm through the competitive process as per the federal regulations for this particular grant and he would send a letter to the State indicating that was the Mayor and Council's desire. A motion was made stating that the Council supports hiring an engineering firm through the competitive negotiation process as per the Federal Regulations.

Motion by Councilwoman Murphy, second by Councilman Papaleo to approve.

All in favor 6-0

WORK SESSION CONSENT AGENDA

1. Enter into Agreement with Richard Mehrman, Consulting Engineer to Perform Inspections for 7-Elevn, 125 Kinderkamack Rd, in the amount not to exceed \$2,500.00, retroactive to August 1, 2016. (1080 Main Street, Mr. Costa has a conflict)
A motion was made to place this resolution on the 8:00 PM Regular Meeting Agenda.

Motion by Councilman Bartelloni, second Councilwoman Murphy to approve.

All in favor 6-0

FOR DISCUSSION

1. Ordinance Amending the Table of Organization for the Police Department – Mr. Sarlo explained that several drafts were circulated and there is the last draft, as you know you can not hire your last remaining police officer you wish to hire because under your Table of Organization you can only hire 60 police officers, so that requires an additional up to 17 officers. So before you today is a resolution, the last revised resolution keeps everything the same it just increases the number of officers to 17. Mayor Mignone said this is what we are going to have introduction on this evening. Mr. Sarlo said the introduction is this evening, the 2nd reading, and after the 2nd reading you will be able to extend the offer, and he believes the officer is aware of the offer, but cannot be hired because there is no spot for him yet. Councilman Papaleo stated that he wasn't present at the August 15th meeting but it was conveyed to him that the number was 19 because there is no obligation upon the council to go to 19 but 19 leaves some flexibility for future councils and if we are going to change the ordinance that flexibility sounded like a good idea to him but he wasn't present at that previous discuss and now he sees that number is 17 and he is a little bit at a loss for what we are thinking and why we went from 19 to 17. Mayor Mignone replied that he didn't recall ever deciding on a number and he thinks what procedure should be followed is we should amend tonight so we can get Mr. Maddolin appointed at the next meeting, then we can certainly open up the whole table again for reconsideration and amending in October. Councilman Papaleo found that to be amenable. Mayor Mignone stated that changing the Table of Organization doesn't necessarily commit us to anything, but we still need to look at it from a budgetary standpoint because if it's there, there is potential for it to be filled so you need to look at that implication. This was something he was going to bring up with the Finance Committee to start looking at prior going into next year not just with the Police Dept. but with salaries in general and get a little head start on the 2017 budget and obviously this will play into also. Councilman Papaleo said that makes a lot of sense and thanked the Mayor.

FOR YOUR INFORMATION

1. **Fire Sirens** – Mr. Sarlo explained that an email was forwarded to him by a resident with some concerns regarding the public fire siren going off in the middle of the night and the Mayor asked him to look at it from a legal standpoint with regards to the fire siren and he had the opportunity to speak with the Fire Chief about it. With regard to a legal standpoint there is no legality of having it there, it is something that the Borough wishes to have or not have, there's other ways they are getting notified, as the Chief can testify to, of their calls. So it just becomes a matter of necessity to have it verses the inconvenience of a residents that are there. The Chief can go into more details as to when it sounds, when it doesn't sound, he believes they restricted it in the years. From a legality standpoint it doesn't need to be there, it's there if you want it there. Mayor Mignone thanked Fire Chief Schultz and followed up on what Mr. Sarlo was saying is that basically we had an upset resident who mentioned litigation against the borough and

that was why Mr. Sarlo was asked what the borough position should be at this point and obviously he reached out the Chief and thought it was a good idea to explain what the dept. did in the past, the criteria you use for the overnight sirens, and what kind of considerations have been implemented over the years even in terms of lowering the decibels levels that even predate you as Chief at least for the last 6 years while he served on the council. Fire Chief Schultz stated that this has been ongoing for a number of years, back in 2013 and 2014 the chief had the same complaints. We have done everything we could, we raised the siren poles, we've lower the decibels as low as they can go, we even had a guy come out with the meters and they are as low as possible. We lowered the cycles from 5 to 6 down to 3, we have the siren going up and out more and lower to the ground. We also have a Borough of River Edge protocol which everyone has a copy of, the protocol states the sirens would be shut down from 10PM to 6AM, the sirens will sound if there is a life in danger, for all car accidents if someone is trapped and needs to be cut out by the fire department, and will also sound if there is a confirmed working structure fire. The siren has sounded about 8times and that was because of a confirmed structure fires. We had one apartment down by Reservoir, Rutgers an individual reported flames coming out of his neighbor's apartment, structure fire, sirens go off we go down there to find someone lighting fireworks. New Milford had a working structure fire in the apartments we were called there, we also went to Little Ferry for a working structure fire. Adams Ave. had a report of a structure fire on January 18th, 7 Colonial Court report of a structure, June 22 Woodcrest Nursing Home activated fire alarm which may have been activated by mistake at Central. 167 Oxford report of a structure fire, mutual aid to Little Ferry, 2nd alarm working fire, most of the times when these sirens go off it's for a working fire. We do have pagers and we get text messages, when we signed the contract for text messages it states you are not guaranteed to receive a text message, so we are not always getting a text message. My pager has gone off numerous times during the night waiting to see what the address was and we don't get it. With Hurricane Sandy this whole town was without power along with Central and we had no notifications at all, the siren was on a generator, that was how we were notified about calls during the day and night. We are doing everything we can do. The other day around 2PM we was out doing yard work, not everyone has a pager on them 24/7, if you hear the siren at least you know there is a fire call out there somewhere in town. We are trying to work with the residents, we shut them off at 10PM, and they use to go all night long. Mayor Mignone stated there were several complaints that he received regarding the siren during the night. The list you provided showed at least out of the 7, 10^o clock, 10:30, 10:30, 10:30, 11:48, and then there were 2 early morning ones 3:30AM and 5:48AM, all are reported as structure fires. The only question he would have from this is on an out of town event is it automatically initiated by...Fire Chief Schultz stated that anytime we are called to a structure fire, Mayor Mignone asked even if it's a mutual aid call, Fire Chief Schultz said yes its letting our members know that it's a working fire and we are going to a fire. Assistant Fire Chief George O'Connell wanted to add that the idea was for the response level is dramatically different then when just the radios go off. Mayor Mignone said not that this makes it easier but you had two clusters on June 22 itself and you had three on August 16, 18, and 21, if you take those 5 out you have one in May and not one in January. Assistant Fire Chief O'Connell stated that the Mayor and Council also needed to be aware as of August 25 we have been to 190 alarms, 35 of those alarms have been after 10PM at night, 7 times of those 35 times are the only times the sirens went off, so 27 times we have been chasing activated fire alarms from carbon monoxide and no one has been woken up or disturbed 28 times and that's going to continue as we move along. We have taken the sirens from 4 of the 1 1/2 cycle down to about 45 seconds and we don't run the sirens up all the way anymore, they go up and

then they come down. Talking about out of town, like Woodcrest Nursing Home, you're going to get that because that's a life hazard, that's an extreme with over 150 bed ridden people there, when Central gets that they have no idea what is going on, all they know is that they have a building with 150 people in beds and that is an automatic 3 town call, which only happened once. Mr. Sarlo asked if they were aware of any dead spots in town where the pagers don't work, Chief Schultz replied that he was aware that the radios don't work in certain areas and didn't know about pagers. Assistant Chief O'Connell stated that they were not keeping track of that, but there are times when they see a guy the next morning and ask them where they were during the call, and they have no idea what we are talking about, so it does happen. Mr. Sarlo asked if they were aware of any structures or building that the pagers will not work in, both stated not that they were not aware, Mr. Sarlo asked about dead spots in town, and was informed that there were dead radio spots in town such as Kinderkamack and Main, parts of the northern end of town. Councilwoman Davis asked how many sirens are out there, and how many were there, Chief Schultz replied right now there are 3, there use to be one by the new CVS down by Kinderkamack and Main, use to be one on Oak and Taft, one use to be on top of Cherry Hill, the ones we have now are Kensington, Company #1, and down by PNC Bank by Kinderkamack and Washington. Councilman Papaleo stated they cut down by 50%. Cindy Bequeath, stated that 7th Avenue was one big dead spot no matter what carrier you have, she can get a text message 6 hours later. Another resident stated that while she is out running and when those sirens go off she is looking for the guys with the blue lights, it just makes you more aware of the cars going to the firehouse, being someone who has lost their home to a fire, (inaudible) Chief Schultz a fire doubles in size every 30 seconds. Assistant Fire Chief O'Connell stated that when people make that 911 call and they hear the siren go off they now know somebody is coming, and he has had more than one person come and tell him that they are glad to hear that siren go off because now they know the fire dept. has been notified. You can make a 911 call and hope we are coming, if you hear the siren go off at least that part of it has been completed. Mayor Mignone said this was prompted by a specific reason and he is thankful for giving us the information that you did and that is it good for public information anyway. A lot of times the reality is not the same as the perception and when he saw the list with 8 and three were 2 clusters than you say maybe it's not as frequent, obviously this is a snapshot of this year but it is something that is a quality of life issue, but he thinks right now the consensus is that we do have a compelling public safety argument at this point. Cindy Bequeath stated that we get trains and she lives all the way by the Paramus border and she can hear the trains blow their whistle all the way by where she is and they go all day long if you want to hear noise. Chief Schultz stated that they were willing to meet with the residents to discuss it, Mayor Mignone replied that the residents were invited to come and that was why he asked if they were here previously, but if we hear back we will certainly make that available to them. Councilman Papaleo wanted to add that the fire dept. makes every effort to reach out to residents when they have concerns, and they make every effort to have a reasonable policy and our volunteers are out there for our residents when they are in need, sometimes that causes a little inconvenience for some of us, but as you know if the call comes in and it's your house you are grateful when they show up on time or earlier than their normal run time. He thinks much praise our fire dept., in not only their efforts to be there for our residents but also for their efforts to be as sensitive to our residents needs in regards to the siren. Councilman Bartelloni wanted to join in echoing that statement because by the time he gets to public comments a lot of people may be gone by then. The last meeting we had, the special session, his wife had called him about 9^o'clock saying her horn wouldn't shut off and Officer DeYoung showed up and he thought there was a smell of smoke or something was burning, so

being cautious he had the fire dept. come and they were there within a minute and responded with 3 trucks. Chief Rush took more time than he certainly had to going through the owner's manual looking for fuses. They did a tremendous job that was completely and utterly thorough and he just wanted to thank the fire dept. Mayor Mignone stated that he has done the "hat trick", he has had the police, the fire, and the ambulance multi times whether that is good or bad he has always been thankful and said it every time in theory we are glad that we have the services, but when you need them and they come then you are really thankful they are there. As he has told the story dozens of times, he was meeting with Fire Chief Cariddi regarding the budget in the fire house when a call came in and he heard Concord Road, and what the house was, and found it was his house which turned out to be a false alarm, thank God, but for that moment you have no idea what you are going to find you got there and so it's an insurance policy and peace of mind and its more than life saving when you actually need the service. All you guys do a tremendous job and we appreciate it and thank you for coming tonight. We need more communication with the public and you are certainly willing and we will say it again because he is sure it will come up several times tonight that the "wet down" will be on Saturday down at KBG. Everyone come and see these guys and thank them personally, we invite the public to come down there and participate in this event.

2. **KBG Field Lighting Project** – Ms. Conway, Director of Recreation, started with the August 8th meeting, Bob Zoeller and Tom Miller were here with a presentation and part of the presentation was a quote for a concrete steel filled piling which was a shocking \$200,000.00 more than we thought it was going to cost us to put in those pilings. Bob Zoeller was also speaking about a wood piling alternate but he didn't have the figures, he did have a potential guesstimate and he was asked to come back with a report as to what the wood pilings would consist of and a new quote. The new quote was received this afternoon and was sent to the Mayor and Council, you should have it front of you as well, this is a quote that has been revised and we have a KPN quote and the total at this time is \$413,860.00 with the potential of deducting the \$11,355.00 if we apply for Sales/Use Tax form that Mr. Negreann has indicated he can provide. This is an option for restoration to be done by the borough if chosen and a reduction of \$15,000.00 if that is the choice of the borough. The quotes does detail the responsibilities of the borough and the contractor and the subcontractor and she hopes they were able to review and any questions she can pass on to the engineer who can get an answer to you. Mayor Mignone stated that he spoke with Ms. Conway on this earlier this afternoon and she had forwarded the questions he had asked but for the benefit for the council and public there are a few items.
 1. He asked last time when Mr. Miller was here, he thinks there are two things that are needed from Mr. Miller before proceeding, one as he is our consultant he needs to certify to us that proposal for the foundation as presented here is the best option for the borough at this time, he needs to give us that direction.
 2. The second part, he thinks is that he has asked that when he breaks down the cost knowing what the original quote was for the lights themselves were which was around \$295,000.00 and then you take out the \$15,000.00 for the restoration, the foundation cost is coming in around \$90,000.00, and again we need Mr. Miller to vet that for us and tell us that is a fair price because we are looking to do this through the Keystone lump sum coop. As he mentioned the last time the only alternative would be that we bid the installation separately. To be honest Mayor Mignone felt he isn't so sure that you would get a sufficient saving by bidding this point but he still thinks doing our due diligence Mr. Miller needs to tell us this is a very good probable cost estimate for what we would expect for a public bid of this kind of construction. This would elevate his concerns with that approach with regards to actual

language in the agreement here that we mentioned. On the second page for responsibilities we are supposed to pay for extra costs associated with foundation excavation in non-standard soils and we know we don't have standard soils. He thinks Mr. Zoeller had indicated in an email that no this was a really *find* something that was completely not identified during the geotechnical investigation which was rather thorough, so he doesn't expect that to be an issue. The second one was the next one, owner responsible for any power company fees and requirements, if necessary. Mayor Mignone thinks we need to know if that necessary and whether there is some public service requirements if we have to upgrade service or upgrade panels and so we need to have that cost outlined for us. Also provide seal electrical panels, he believes that is incumbent upon Musco, they are providing the design so they should be providing the seal plans and we should not have to pay for those and should be part of the contract. And the other one which he is a little more concerned with is provide area on site for disposal of spoils from foundation excavation, he doesn't know if we want to have the spoils on borough property, he doesn't know what it would cost to dispose of them and whether there is testing involved. Again from previous correspondence at one point it appeared that was part of the contract and now it's not clear. That is something we need to know, as of now if you take out the sales tax of \$11,000.00, which we think we don't have to pay, the contract is around \$402,505.00 and he believe we have \$417,000.00 which gives us a little bit of leeway, not that much for extras. As far as he was concerned if we get those questions addressed, and a little more detail from Mr. Zoeller, which he thinks they started pretty much to give us for the comfort that we need and then follow up with Mr. Miller and then Mayor Mignone would feel comfort proceeding with Keystone and moving things forward. Councilman Acquafredda referred to under Musco responsibility item 3 provide project management as required, cross out "as required" cause then we will get into a contest of was it required or not required, we just want project management services. Item 4 provide NJ stamped foundation designs based on geotechnical reports, clarify New Jersey licenses structural engineer, he doesn't want to see a Civil Engineer sign and seal on the foundation and structural drawings. He wants to make sure we get a New Jersey licensed Structural Engineer and the foundation design based on geotechnical reports he would certainly hope it's based on a geotechnical report which is what kind of casts a veil of doubt over the Musco approach for this project because this is something that should have been investigated two years ago not six months ago, that's for another time. Hopefully they won't have any objections to this more than reasonable requests. Mayor Mignone mentioned one he forgot, under Musco Electrical Subcontractor Responsibilities, reuse existing conduit and cabling as much as possible, we don't want that, we want new conduit and they had said they were not sure whether some of the wires were even in the conduit so we don't want to using anything because we don't know whose going to make that decision to reuse or not. Councilman Acquafredda said the other reason is what was installed 50 years ago may not be code compliant anymore. He is really surprised that some of these cost cutting measures, they are trying to throw a fastball on the outside part of the plate to see if we swing at it. Mayor Mignone said the cost came down \$300,000.00 (inaudible). Mayor Mignone said that will be a presentation at the Planning Board, and Ms. Conway said yes we will plan that now that we have this figures and we can go forth and set that up and notify the neighbors. Councilwoman Murphy made reference to the memo and asked what the wood piles are, Ms. Conway replied it was the new wood piling quote. Councilwoman Murphy asked if there was a difference in the life expectance this and the other one, the alternate. Councilman Acquafredda said it was safe to say it will outlast all of our lifetimes, he did say depending on the type of creosote that is used on the wood pile and on the soil, because they are driven in they could last between 40-50 years. Councilman

Bartelloni said they average about 40 years. Mayor Mignone said it also depends on what the environment you have and based on the soils acidity. Councilwoman Murphy said that it does flood down there wood piling won't hold up as well. Mayor Mignone said that was he wanted a recommendation or a certification from Mr. Miller that this is the preferred option and that is what we are going to go by. Councilwoman Murphy asked if we could get just the difference with the weather conditions down there, wood versus... Councilman Bartelloni said with all due respect Councilwoman Murphy may want to watch the last council meeting on video because we went through all this. Ms. Conway also that Tom Miller and bob Zoeller went through it at the August 8th work session meeting. Mayor Mignone said also we had written copies of comments from Mr. Gouda from Mazur Engineering. Councilman Bartelloni stated that he did and didn't have a problem with the \$15,000.00 for the restoration, he wouldn't want to put that on the DPW and the borough, but maybe we could look into something a little bit more expansive going into next year, sure you know the field right now when you are playing soccer down at KBG slopes, maybe we can investigate in connection with that restoration would be some leveling out as well so that the soccer field doesn't have that slope to it and make it part of a larger project. Ms. Conway said that it could definitely be looked into, but you wouldn't recommend the \$150,000.00 restoration fee be a part of DPW or anyone else. Councilman Bartelloni said he would want it removed under those conditions and he just wouldn't want to have to burden DPW with making those restorations. Councilman Papaleo thought he was referring to the Open Space money, a bigger project with Open Space money. Councilman Bartelloni agreed and said to look at it as a separate project that if we have to bid it out, we bid it out. It would be a separate project of the restoration plus the leveling of KBG as opposed to just removing it and our DPW having to do the restoration. Mayor Mignone said we may want them to look at that number because there shouldn't be a lot of restoration required, he means it's localized to eight locations to drive into piles in very narrow locations. This \$15,000.00 seems to be a credit that came out of a larger lump sum number that they had given us for something else, which is what he was eluding to when he thought they included disposal costs, that was something we also asked them to look into. The restoration you are thinking is not the restoration they are proposing, they are basically looking to... Councilman Bartelloni said make it nice around the poles, Mayor Mignone said if they create any ruts because of the heavy equipment basically that is what they mean. Councilwoman Busted restoration to make it playable, she agrees with Councilman Bartelloni. Mayor Mignone said that is a completely different thing. Ms. Conway said all the poles are outside the field so this doesn't affect the field at all as far as the borings.

Ms. Conway also wanted to discuss another subject, River Edge Day which traditionally has always been the first weekend in October, October 2nd and the invitations have already gone out several weeks ago to all the businesses, schools, commissions, committees, departments, and she has received commitments back, and also in the paper 2 or 3 times and everything is all set up. But we were notified that it was Rosh Hashanah at sundown on October 2nd and we have been asked to possibly change because the preparation for Rosh Hashanah begins during the day and it wouldn't give people time who were attending enough time during the day. If the council would like her to change the date she is willing to do, we would just have to go back and notify everyone. Mayor Mignone said that they had talked about possibly October 16th, Ms. Conway said the next day is Columbus Day and a lot of people go away because children are off from school on Monday, and also they are off on Wednesday, so that is week for people to go away. Mayor Mignone said he had gotten inquires also, and Rabbi Jacobson himself had asked if we would reconsider this and River Edge Day is a community event and we want to

maximize partition by members of the community. So anything that we can do to change it would be appreciated, the 16 as long as it there aren't any other conflicts that is what he thinks we should do. It is the decision of the council and no motion is needed. Councilwoman Busted asked if a rain date would be needed, Ms. Conway suggested the following weekend the 23rd. Ms. Conway also stated that so many people go out of town for Columbus Day weekend and we wouldn't get the participates and she had already had from those that committed say that rain date is not good for them, that would be her only concern. Mayor Mignone stated that he sees Rabbi Jacobson and asked him to come forward told him that they were discussing River Edge Day and his concerns were brought to the council and we were looking at possibly October 16th, would present a conflict with you and alternatively we were looking at October 9th would that be a conflict with anything for you. We either have it on the 9th which is the original rain date and potentially have less participation or we have it on the 16th with potentially more participation and have a rain date that is later in October. Councilman Bartelloni stated that he would go with the 16th and not have a rain date. Ms. Conway said there was no commitment by the participates financially it just the loss of being part of the program, should the 23rd be the rain date or no rain date. A motion was made that River Edge Day will be held on October 16th, and the rain date will be October 23rd.

Motion by Councilman Papaleo, second by Councilwoman to approve.
All in favor 6-0

MOTION TO OPEN TO THE PUBLIC

Motion by Councilman Bartelloni, second by Councilman Papaleo to open.
All in favor 6-0

MOTION TO CLOSE THE PUBLIC HEARING

Motion by Councilwoman Murphy, second by Councilman Bartelloni to close.
All in favor 6-0

SUSPEND WORK SESSION @ 7:57 PM

RETURN TO WORK SESSION @ 9:07 PM

FOR YOUR INFORMATION (continued)

3. ART DeROSA, CODE ENFORCER – COMMERCIAL VEHICLE PARKING –

Mr. De Rosa stated that every now and then something comes up in the codes where he needs advise from the council because times change and things change. On this specific one he has an item with, commercial vehicles parking in the driveway and the code pretty much spells out what it is but the only thing he sees is somethings yes, the vehicle yes has to make a couple of changes but the main issue he has with the vehicle is the new vans that have come out now a days come out bigger and higher, although this van is actually shorter than some of the Excursions and Escalades and the trucks in the driveway here, and commercial vehicles all over the town, there are quite a few of them that are probably questionable that he could really start policing all over the place but this one in particular has what he see now the vans are coming with a higher roof on it and they are popping up all over the place. The roof is as he measured it is 8, the specs say 8.6, the code calls for 7.6, so we are talking just under a foot maybe for the regulations. Are we going to hold it to that or should we revisit it, it is in violation of the code as it is written now. I know the resident uses it for his business and there is a question of can he park it overnight, can he not park it overnight. The more you read the more you start to go hmmm. This is one in particular where the residents are upset and I see how the owner of the business, the guy using the trucks, has his point too, this is how he makes his living. He bought these

brand new trucks and all of a sudden he can't park them there but that is the way the code is written. Can't everybody parking their commercial trucks around, his biggest concern is the change in the vehicles that is out there now. This opens the door for him now also to address the council regarding the sign issue which they recommended, a guy blanketed the place with signs, a lot of the sign thing is how much are you allow here and how much are you not allowed, neon signs, pretty much is written down but a lot of the stuff seems to be there for a long time and things are changing, lighting, led lighting. He has a lighting issue where the stores are lite up, if not the police like to have the stores lite up for their own things and the residents don't like the lights. There are quite a few things, but this one in particular is an issue because he knows the resident with the trucks this is his livelihood and he will have to move out or at least move one of them out maybe, or if inch thing is in violation or signage, or a couple of inches with a sign, he could even show pictures with the trucks. Mr. Sarlo asked what chapter he was referring to. Mayor Mignon replied 416.42. Mayor Mignone wanted to asked a few questions on this issue, the code basically speaks to some very specific requirements, vehicle doesn't exceed four tires, doesn't exceed 7.5 feet in height, they talking about commercial vehicles with a separate roof rack shall be removed between the hours of 6pm and 6am, all commercial signs and lettering except in the subsection shall be removable or covered over, what is the initial intent of the ordinance, when they came up with the 7.5 was that to prevent box trucks, and did they just decide yes let's just make this 7 foot, we don't know. In terms of this and other things it does require a fresh new look at it and see whether the actual specifics of the ordinance makes sense, and again we don't want something that isn't enforceable and again you don't want something that is going to be on the cusp, you have to the those decisions of 3 or 4 or 6 inches ok, you either have to say it is or it isn't. There is no reason that this is 7.5 and this is the only reason this is causing this, than you have look at this specific criteria. Obviously we don't want tons of commercial vehicles, but if they are meeting certain criteria, then obviously the code was written to actually permit it in some circumstances, it wasn't meant to prohibit it, or less that would have been the ordinance. Mr. DeRosa said realistically there are a lot of commercial trucks around the town and he drives around a lot the past couple of years. This one stands out to me because #1 the residents on the street aren't happy about the trucks being there and they take up a little bit of space but in his opinion it's not a whole lot more than one of those monstrous SUV's or a pick-up truck with a cab or a cap on the back or maybe close one way or the other, but it is a commercial vehicle and it falls within these guidelines and according to this it's in violation. He's not looking to change it one way or the other but he is looking for advice from the council as to where he does with this issue. He has two there and he believes he is only allowed one that is pretty obvious that is an issue that is easy to address but where does he go, he doesn't want to be the guy to bring it up. He doesn't want to be the one to personally make the decision on just start ticketing everyone. Mr. Sarlo stated the Mayor and Council cannot direct him to issue summons or not issues summons. Mr. DeRosa said he wasn't looking for that, he was looking for advice, Mr. Sarlo asked as to what, as to how to deal with this situation, he doesn't think it proper, and Mr. DeRosa will have to make that call without the Mayor and Council. Mr. DeRosa said this is in general with other ones and looking to use it and some of them should be looked at and maybe the council does that. Mr. Sarlo said yes, if you suggestions as to changing or amending the ordinance certainly you can make those recommendations to the Mayor and Council. Councilman Bartelloni asked how tall the vehicle was, Mr. DeRosa stated he wasn't sure, but did have pictures which he presented to the council. Cindy Bequeath stated the van was 101 inches. Councilman Bartelloni said if he had to guess the 7.5 was the old fashion cargo van height was. Mayor Mignone said that in looking at the terms of the ordinance as it is now, Mr. DeRosa said as it is

now they are in violation, Mayor Mignone said we should be enforcing it. But in concurrent with that if anyone should to the council should they decide we need to review the ordinance also there are issues and he thinks it one of things you have to look at and you want to make sure, as we talk about, like we talk about a lot of other ordinances we want to make sure, and some of them are very outdated and do not reflect current standards for anything whether its house design, street designs, signage, all the other things, that's why he mentioned signage. Councilwoman Davis thought the ordinance said you couldn't have signage on it and park it in the driveway...(simultaneous talking) Councilman Papaleo said one door 3 inches. Mr. DeRosa said then you need a magnetic sign or something over it. Councilman Papaleo stated on this specific incident he doesn't wish to speak on and he isn't speaking to, in general he and Mr. DeRosa have had different conversations over the year about different issues and his strong position is we should be enforcing the code as written regardless. Now should, Mr. DeRosa and I have spoken about this in general I think absolutely we should giving notice, we should be giving a resident opportunity to correct a behavior before we issue a summons, but this is Mr. DeRosa who has to look at each individual class. Councilman Papaleo feels very strongly that this our ordinance this should be enforced. Now to the larger question of commercial vehicles in town he is not for that, he is opposed to that. He doesn't not think we should be lessen those restrictions and he thinks this is a residential community and people moved to this town because of the good schools and because of its residential nature he would be in support of maintaining that general ambience and nature of the town. He thinks it shouldn't be and he does not feel in regard to any of the ordinances we should be saying we are going to be looking at this so we won't enforce it or well we will give this guy a break but not that guy a break. We shouldn't be offering any sort of special treatment anyone even if, and we have had this conversation, if there might be an individual who only has a vehicle on the street overnight once a year, once a year is once too many. But you handle that, whether you give them a verbal warning ask them to correct to it and they have repeat behavior, whether you feel at that point an ordinance should be given or another warning should be given that is your purview, it is not ours, but as our lawyers has pointed out. He thinks our laws as pointed out in our ordinances should be followed as written, and that is his position. Mr. DeRosa said that is why he is here and he just wants to make sure that the council is aware of some of the issues that do come up and the conflicts we have in the neighborhood. Councilman Bartelloni stated that Mr. DeRosa had the judgement call and in essence it is a law enforcement decision and you have to use your best judgement in terms of how you interpret the ordinance or not and it's part of your job. In looking at the pictures, it looks like there are two and clearly the ordinance speaks to that. Councilman Bartelloni said there is one that is very clear, Mr. DeRosa said there are two, one of them has to go, and there is the height. Councilman Bartelloni said vehicle heights have changed and it looks like the ordinance was last changed or adopted in 1998 so in the last 20 years so things have changed. In terms of commercial vehicles obviously it is something we have to look at. River Edge is a blue collar quality to the town, if you look at the home values and who lives here, it's not necessarily a white collar town, we have professionals, we all know somebody who is a plumber or electrician, they are our friends or neighbors and so how do we accommodate them and he thinks that is also important as well. Obviously people have had commercial vans for a very long time and for whatever reason the car manufactures have decided that the old fashioned ones needed an upgrade and some changes so as the tools change, which he doesn't necessarily want to at professionals and say hey you can't go with a modern vehicle you have to go with an old Ford 100 or 300 van, it is something we have to look, but as he said for Mr. DeRosa to use his judgement. Mayor Mignone said it speaks to the intent, obviously when the borough drafted the ordinance it was the

intent not to eliminate commercial vehicles it was to regulate it. That is why he said the council has two decisions to make, they need to decide as a policy do they want to continue to regulate them and with that do you modify the conditions to reflect current trends and designs or do they want to change the policy and not have it and that is a different issue. Either way the ordinance needs to be looked at, for now as the council has said you have your discretion whether you warn them or give them time to comply or fine them, or fine them and bring them to court and let the judge handle it. There is nothing the council can do at this point as long as the ordinance is what it is and Councilwoman Murphy has something to say. Councilwoman Murphy said that when they talked earlier Mr. DeRosa said this issue was becoming more and more, and Mr. DeRosa said yes they are popping up everywhere. Councilwoman Murphy said she has been spoken to by residents saying they don't like it, and people are here to speak about it, and she thinks it's either all or nothing, you either enforce it for everybody or you don't. If you don't and you start relaxing then it's just going to mushroom so it's either enforcement for all or none. Councilman Papaleo said he respects what Councilman Bartelloni said but he doesn't think he doesn't think the situation is invincible just because modern trends have changed doesn't mean that commercial businesses and owners don't have a choice in the vehicles they buy, they bought a vehicle that is out of code and he is sorry if that is true but River Edge has a certain nature and he thinks this council has a responsibility to protect that nature as a residential community and he would be opposed in general to lax those restrictions and he doesn't know why the council chose 7.5 but he doesn't know their intent at this point can be discerned and he doesn't know whether their intent is a matter of significant concern and he thinks as a council we can say this is what the ordinance says and make a change or not. He personally at this point given the information he has he would not be inclined to raise the height, at this time he thinks our town should be a residential town and again he would like to reiterate that it is his expectation as a councilman that all the ordinances are enforced equally and that no ordinance is not enforced. Mr. DeRosa's discretion to the process is up to him, but ultimately the ordinance has to be enforced. Mr. DeRosa said that if there is litigation down the road with another resident comes up again and he is sure it will, Councilman Papaleo said he and Mr. DeRosa have talked about this and he has told him they are popping up and Councilman Papaleo's response was well if we don't enforce it, it going to pop up, so we need to enforce it regardless of how many there are, no he didn't say, he did say we needed to enforce them regardless of how many there are, if we don't enforce it or if we look the other way it will only get worse. I know I don't want commercial vehicles higher than 8.6, two or more, outside the hours of 6AM to 6PM park next to my house and he thinks a lot of residents feel this way. Councilman Bartelloni also state that he respected Councilman Papaleo's position, but again he disagrees. His father-in-law lived here from the time he was born until the time he died, he was a contractor who had a commercial vehicle that went in his driveway, and it was a van. We have people who that how they make their living and that's what the car manufacturers have come up with and they don't make those old fashion cargo vans any more, they still make some, but they are switching over,... (there is simultaneous speaking coming from the audience) Mayor Mignone address the audience saying they will be the opportunity to speak and no action will be taken by the council tonight. Councilman Bartelloni said we are talking about a foot and we are talking about small business owners who live in River Edge and he doesn't think they need an additional burdens placed on them, certainly on this economy. If it meant we had to increase the ordinance by 12 inches then so be it. In looking at the pictures there seems to be a violation because there is more than one and that is a problem, but at the same time you are talking about a foot here so as a council are you prepared to tell all the plumbers, electricians, carpenters who live in River Edge

who have these kinds of vehicles sorry go find some place to park your car over night because we object to your extra foot of height, go incur that expense. Again they are taxpayers too. Mayor Mignone said that for the purposes of tonight you will be enforcing the ordinance as to how you decide. The public can weigh in, the council is not making any policy decision tonight so we are just looking at the policy implications and what it may mean going forward. There is no proposal on the table this is just basically the council expressing initial concerns, this was not brought up until it showed up on the agenda, so we were not even aware that this was going to be discussed in detail tonight. Since there was no further discussion from council the Mayor opened to the public

Kenneth Plutnicki, 740 7th Avenue – He wanted say that his neighbor who has these trucks is a wonderful neighbor and we like the family very much. We find these trucks very objectionable and not a neighborly thing to do. We have 5 people representing 4 households here today. One thing to set the record straight, you all have the ordinance in front of you, I heard a couple of people say one is ok according to the ordinance but if you read it that not true, zero are ok over 7.6 feet. Mayor Mignone said that was correct, his point was there was never a blanket prohibition so whatever, and this is where he disagrees with Councilman Papaleo, the council at the time that drafted the ordinance made the decision they were going to regulate the commercial vehicles not prohibit them, that was what he was speaking to. So yes if you meet the conditions, go to an absorb extreme, if he took the air out of his tire and got below the 7.6 he would technically comply, so you have to look at the intent and how do you go forward more importantly. There are two policy changes here, there, we either leave as is, modify the height to reflect current design or completely abandon it, which would be a question for Mr. Sarlo or add more restrictions, from a policy decision the council could take that up later if they want to or not want to, that's not the discussion for tonight. The discussion for tonight was Mr. DeRosa obviously was very clear if it's not in complies with the letter of the ordinance he has a duty to enforce it, and he his discretion as to the level of the enforcement he wants to bring to it, he can issue violations, he can issues warnings and see if people comply, or he can fine them. That is to his discretion. With most cases it is a progressive kind of process where you start with a warning, then a violation, and then you bring them to court. That is whether it is a commercial vehicle, someone who doesn't mow their lawn, or any other kind of violation for most towns, you don't necessarily give someone, unless it's a persistent violation you don't give them fine directly in most cases. Mr. Plutnicki turned to ask Mr. DeRosa where this stood, and Mayor Mignone stated that was Mr. DeRosa discretion and the council wasn't here to...Mr. Plutnicki said the ordinance is on the books and it is every clear to everyone to anyone that wants to look at it. You can buy any size truck you want, they chose to buy a huge truck that doesn't fit into the neighborhood. To Councilman Bartelloni's point, he just doesn't understand his point about cars getting bigger and stuff like that, you can buy any car or van you want and if you look at the pictures this is an extra-long and very tall van. Mayor Mignone stated we hear your concerns and we are addressing them through Mr. DeRosa this evening and if the council chooses to make their decision going forward it certainly be something listed on the work session agenda. At this point to be honest with you it takes two meetings to change an ordinance it is very unlikely you would get any ordinance changes in this calendar year anyway at this point. Mr. Plutnicki said he didn't see why the ordinance should be changed. Mayor Mignone said we may wind up with fifty people on the other side coming to say to us we want you to modify it to accommodate certain things, we don't know that, that is what he is saying. What may be good for your neighborhood, Mr. Plutnicki interrupted by saying do you see River Edge as anything goes sort of thing, Mayor Mignone replied no that was not what he was

saying, what he was saying, again Mr. Plutnicki interrupted by saying where do you draw the line, Mayor Mignone replied that is exactly it where did the 7^{1/2} come from, somebody draw a line and the question is if we had 20 business owners on Fifth Ave come to us and say we want this changed for another reason the council would have an obligation to listen to them also and take their considers in. This is a violations situation and the ordinance doesn't support what they are doing and there is no question. Mr. Plutnicki asked if this is a residential community or a town filled with businesses. Mayor Mignone replied it's a town regulated by the ordinances that permit certain commercial mixes in with residential, this is what we have seen. Mr. Plutnicki said so this one doesn't fit right. Mayor Mignone replied that wasn't what he was saying, he doesn't know how much more clearer he can be, this does not comply with the ordinance and it will be enforced that way. If there is a desire to change the ordinance, whether it comes from the council or from the outside it will be addressed at a later time that is all we are saying. There is no initiative being put forth, there is no or anything being prompted this evening. We are listening to your concerns and we are going to address the situation. Councilman Bartelloni's point is if there is a different constituency who has an interest who will (inaudible) he doesn't know anybody who is proactively on this council who wants to change it. Mr. Plutnicki said that Councilman Bartelloni's point is that small business owners deserve the right to make money but there is a social cost and all the neighbors are paying a social cost and they are skirting that social cost and passing it on to the rest of the homeowners on the block, understand what I'm saying. Mayor Mignone replied in certain situation yes. Mr. Plutnicki asked Councilman Bartelloni if he understood what he was saying. Councilman Bartelloni replied he understood what was being said. Mr. Plutnicki said that we are basically subsidizing their business through social costs. Councilman Bartelloni stated he didn't want to get into back and forth and they could respectfully disagree. No one has made anything to change the ordinance, Mr. DeRosa will enforce the ordinance as he sees fit and the homeowner with the vehicles will have to do what he has to do. Mr. Plutnicki asked "as he sees fit" what does that mean. Councilman Bartelloni said he is the Code Enforcer, whatever remedy he feels is appropriate to take, we are not directing him as to what to do, he will do what he see fit to do. Council does not direct him as to what to do. Mayor Mignone said he has heard the consensus of the council to enforce the ordinance so it will be enforced.

James Crismale, 416 7th Avenue – He started by saying in our area lately there are very expensive houses, there are two houses that are \$750,000.00 and they pay \$27,000.00 in taxes. No one is trying to deprive someone with a small business from having a vehicle, but we live in a residential area and with any vans with commercial plates form a produce company jutting into the street and it blights the area and property values go down. We use to be the arbor town now we are the pick-up truck town. On this block with this Airbnb, people rent out their houses, across from him there were 4 pick-up trucks blocking his area for a week and a half. He called the police and he moved to the other side of the street and stayed there for 5 weeks. There is an issue with these two huge commercial vans that jut out, you need to take this under consideration this is a major problem.

Nancy Lustenberger, 730 7th Avenue – Ms. Lustenberger stated she is a small business owner here in town and when they opened their business they had signs on the roof of their car and the Code Enforcer was in their face every day every time they pulled into their driveway and the sign was on the roof even though they were conducting business at that time. So one of the other rules she needs to enforce is that during the day commercial vehicles can be parked in front of the house or in the driveway provided they

are conducting business, these trucks sit there from 9:30 in the morning until he goes to work at 11 at night, then he is starting it up and coming in at 8:30 9 in the morning. Sometimes the van's doors are open, sometimes there's left over vegetables in there, sometimes there's animals climbing in and out of the trucks and they have to wash them out. There are a lot of little things that unfortunately that is pushing the neighbors to really go after this since it is these two really big trucks. You have many options as to what kind of truck, you don't have to get an extended cab, you don't have to get an extended height, and you can stay within the town's codes. It used to be you were not allowed to park a commercial vehicle in River Edge in the driveway, you never were allowed to, and they have modified it over the years. But again she doesn't have commercial vehicles, but she did have a sign on her roof and that all has to come off, so they never did permanent signage. That is the cost of owning a small business in town, you have to abide by the rules that are here, you have to cover your signs, and you can't exceed the height regulations that the town has set forth. They are all there for the people to read and see. If they have gone out and bought a truck and are parking on Bogert Road and its above that 7.6 foot then shame on them, they should know what the codes are, just like we had to know what the codes were before we opened our business in order to make sure our signage was correct within the guidelines of the town. Mayor Mignone stated it sounded very similar to 7-Eleven. Councilman Bartelloni said it sounded like there were more issues here than the height of the van, it seems like there is fruit, he's conducting business in his driveway, Ms. Lustenberger corrected this by saying he isn't conducting business, what she is saying that during the day a commercial vehicle can be parked in the driveway or in front of the home if that person is conducting business at that home. He has a truck sitting there, not conducting business, and not selling fruit in the house. Councilman Papaleo thinks what she is saying is the ordinance has not been enforced and they want it enforced and he thinks that is fair and reasonable. Mayor Mignone believes what the ordinance is saying is if you have FedEx coming to deliver a package you can park in front of you house. If you have an F150 parked on the street with regular plates you can't stop someone from parking (simultaneous talking) but if you have commercial plates in the driveway you can't do it. Councilman Papaleo agreed and said that is what we are saying. Ms. Lustenberger said a commercial vehicle above 7.6 feet whatever it is, Councilman Papaleo said it is the ordinance that is and it protects property values, it protects the nature of the town and he thinks people pay a lot of money to move into River Edge and pay a good amount for taxes and these are reasonable protections and he thinks you are right this is 7-Eleven all over again it's a question of how far, Mr. Sarlo reminded the council of the litigation and it needed to stop. Ms. Lustenberger said her neighbor on the other side said she couldn't sit on her porch and look down the street because she had two white walls and like we said they are very lovey neighbors and nice people but it's come down to the trucks and an empty house down the street and the whole block has changed within a year. Councilman Bartelloni stated again it seems like there is a lot more going on on 7th Ave than just the height of these vans. Just so you understand the council hasn't taken any initiative to change the ordinance, Mr. DeRosa came here today saying what do I do and the council said do what you think is best, enforce the law as you see fit. Councilman Papaleo disagree and corrected by saying enforce all the ordinances as written according to procedure that he thinks is fair, we are not saying enforce this but do not enforce that. Mayor Mignone asked Councilman Papaleo if Mr. DeRosa should be proactively looking for these situations, Councilman Papaleo's reply was did we not extend his hours so he could just that, did not we have a budget conversation that said we think we need to increase Mr. DeRosa's hours so he could proactively enforce the ordinances of our town. Councilman Bartelloni just wanted to make clear that Mr. DeRosa was to go to every van that is over 7.6 feet in River Edge

right now and has a commercial plate and ticket them, Councilman Papaleo's response was that is our ordinance and he wants him to enforce our ordinances as written without arbitrary or cupreous interruption, that is what he wants. Mayor Mignone asked if that would apply to the sign ordinance as well, Councilman Papaleo stated it would apply to every ordinance in our town and he thinks to suggest differently that anyone on this council should suggest that we enforce some and don't enforce others is irresponsible in his opinion. Councilwoman Davis stated she didn't think anyone suggested that. Councilman Papaleo asked well then why the inference behind the question. Councilwoman Davis stated (inaudible) he was told to enforce the ordinance. Councilman Papaleo said the inference behind the question he was asked twice was do you want him to go out and enforce it with all specifically the trucks over 7.6 is that we should be looking the other way or we should be proactively going out there, that is his job. Mayor Mignone said it becomes a matter of practicality, that being said, should he be going to everybody lawns when it gets to 4.6 inches now and give them a ticket, no you rely on, Councilman Papaleo stated he didn't say that, he never said that, the process is left to his discretion and what seems to be a reasonable amount of warnings and he talked about it and asked Mr. De Rosa to process again. Mr. DeRosa stated it was a notice of violation or a lot of times he will actually out of his to catch the resident on the street, and Councilman Papaleo thought that was fair, Mr. DeRosa continue by saying he gives a fair amount of time that he thinks is practical and there is different situations for everyone you get, I could 2 or 5 days, or 14 or 30 days as long as you are remedying and I see you are doing it, after that it is a summons. Councilman Papaleo thought that was reasonable, the process is reasonable as long as all the ordinances are being uniformly enforced. Councilman Bartelloni said that is all I am saying, when you dealing with law enforcement whether it is our police officers or our Code Enforcer that is why we go through the process that we do, because there is discretion involved. Law enforcement officers use their discretion all the time, if you have ever been pulled over because you were speeding and the officer said slow down and gave you a warning well they used their discretion, they could have given you a ticket but decided not to. Law enforcement officers use their discretion that's why we let them so heavily, so in this situation Mr. DeRosa will use his discretion as he see fit. We cannot tell a police officer to charge someone we cannot tell Mr. DeRosa to charge someone, he will use his discretion and however that falls out it falls out. Mayor Mignone added that at the end of the day it will be enforced, that is the intent.

Le Ann Plutnicki, 740 7th Avenue – She wanted underline everything that Councilman Papaleo said and couldn't agree more. She also said that Sara and Peter were great neighbors and they didn't realize this would affect everyday living. Sometimes as she drives down the block and she's likes there's my house and it kind of cute, a lot of times she can't do that because she can't see it when she drives down the block. Those two things, curb appeal is gone with the box trucks in the driveways and she also worries about security. There is now an 8.6 tall fence between the properties, it's a truck, it's an obstruction frequently she's thought to call the police and say check out her property for the security check but you can't see what is happening during day. If you are up the street you can't see her side of the block if something was going on no one would know it. She thinks that is a problem, and she can't look down the street. There was even an incident when Mrs. Herrington died when people were just going into the house, she didn't know at the time there was an invitation by the family to take whatever you wanted. She didn't know about and didn't see it. The curb appeal and the security are very important in this town. She likes to look up her block and see her neighbors. She made reference to the height of the neighbor's truck and a Ford Explorer not being

similar to Councilman Bartelloni and he replied he used that as a reference because there was one in the picture parked next to the neighbor's truck and he also owns one that is why he knows how tall it is. Mrs. Plutnicki stated she didn't want to deny her neighbor an opportunity to do business and make a living but there is a price to do business when go to work and live in the suburbs, she either pays her compensation fee or pays to park her car in the city that is the price for her to go to work and if comes to be and they have to rent a spot that is the price of doing business. Does the town have a place for commercial vehicles to be parked for those in our working class town to park. The answer was no. Mayor Mignone said he guessed there were commuter lots at night time but that different and something that could be explored. Also if we have an ordinance and if we are going to keep the ordinance the way it is and people understand the rules they either comply or they don't. That is his point on all of these. Whatever you do and whatever practice it is and the ordinance is on the books and that is the way it is written and you are under the expectation you should be able to do it and comply and if you don't comply you can't it and that is where we are right now. The residents with the vans were asked by Mayor, Council, and DeRosa if they wished to say another and they didn't want to at this time. Mr. De Rosa did say that he would speak with them privately. Councilman Papaleo stated that he is not speaking about one situation, he is speaking about generalities, that all of our ordinances should be enforced. He does expect Mr. DeRosa to be driving around town looking for other violations and he doesn't know if other members on the council feel that way, but he doesn't know he expects Mr. DeRosa to enforce the signage and all the other ordinances as written in town in a reasonable process.

Cindy Bequeaith, 745 7th Ave., - She wanted to state that this is a neighborhood block and now this doesn't look like that and what Mr. Plutnicki said about the curb appeal does very much changes the whole look of our block to have that there and she looks at it every day. As much as she likes the family she really believes the ordinance needs to be enforced. Someone made a point of what do we do about a lawn that isn't mowed over 4 inches, she thinks we don't the money to enforce every single ordinance on the books, there just isn't, but for something that is a clear violation and people are complaining about it as well, she thinks that gives you the extra push to take care of it. Mayor Mignone stated that he didn't want Mr. DeRosa wasting his time looking at everyone's lawn height and as much as this offends you we understand the reasons and he isn't disagreeing. The Mayor wanted to bring up a specific case where people didn't like the kind of plants that are in someone's front yard and expects Mr. DeRosa to give them a violation... (simultaneous talking) those are the kinds of things that may be offense to one person but not offense to another person and we can't police everything or regulate everything, but yes in this case if it is something that is in violation and there is additional public objection of course we should take action. That isn't to say if we see something and its within his number of hours, he needs to do the most aggressive job in finding the most important violations he can. No one is disagreeing with you. Ms. Bequeaith wanted to ask about Mrs. Harrington's house, since she passed away, there is a tree branch that has fallen is that a property maintenance issue. Councilwoman Davis it is now a HUD issue, everyone is waiting for a closing date, it's all been taken care of.

Mayor Mignone mentioned that he asked Mr. Sarlo to draft an abandoned property ordinance for the borough. Also it would mean if someone is living there but actively up keeping the property this would fall under the ordinance and allow Mr. DeRosa the authority to address the issues. Mr. Sarlo should bring a draft to the next meeting to discuss. Also the Airbnb is popping up all over Bergen County and if that is something

we need to look at the council is amenable to do so because some towns are having really big problems even though it may not be widespread but if you get one or two incidents it could be very dangerous. You want to be careful about over reaching on regulations but you want to make sure that yours standards are upheld.

Councilwoman Murphy leaves the meeting @ 10:03 pm.

Mayor Mignone asked Mr. DeRosa to come back up and said while you are here there are several other issue that have come back up that we could just talk about, complaints we have gotten, some that have reoccurred. The ordinance would give us the authority to do the work ourselves or put a lien or do something, but just give the authority to do something.

Mayor Mignone addresses Mr. DeRosa regarding a house where people find the vegetation objectionable, what's the complaint and what's the resolution. Mr. DeRosa replied that the front lawn is all flowers in pots and that is nothing in the code saying she can't do that, and another resident whose front lawn is all wooded square lot, the debris is cleaned out, but I can't tell him he can't have woods as a front yard, his objection is the people with the lawns are the ones who should be fined, they should be growing vegetables instead of a lawn, there are no codes on that. Mayor Mignone asked Mr. DeRosa about something that just came up in another, someone want to put artificial turf on their front lawn with a logo on it, these are things people have not anticipated where again newer technology is evolving and the codes need to adapt. Some towns are adopting codes that say landscaping material must be live, so you don't have that kind of situation, so again where do you draw the line. Mayor Mignone said that he wanted to wrap up one other issued with Mr. DeRosa who responded to several issues with Yeshiva particularly with noise and bus idling and he just wanted to address publicly what was found and if there were any violations in terms of buses idling. Mr. DeRosa stated the noise was a one day event, it was a graduation and the idling buses was no more than normal, and the noise was coming from a completely different venue which was the swim club. He spoke with them about the issue. Mayor Mignone asked about the dollar store and the signs. Mr. DeRosa replied they haven't removed them yet, but he will go there tomorrow.

Mayor Mignone noticed that Councilwoman Murphy wasn't present and asked if she mentioned if she was leaving, and the council said no. Mayor Mignone said he would discuss that later. He did state that he wanted to discuss another issue on social media from our fellow council person, who was apparently railing about the Planning Board allowing the dollar store to come to River Edge and people should come and complain about the dollar store. First of all if did come before the Planning Board, it is an "as of right use", second of all he wishes she was still here, if she has a proposed ordinance change to ban dollar stores or anything with a "dollar" in their name or whatever she should say so instead of going on social media and putting again false information about what was done. He is tired of the misinformation and he is tired of this kind of nonsense, it is a legitimate business, you can't control what type of businesses come in to that degree. Particularly in this case they actually bought the property. I didn't know she left, she left without being excused. He brought that up because it is an ongoing issue and we have enough problems trying to get the correct information out there rather than the Planning Board allowed them to one be there and second allowed them to have all these signs up. Mayor Mignone addressed Mr. DeRosa by saying that was why he asked for a recommendation on the sign ordinance and this is an issue with the window signs covering an entire window. Since he was here tonight there are a thousand and one

different issues and every one of them could be someone's bugaboo but we are much further ahead than we were several years ago on all fronts and hopefully we can even give you more time and that will be helpful.

Mayor Mignone stated that he found it very offensive that we have a council person that just gets up and doesn't ask to be excused and he asked Mr. Sarlo and he provided the Mayor with the statute as to what is acceptable in terms of the number of absences for a seating councilmember. According to what he has seen out of the last 6 meetings she has been to 2, the last meeting prior to today she was at was June 6th, she missed the July meeting, 2 meetings in August, and now she left early. The more he reads of the statute and Mr. Sarlo can correct him, it says that the person must be excused by the majority of the governing body, he doesn't know what that means and he would ask for guidance from Mr. Sarlo, he thinks this meets the letter of the vacancy law. If you miss 8 weeks continuously without having excused absences and this would be continuing of the social media stuff and other stuff that is going on and he doesn't know how you draw a line with it. It is just getting more and more disruptive and more offensive. We have banter but we work it out and I don't question it or why it's done, it is a problem when we have someone who doesn't do that and he thinks this council needs to decide how to dress the situation it's going to be a long 14 months. It was asked if they could impeach the person, and Mayor Mignone answered no but we could declare the seat vacant and he would leave it to the pleasure of the council.

Mayor Mignone thanked Dick Berry and Jim Conway for organizing the 911 memorial and all the scheduling issues for the candlelight vigil

MOTION TO ADJOURN AT 10:13 PM

Motion by Councilwoman Davis, second by Councilman Bartelloni.

All in favor 5-0

Stephanie Evans, RMC Borough Clerk