

M I N U T E S
Meeting of the Mayor and Council
Tuesday, February 21, 2012
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:00 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer and asked Councilman Cordts to lead the salute to the flag.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

Mayor Moscaritolo read the Mission Statement as follows:
The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and attend any meetings of public bodies at which any business effecting their interest is discussed or acted upon.

In accordance with this act the Mayor and Council of the Borough of River Edge have caused notice of this meeting to be published by having the date, time and place thereof posted in the Borough Hall and notices have been sent to the Record and the Ridgewood News.

The mission of this governing body is to provide essential services through the establishment and implementation of public policy that will safeguard our infrastructure, provide honest, courteous and professional services; and establish a sense of trust and accomplishment with our residents. Through research and prudent planning we seek to minimize risks while improving our services. We are sensitive to the needs of our taxpayers while realizing that this governing body cannot be all things to all people within the revenue constraints imposed by state mandates, economic conditions and prevailing attitudes about taxation.

ROLL CALL - Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni, Councilman Papaleo and Mayor Moscaritolo were present, Councilwoman Murphy was absent.

APPROVAL OF MINUTES -

Motion by Councilman Cordts, seconded by Councilman Porco to approve the minutes of the Mayor and Council work session and regular meeting of February 6, 2012.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

PROCLAMATIONS & AWARDS -

Mayor Moscaritolo read the Proclamation Declaring the Month of March as "Women's History Month" into the record as follows:

P R O C L A M A T I O N

Whereas , American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

Whereas, American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

Whereas, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

Whereas, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

Whereas, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

Whereas, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history.

Now, Therefore, Be It Resolved that I, Sandy Moscaritolo, Mayor of the Borough of River Edge, in recognition thereof, do hereby proclaim the month of March 2012 as:

"Women's History Month"

In Witness Thereof, I have hereunto set my hand and caused the Seal of the Borough of River Edge to be affixed this February 21, 2012.

Mayor Sandy Moscaritolo

Dated: February 21, 2012

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilman Papaleo, seconded by Councilman Cordts to **Table** the appointment of Michele S. Austin, Esq., 153 Waterside Drive, Little Ferry as the Zoning Board of Adjustment Attorney, effective February 22, 2012.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Councilman Bartelloni-asked if they will be bringing Michele Austin back at a future date to ask her questions.

Councilman Papaleo-stated that after speaking with Alan and Sam he didn't feel that the Mayor and Council had enough information and requested that a resume be provided. He also suggested that someone reach out to the Zoning Board so that the matter could be brought up again at a later date.

Councilman Mignone-asked if the Mayor and Council are permitted to designate who the Zoning Board Attorney is or does the Board choose their own professionals. Sam Cereste, Esq.- stated that believes that the Board can chose its attorney. His only concern was that Michele might not have sufficient knowledge of the Land Use Law. Sam offered to spend a few hours with Michele to review some of the aspects of the Municipal Zoning Law with her to bring her up to speed in going forward.

Councilman Mignone-again asked if this is the Council's jurisdiction to appoint and also asked if the Board has already appointed Michele.

Sam Cereste, Esq.-assumes that they did appoint Michele. He asked Alan Negreann if that was correct.

Alan Negreann-stated that he does not have any knowledge of this particular situation at this time.

Sam Cereste, Esq.- stated that he would like to have the opportunity to look into it further rather than give an off the cuff answer.

Councilman Papaleo-stated that he did ask Sam those same questions.

Alan Negreann-stated that it has been our custom, as a courtesy to the Council, to list these appointments for the purpose of insuring that there is money in the budget. Once funds have been certified, the Borough Clerk issues a contract to the individual to make sure rights are protected on both sides.

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the appointment of Casey Connors, 259 Adams Avenue as a homeowner representative to the Rent Leveling Board, as Alternate #1 for a one-year term, effective February 22, 2012.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Motion by Councilman Cordts, seconded by Councilman Papaleo to approve the resignation of Robert Teunisen from the Zoning Board of Adjustment effective immediately.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Motion by Councilman Papaleo to approve the appointment of Albert Ruhlmann to the Zoning Board of Adjustment to fill the unexpired term of Robert Teunisen to 12/31/12, effective immediately.

There being no second, the motion fails.

Mayor Moscaritolo-stated that because the motion failed, the seat is not filled. If the seat remains unfilled for 30 days, the Council can appoint their own representative.

CORRESPONDENCE -

Notice - River Edge Board of Education - 2/14/12
Re: Meeting on February 15, 2012
Notice - NJ Transit - 2/14/12
Re: 2012 Request for Federal Financial Assistance
Letter - Robert Teunisen - 2/16/12
Re: Resignation from Zoning Board

LIAISON REPORTS -

MONTHLY REPORTS -

2011 Annual Financial Statement
Board of Health - January 2012

ORDINANCES - 1ST Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1759 as follows:

Ordinance #1759 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR THE CALENDAR YEAR 2012

Mayor Moscaritolo-asked Alan Negreann to give a brief description of Ordinance #1759.

Alan Negreann-explained that the State of New Jersey allows the Mayor and Council to raise the ceiling on spending appropriations from 2 ½ to 3 ½%. This does not mean that the Council will spend up to that ceiling, but it does allow us to use anything unused to be placed in a cap bank for a future budget. It allows us to expand the cap on certain spending appropriations in the 2012 budget.

Motion by Councilman Cordts, seconded by Councilman Porco to approve the first reading of Ordinance #1759 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1759

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR THE CALENDAR YEAR 2012

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Governing Body of the Borough of River Edge in the County of Bergen finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of

promoting the health, safety and welfare of the citizens; and

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$356,866.12 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by Governing Body of the Borough of River Edge, in the County of Bergen, a majority of the full authorized membership of this Governing Body affirmatively concurring that, in the CY 2012 budget year, the final appropriations of the Borough of River Edge shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$356,866.12, and that the CY 2012 municipal budget for the Borough of River Edge be approved and adopted in accordance with this ordinance.

BE IT FURTHER ORDAINED, that any that amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced by filed with the Director of the division of Local Government Services within 5 days of introduction.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated:

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

ORDINANCES - 2nd Reading

Mayor Moscaritolo read the title of Ordinance #1753 as follows:

Ordinance #1753 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE III, TRAFFIC REGULATIONS, TURNS

Mayor Moscaritolo gave a brief description of Ordinance #1753.

Ordinance #1753 was introduced by Councilman Cordts, seconded by Councilwoman Murphy at the February 6, 2012 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1753

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE III, TRAFFIC REGULATIONS, TURNS

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

Section 1. Section 400-21 *Turns* shall be amended as follows:

B. Left turns. No person shall make a left turn on any of the following streets:

Add the following street:

(17) From Dunkin Donuts west onto Midland Avenue

Section 2. Section 400-21 *Turns* shall be amended as follows:

Add:

E. Mandatory Right Hand Turn. From 666 Kinderkamack Road

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to such inconsistencies only.

Section II:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section III:

This ordinance shall take effect immediately upon final passage and publication as required by law.

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1753

Motion by Councilman Cordts, seconded by Councilman Porco to open hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1753

There being no comments by the public, motion by Councilman Cordts, seconded by Councilman Porco to close hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

ADOPTION - Ordinance #1753

Motion by Councilman Cordts, seconded by Councilman Porco to adopt Ordinance #1753.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Mayor Moscaritolo read the title of Ordinance #1754 as follows:

Ordinance #1754 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SECTION 27 SCHEDULE I: PARKING PROHIBITED AT ALL TIMES

Denise Dondiego, Borough Clerk gave a brief description of Ordinance #1754.

Ordinance #1754 was introduced by Councilman Cordts, seconded by Councilman Bartelloni at the February 6, 2012 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1754

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SECTION 27 SCHEDULE I: PARKING PROHIBITED AT ALL TIMES

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

Section 1. Section 400-27 *Parking Prohibited at All Times* shall be amended as follows:

Add The following street:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Lakeview Street	West	From the south curb of Reservoir Avenue To a point 50 feet therefrom

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to such inconsistencies only.

Section II:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section III:

This ordinance shall take effect immediately upon final passage and publication as required by law.

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1754

Motion by Councilman Bartelloni, seconded by Councilman Cordts to open hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1754

There being no comments by the public, motion by Councilman Porco, seconded by Councilman Cordts to close hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

ADOPTION - Ordinance #1754

Motion by Councilman Porco, seconded by Councilman Cordts to adopt Ordinance #1754.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Mayor Moscaritolo read the title of Ordinance #1755 as follows:

Ordinance #1755 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE III, TRAFFIC REGULATIONS, TRAFFIC CONTROL SIGNALS

Denise Dondiego, Borough Clerk gave a brief description of Ordinance #1755.

Ordinance #1755 was introduced by Councilman Cordts, seconded by Councilwoman Murphy at the February 6, 2012 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1755

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE III, TRAFFIC REGULATIONS, TRAFFIC CONTROL SIGNALS

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

Section 1. Section 400-24 *Traffic Control Signals* shall be amended as follows:

Add:

Kinderkamack Road and Howland Avenue

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to such inconsistencies only.

Section II:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section III:

This ordinance shall take effect immediately upon final passage and publication as required by law.

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1755

Motion by Councilman Cordts, seconded by Councilman Papaleo to open hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1755

There being no comments by the public, motion by Councilman Porco, seconded by Councilman Cordts to close hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

ADOPTION - Ordinance #1755

Motion by Councilman Bartelloni, seconded by Councilman Cordts to adopt Ordinance #1755.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Mayor Moscaritolo read the title of Ordinance #1756 as follows:

Ordinance #1756 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SCHEDULES

Denise Dondiego, Borough Clerk gave a brief description of Ordinance #1756.

Ordinance #1756 was introduced by Councilman Cordts, seconded by Councilwoman Murphy at the February 6, 2012 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1756

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SCHEDULES

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

Section 1. Section 400-27 *Schedule I: Parking Prohibited at All Times* shall be amended as follows:

Delete:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Howland Avenue	North	Kinderkamack road to Bogert Road

Section 2. Section 400-34 *Schedule VIII: One-Way Street* shall be amended as follows:

<u>Name of Street</u>	<u>Direction of Travel</u>	<u>Hours/Days</u>	<u>Location</u>
Summit Avenue	North	8:00 a.m. to 9:00 a.m. and 2:30 p.m. to 3:30 p.m/School	Between Continental and Webb Avenue

Section 3. Section 400-40 *Schedule XIV: Location of Crosswalks with In-Street Pedestrian Signs* shall be deleted in its entirety

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to such inconsistencies only.

Section II:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section III:

This ordinance shall take effect immediately upon final passage and publication as required by law.

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1756

Motion by Councilman Porco, seconded by Councilman Cordts to open hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Peggy White-741 Center Avenue-stated her concerns with Ordinance #1756 and asked what will happen on election day for poll workers who have to be there at 5:00 a.m.

Denise Dondiego-explained that the Police Department always works with her to cover the parking signs on that day.

CLOSE HEARING OF THE PUBLIC - Ordinance #1756

Motion by Councilman Porco, seconded by Councilman Cordts to close hearing

of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

ADOPTION - Ordinance #1756

Motion by Councilman Porco, seconded by Councilman Cordts to adopt Ordinance #1756.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Mayor Moscaritolo read the title of Ordinance #1757 as follows:

Ordinance #1757 - AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SECTION 39 SCHEDULE XIII: LOCATION OF CROSSWALKS

Mayor Moscaritolo gave a brief description of Ordinance #1757.

Ordinance #1757 was introduced by Councilman Cordts, seconded by Councilman Bartelloni at the February 6, 2012 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE 1757

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE, CHAPTER 400, ARTICLE IV, SECTION 39 SCHEDULE XIII: LOCATION OF CROSSWALKS

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

Section 1. Section 400-39 *Local of Crosswalks* shall be amended as follows:

Delete in its entirety and replace with the following crosswalks:

<u>Name of Street</u>	<u>Location</u>
Bogert Road	500 feet south from the south curb of Wayne Avenue To a point 11 feet therefrom across Bogert Road
Bogert Road	10 feet south from the south curb of Wayne Avenue to A point 8 feet therefrom, across Bogert Road
Bogert Road	From the north curb of Wayne Avenue to a point 8 Feet north therefrom, across Bogert Road
Continental Avenue	3 feet east from the east curb of Bogert Road to A point 8 feet therefrom, across Continental Avenue
Continental Avenue	From the west curb of Bogert Road to a point 8 feet West therefrom, across Continental Avenue
Continental Avenue	From the east curb of Elm Avenue to a point 8 feet East therefrom, across Continental Avenue
Continental Avenue	From the west curb of Elm Avenue to a point 8 feet West therefrom, across Continental Avenue
Elizabeth Street	From the north curb of Grand Avenue to a point 10 Feet north therefrom, across Elizabeth Street
Fifth Avenue	8 feet south from the south curb of Manchester Avenue To a point 8 feet therefrom, across Fifth Avenue
Fifth Avenue	10 feet north from the north curb of Manchester Avenue to a point 8 feet therefrom, across Fifth Ave.
Grand Avenue	From the west curb of Hackensack Avenue to a point 10 Feet west therefrom across Grand Avenue
Howland Avenue	4 feet west from the west curb of Oak Avenue to a Point 8 feet therefrom, across Howland Avenue

Howland Avenue	6 feet west from the west curb of Fifth Avenue to A point 8 feet therefrom across Howland Avenue
Howland Avenue	8 feet west curb of Valley Road to a point 10 Feet therefrom across Howland Avenue
Kinderkamack Road	13 feet north from the north curb of Reservoir Avenue to a point 10 feet therefrom, across Kinderkamack Rd.
Kinderkamack Road	10 feet south from the south curb of Madison Avenue To a point 10 feet therefrom, across Kinderkamack Rd.
Midland Avenue	From the east curb of Bogert Road to a point 10 feet East therefrom, across Midland Avenue
Midland Avenue	From the west curb of Bogert Road to a point 10 feet West therefrom, across Midland Avenue
Midland Avenue	From the west curb of Myrtle Avenue to a point 10 feet west therefrom, across Midland Avenue
Webb Avenue	From the east curb of Bogert Road to a point 10 feet East therefrom, across Webb Avenue
Webb Avenue	From the west curb of Bogert Road to a point 10 feet West therefrom, across Webb Avenue

All ordinances inconsistent with the provision of this ordinance are hereby repealed as to such inconsistencies only.

Section II:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgment of a court of competent jurisdiction, the invalidity of such portions shall not effect the remaining provisions of this ordinance, which shall be severable therefrom.

Section III:

This ordinance shall take effect immediately upon final passage and publication as required by law.

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1757

Motion by Councilman Porco, seconded by Councilman Cordts to open hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1757

There being no comments by the public, motion by Councilman Cordts, seconded by Councilman Bartelloni to close hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

ADOPTION - Ordinance #1757

Motion by Councilman Bartelloni, seconded by Councilman Porco to adopt Ordinance #1757.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1758 as follows:

TABLED

TABLED

TABLED

Ordinance #1758 - AN ORDINANCE AMENDING CHAPTER 384, TREES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

Sam Cereste, Esq. - stated that he understands that the Mayor has some concerns with certain parts of the ordinance and in addition, the Mayor and Council have received a letter with concerns from Bob Byrnes. He suggests that the ordinance be tabled this evening which will allow all concerned parties to have further discussions.

Ordinance #1758 was introduced by Councilman Porco, seconded by Councilman Cordts at the February 6, 2012 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1758

AN ORDINANCE AMENDING CHAPTER 384, TREES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

BE IT ORDAINED by the Mayor and Council of the Borough of River Edge, County of Bergen, State of New Jersey:

Section I

§ 385-1 Purpose.

The Mayor and Council of the Borough of River Edge finds that the preservation, protection, and planting of trees and other plants conserves and enhances the borough's physical and aesthetic appearance, and generally protects the public health and safety and general welfare;

The intent of this Ordinance is to limit the adverse impact of tree damage and removal associated with construction. This ordinance preserves and perpetuates the Borough's tree stock located on public property and within a commercial or residential development, through the establishment of regulatory control over removal of trees that have attained a specific minimum size, and the requirement that property owners or their agents provide orderly tree replacement plans.

Section II

§ 385-2 Definitions.

For the purposes of this ordinance, the below terms have the following defined meaning.

B&B (balled & burlapped) - means a method of excavation in which the subject Tree is removed along with the surrounding its roots and such soil and roots are wrapped and laced.

Borough Trees - means any tree whether located on a Borough Street, right of way or property under the ownership or control of the Borough of River Edge.

Diameter Breast Height (DBH) - means the diameter of a Tree measured at a point on the trees four (4') from ground level.

ISA - means the International Society of Arboriculture.

Project - means any undertaking whatsoever which would involve potential damage to or which may result in the planned or unplanned removal of regulated trees. Such projects shall include, but not be limited to, new construction, modifications of existing structures, grade modification and drainage improvement works, except for those exempted in Section nine (9) of this ordinance.

Regulated Tree - means any deciduous or coniferous tree which has a DBH of four inches (4") or greater.

Removal - means any activity which results in cutting down completely or substantially eliminates a living regulated tree for the Borough's tree stock.

Removal Plan - means a Protection and Removal Plan.

Replacement Plan - means a plan developed in accordance with and conforming to the provisions of this ordinance which has been approved by the Shade Tree Commission.

Site Plan - means a plan as defined by the Borough's Municipal Land Use Ordinance.

Shade Tree Replacement Fund - means "Trust Other Fund - Dedicated Shade Tree Commission Escrow Account." and is the dedicated depository account of the Shade Tree Commission for tree permit fees, tree replacement fees, expert fees and cash landscape bonds.

Section III

§ 385-3 Cutting or Removal Restricted.

With the exception of the exemptions set forth in Section 9 of this ordinance, including, but not limited to dead, dying or diseased trees, no person shall cut or remove, or cause to be cut or removed, a regulated tree upon any lands within the Borough of River Edge unless cutting or removal is performed in strict accordance with the provisions of this ordinance.

Section IV

§ 385-4 Permit Required.

A Project Permit is required for the removal of regulated tree(s).

Section V

§ 385-5 Project Permit Application Process.

A. Project Permit Application Submission.

Upon filing an application for development with the Borough or a building permit for construction of dwelling(s), a Tree Removal and Protection Project Permit shall be required for the removal and/or protection of public trees and those trees located within a residential or commercial development. A permit application for the removal and/or protection of said trees shall be submitted to the Shade Tree Commission for review.

B. Application Contents.

An application for a Tree Removal and Protection Project Permit shall consist of the following:

1. The name and address of the owner of the land;
2. The description of the lands in question, including the lot and block numbers of the land as shown on the current Tax Map of the Borough of River Edge; a survey or plot plan locating public and private trees;
3. The purpose or reason for removing the tree(s);
4. The quantity, caliper size, location and species of tree(s) to be removed;
5. The proposed dates for commencement and completion of the project;
6. Name and address of the person having express charge, supervision, and/or control of the proposed removal of tree(s);
7. A statement granting permission to Borough officials or their employees to enter the premises and make surveys and inspections as the work progresses; and
8. A Tree Replacement Plan that includes quantity, caliper size, location and species of tree(s) to be replanted.

C. Jurisdiction

1. The Shade Tree Commission shall have jurisdiction concerning the removal and protection of trees on private and public property unless otherwise exempted herein. The protection and removal assessment of regulated trees will be determined by the appraisal of a trained forester or licensed tree expert retained by the Borough for that purpose. The Borough shall modify the value of the tree based upon its species, variety, location and its condition at the time of removal or destruction.

D. The Shade Tree Commission shall review the Project Permit application to determine whether such Project complies with this ordinance. The Shade Tree Commission shall then provide written notice to the applicant indicating one of the following determinations:

1. The Project Permit is granted; or

2. The Project Permit is granted subject to prescribed conditions attached to such notice; or

3. The Project Permit is denied, in which case the written notice shall state the reasons for such denial.

E. The Shade Tree Commission shall render a decision on a Project Permit Application and furnish the required notices within thirty (30) calendar days following submission of a completed application.

F. Failure of the Shade Tree Commission to render a decision within the thirty (30) day period, or within any extension of time granted by the applicant, shall constitute and have the same effect as an approval of the application.

G. Any proposed change in the approved Project shall be submitted to the Shade Tree Commission. The Shade Tree Commission's determination concerning the approval of the amended project shall be determined in the same manner as an original application for a Project Permit.

H. The applicant shall maintain a copy of the approved Project at the Project location. A copy of the Project Permit shall be available for inspection by a representative of the Shade Tree Commission.

Section VI

§ 385-6 Tree Replacement Fee Schedule (Private Trees)

Trees to be Removed		Replacement Trees		
Number of Trees	DBH (inches)	Number of Trees to be replaced	Caliper (inches)	or Dollar Amount per tree
1	4" to 11"	One (1)	2 to 2 ½	\$400
1	12" to 17"	Two (2)	2 to 2 ½	\$400
1	18" to 23"	Three (3)	2 to 2 ½	\$400
1	Greater than 24"	Four (4)	2 to 2 ½	\$400

Section VII

§ 385-7 Shade Tree Replacement Fund.

In certain circumstances, the Shade Tree Commission may authorize a contribution to the Borough's Shade Tree Replacement Fund in lieu of planting replacement trees on a site where it determines that the purposes of this ordinance would be furthered thereby. Such contribution shall bear a reasonable relationship to the cost of planting trees that would otherwise be required under Section 6 of this ordinance, but in no case shall it be less than \$400.00 per required replacement exclusive of permit fees.

Section VIII

§ 385-8 Bonding Requirement (Street Trees)

(a) Any person developing property, re-developing property or demolishing structures on property with Borough trees, will provide the Borough of River Edge with a Cash Landscape Maintenance Bond or equivalent in an amount not to exceed \$5,000 for each Borough of River Edge street tree on said property for up to three (3) years. After the first year, and the second year, if it is necessary, the tree/trees will be evaluated by the Shade Tree Commission. Based upon the evaluation, the Commission will determine whether the Cash Landscape Maintenance Bond or equivalent will be returned, extended, or moved to the Shade Tree Replacement Fund utilized to remove and replace any of the Borough of River Edge trees on said property.

Section IX

§ 385-9 Exemptions.

The following shall be exempt from the requirements of this ordinance:

A. Trees that are deemed to be removed by the Borough, which are on or over a public right-of-way.

B. Trees that are deemed to be removed as part of a municipal project.

C. Emergency removals.

D. Trees removed on private property as part of the owner's property maintenance and care.

Section X

§ 385-10 Fees

An application for a Tree Removal and Protection Permit shall be accompanied by the required fees as set forth below:

A. Administration Fee for the processing of each tree removal permit-\$25.00.

B. Escrow deposit where Shade Tree Commission determines that a tree expert is needed for tree evaluation. Expert fees incurred by the Commission shall be the responsibility of the applicant.

Section XI

§ 385-11 Penalty.

Any person who violates any provisions of this ordinance shall be liable for a fine not to exceed One Thousand (\$1,000.00) Dollars together with restitution in an amount to be determined for replacement of the improperly removed trees.

Section XII

§ 385-12 Severability.

If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstances, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section XIII

§ 385-13 Inconsistency.

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section XIV

§ 385-14 Effective Date.

This ordinance shall take effect immediately upon final passage and publication as required by law.

Section XV

This ordinance shall take effect immediately upon final passage and publication as required by law.

Sandy Moscaritolo, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk
Dated:

Motion by Councilman Papaleo, seconded by Councilman Cordts to **TABLE** Ordinance #1758.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Mayor Moscaritolo-told Liz Stewart that he will be meeting with Sam to discuss some revisions but feels that it will better than before.

Sam Cereste, Esq.-asked Liz if she had received Bob Byrnes letter of concerns. Liz Stewart-replied yes she did receive it and feels that these issues can be addressed very easily. Liz explained that she has to take off from work every time this ordinance has been discussed at a Council meeting and asked if there are any questions she can answer while she's here.

Mayor Moscaritolo-wants to make sure all of Bob Byrnes questions are answered and feels that the ordinance needs to be changed to make it clear where Shade Tree's jurisdiction extends to. He's hopeful that they can get something accomplished.

RESOLUTIONS - By Consent

Motion by Councilman Bartelloni, seconded by Councilman Mignone to approve resolution #12-84 and #12-85.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

#12-84 Authorize the Computation of the Percentage for the Reserve for Uncollected Taxes Pursuant to Public Laws of 1997, Chapter 28

WHEREAS, the Borough of River Edge has experienced a significant number of tax appeal judgments awarded to property owners from action of the County Tax Board or the State Tax Court; and

WHEREAS, pursuant to N.J.S.A. 40A:4-41(c)(1), which permits the tax collection rate used to compute the Reserve for Uncollected Taxes to be based on the average of the collection rate for the previous three years; and

WHEREAS, it is desirous of the Mayor and Council of the Borough of River Edge to compute the 2012 Reserve for Uncollected Taxes based upon the average collection rate for the previous three years; and

WHEREAS, the tax collection rate for 2011 was 98.41%, 2010 was 98.79% and 2009 was 99.00% amounting to a three year average of 98.73%.

NOW, THEREFORE, BE IT RESOLVED by the mayor and Council of the Borough of River Edge, that the 2012 Reserve for Uncollected Taxes be based upon the three year tax collection rate average of 98.73%.

February 21, 2012

#12-85 Authorize Increase in Deferral of School Taxes

WHEREAS, under the provisions of statute the unpaid portion of the year of levy of school tax may be deferred to the extent of not more than 50% of the levy; and

WHEREAS, the annual increase in deferred school tax results in a corresponding increase in surplus; and

WHEREAS, the Local River Edge School Tax Deferred at 1/1/11 was \$6,658,617.00 and at 12/31/11 was \$6,675,905.00; and

WHEREAS, the River Dell School Tax Deferred at 1/1/11 was \$6,782,371.37 and at 12/31/11 was \$7,107,866.52.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge do hereby confirm their desire to increase the deferral of the Local River Edge and River Dell School taxes.

February 21, 2012

Motion by Councilman Papaleo, seconded by Councilman Cordts to **TABLE** resolution #12-86.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

TABLED

TABLED

TABLED

#12-86 Enter Into Agreement with Michele S. Austin Esq., 153 Waterside Drive, Little Ferry, New Jersey, 07643 for Professional Services as Zoning Board of Adjustment Attorney for the Borough of River Edge

WHEREAS, there exists a need for a Zoning Board of Adjustment Attorney for legal services such as attendance at meetings of the Board, doing legal research and issuing oral and written legal opinions; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the annual aggregate value of the service may exceed \$17,500; and

WHEREAS, Michele S. Austin, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Michele S. Austin, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of River Edge Governing Body in the previous one year, and that the contract will prohibit Michele S. Austin, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-167 of the Current Fund not to exceed \$4,500.00.

WHEREAS, the rate of pay shall not exceed \$85.00 per hour as zoning Board of Adjustment Attorney; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement with Michele S. Austin, Esq., 153 Waterside Drive, Little Ferry, New Jersey 07643 in the amount not to exceed \$4,500.00.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law to Michele S. Austin, Esq., 153 Waterside Drive, Little Ferry, New Jersey 07643.
4. A notice of this action shall be printed once in THE RIDGEWOOD NEWS.

February 21, 2012

Motion by Councilman Bartelloni, seconded by Councilman Mignone to approve resolution #12-87 and #12-88.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

#12-87 Authorize the Release of a Performance Bond for TSUJ Corp., P.O. Box 4621, Wayne New Jersey 07474 for the 2011 Wayne Avenue Generator Project

WHEREAS, the Borough of River Edge received a Performance Bond from TSUJ Corp., P.O. Box 4621, Wayne, New Jersey 07074 for the 2011 Wayne Avenue Generator Project; and

WHEREAS, the amount of the Performance Bond was \$65,900.00; and

WHEREAS, the Borough Engineer has certified that the final inspection has been made and approval is given with regard to the 2011 Wayne Avenue Generator Project; and

WHEREAS, a Maintenance Bond in the amount of \$10,076.52 has been received by the Borough Clerk; and

WHEREAS, a work session was held before the Mayor and Council of the Borough of River Edge on February 21, 2012 at which time a review of the project took place.

NOW, THEREFORE, BE IT RESOLVED that the Performance Bond for TSUJ Corp. be released in the amount of \$65,900.00.

February 21, 2012

#12-88 Change Order #7 Approval and Amendatory Contract for 2011 Howland Avenue & Kinderkamack Road Intersection Improvement Project to AJM Contractors, Inc.

WHEREAS, N.J.A.C. 5:34-4.2 lists the requirements for all Change Orders; and

WHEREAS, the Borough of River Edge awarded a contract on June 6, 2011 via resolution #11-207 to AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 in the amount of \$818,320.10, amended via resolution #11-263 in the amount of \$5,295.00 dated August 1, 2011, amended via resolution #11-311 dated September 6, 2011 in the amount of \$4,000.00; amended via resolution

#11-350 dated October 3, 2011 in the amount of \$4,014.00; amended via resolution #11-404 dated November 7, 2011 in a decreased amount of \$(703.81); amended via resolution #12-60 dated January 17, 2012 in the amount of \$2,037.00 and amended via resolution #12-79 dated February 6, 2012 in the amount of \$7,845.25; and

WHEREAS Change Order #7 reflects a decrease of (\$6,912.50) for miscellaneous concrete, concrete sidewalk and landscape lighting; an increase of \$450.00 for traffic signs; an addition to the contract in the amount of \$1,790.00 to raise a catch basin on Kinderkamack Road to eliminate low shoulder for a total decreased amount of (\$4,672.50); and

WHEREAS, the Borough Engineer has recommended the above change.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with AJM Contractors, Inc. for Change Order #7 which reflects a decrease of (\$4,672.50) to the original contract.

BE IT FURTHER RESOLVED that the exact form of this amendatory contract shall be at the discretion of the Borough Attorney and the Mayor and the Borough Clerk is hereby authorized to execute said contract and Change Order #7.

February 21, 2012

Motion by Councilman Bartelloni, seconded by Councilman Mignone to **TABLE** resolution #12-89.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, and Councilman Bartelloni voted yes; Councilman Papaleo voted no and Councilwoman Murphy was absent.

TABLED

TABLED

TABLED

#12-89 Authorize Mayor and Clerk to Sign the Rebuilding Together Bergen County for the American Legion Building

BE IT RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign the Rebuilding Together Bergen County grant application for the American Legion Building.

February 21, 2012

Motion by Councilman Papaleo, seconded by councilman Cordts to approve resolution #12-90 through #12-93.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

#12-90 Resolution of the Borough Council of the Borough of River Edge, In the County of Bergen, New Jersey, Covenanteeing to Comply with the Provisions of the Internal Revenue Code of 1986, as Amended, Applicable to the Exclusion from Gross Income for Federal Income Tax Purposes of Interest on Obligations Issued by the Borough of River Edge and Authorizing the Mayor, Borough Clerk, Chief Financial Officer and Other Borough Officials to Take Such Action as They May Deem Necessary or Advisable to Effect Such Compliance and Designating a \$300,000 Bond Anticipation Note and a \$139,000 Special Emergency Note, Both Issues Dated February 16, 2012 and Payable February 15, 2013, as "Qualified Tax-Exempt Obligations" Pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as Amended

WHEREAS, the Borough of River Edge, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United

States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough desires to designate a \$300,000 Bond Anticipation Note and a \$139,000 Special Emergency Note, both issues dated February 16, 2012 and payable February 15, 2013 (collectively, the "Notes"), as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code; NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of River Edge, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on the Notes be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The above-referenced Notes of the Borough are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Notes are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2012.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Notes) during the calendar year 2012.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough be and they hereby are authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2012 dated as of the date of delivery of the Notes.

SECTION 8. This resolution shall take effect immediately upon its adoption.

February 21, 2012

DETERMINATION AND AWARD CERTIFICATE

(\$300,000 Bond Anticipation Note)

BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, NEW JERSEY

I, ALAN P. NEGREANN, Chief Financial Officer of the Borough of River Edge, in the County of Bergen, New Jersey (herein called "Issuer"), HEREBY CERTIFY as follows:

1. By virtue of the authority conferred upon me by two bond ordinances adopted by the Borough Council of the Issuer on April 18, 2011 (Ord. No. 1729, as amended by Ord. No. 1744 adopted on December 5, 2011) and May 16, 2011 (Ord. No. 1731), I have determined to issue a Bond Anticipation Note (herein called the "Note") of the Issuer in accordance with the following description:

TOTAL PRINCIPAL AMOUNT: \$300,000

DATED: February 16, 2012

MATURITY: February 15, 2013 (non-callable)

<u>NUMBER</u>	<u>DENOMINATION</u>
12-1R	\$300,000

INTEREST RATE PER ANNUM (payable at maturity): 1.78%

PLACE OF PAYMENT: PNC Bank, N.A.
2 Tower Center Boulevard East
Brunswick, New Jersey

2. Pursuant to said authority, I have awarded and will sell the Note to PNC Bank, N.A., at the price of \$300,000 plus an amount equal to the interest on the Note accrued to the date of payment of the purchase price thereof.

3. No obligations of the Issuer other than the Note have been issued pursuant to the ordinances referenced above and are now outstanding.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of February, 2012.


ALAN P. NEGREANN
Chief Financial Officer
Borough of River Edge
County of Bergen
New Jersey

DETERMINATION AND AWARD CERTIFICATE

(\$139,000 Special Emergency Note)

BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, NEW JERSEY

I, ALAN P. NEGREANN, Chief Financial Officer of the Borough of River Edge, in the County, of Bergen, New Jersey (herein called "Issuer"), HEREBY CERTIFY as follows:

1. By virtue of the authority conferred upon me by an ordinance adopted by the Borough Council of the Issuer on September 6, 2011 (Ord. No. 1737, as amended by Ord. No. 1740 adopted on October 17, 2011) and a resolution adopted by the Borough Council of the Issuer on October 17, 2011 to finance the undertaking of a property reassessment program in, by and for the Issuer, I have determined to issue a Special Emergency Note (herein called the "Note") of the Issuer in accordance with the following description:

TOTAL PRINCIPAL AMOUNT: \$139,000

DATED: February 16, 2012

MATURITY: February 15, 2013 (non-callable)

<u>NUMBER</u>	<u>DENOMINATION</u>
12-1RSEN	\$139,000

INTEREST RATE PER ANNUM (payable at maturity): 1.78%

PLACE OF PAYMENT: PNC Bank, N.A.
2 Tower Center Boulevard East
Brunswick, New Jersey

2. Pursuant to said authority, I have awarded and will sell the Note to PNC Bank, N.A., at the price of \$139,000 plus an amount equal to the interest on the Note accrued to the date of payment of the purchase price thereof.

3. No obligations of the Issuer other than the Note have been issued pursuant to the ordinance and resolution referenced above and are now outstanding.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of February, 2012.


ALAN P. NEGREANN
Chief Financial Officer
Borough of River Edge
County of Bergen
New Jersey

#12-91 Authorize Tax Collector to Refund A Duplicate 2011 Tax Payment

WHEREAS, the tax office has received a duplicate tax payment for the 2011 taxes on the following property; and

WHEREAS, a written request was received from the homeowner to refund the overpaid amount directly to the homeowner.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue a check in the following amount and the Tax Collector to adjust her records accordingly.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
614/12	Michael & Mary Pennotti 630 Bogert Road River Edge, NJ 07661	25.01

#12-92 Authorize Tax Collector to Refund Duplicate 2012 Tax Payments

WHEREAS, the tax office has received duplicate tax payments for the 2012 taxes on the following properties; and

WHEREAS, a written request was received from the homeowner to refund the overpaid amount directly to the homeowner.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue checks in the following amounts and the Tax Collector to adjust her records accordingly.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Refund Amount</u>
510/17	Sonia E. Smith 204 Monroe Avenue River Edge, NJ 07661	899.11
1108/32	Henry & Dorothy Walker 318 Taft Road River Edge, NJ 07661	835.24

February 21, 2012

#12-93 Authorize Cancellation of Added Assessment 2011 Taxes Due to County Board Judgment

WHEREAS, the Tax Office has received a County Board Judgment for the year 2011 cancelling the added assessment amounts on the following properties; and

WHEREAS, the 2011 added assessments have not been paid.

NOW, THEREFORE BE IT RESOLVED, that the Tax Collector cancel the following amounts and adjust her records accordingly.

<u>Block/Lot</u>	<u>Owner</u>	<u>Old Value</u>	<u>New Value</u>	<u>Cancelled Amount</u>
411/2.01	Assad Daibes & Kathryn Ilardi 749 Williams Ave. River Edge, NJ	166,300	0.00	\$4,441.87
1103/45	Cohen, Irwin & Gloria 18 Eastbrook Drive River Edge, NJ	122,917	0.00	\$3,283.11

Councilman Porco read resolution #12-94 into the record.

Motion by Councilman Porco, seconded by Councilman Cordts to approve resolution #12-94.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

#12-94 Payment of Bills

WHEREAS, vouchers for the payment of goods and services rendered to the Borough of River Edge have been received; and

WHEREAS, each bill has been checked by the receiving department, approved by the Chief Financial Officer and Borough Clerk and reviewed by the three members of the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED that bills as listed now be confirmed for payment from the appropriate funds as follows:

CURRENT ACCOUNT	\$1,470,700.58
CAPITAL ACCOUNT	\$ 57,291.89
RECREATION ACCOUNT	\$ 1,293.19
ANIMAL WELFARE	\$ 253.20
OPEN SPACE ACCOUNT	\$ 690.00
TRUST OTHER DEVELOPERS ACCOUNT	\$ 1,985.00

BE IT FURTHER RESOLVED, that claims read and approved by the Governing Body at a Council meeting will be dated the day after the reading of those claims and will appear on the following bill list at the next public meeting of the Mayor and Council at which time claims would be paid.

February 21, 2012

Motion by Councilman Cordts, seconded by Councilman Mignone to approve resolution #12-95 and #12-96.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

#12-95 Resolution to Go Into Closed Session and Exclude Public

WHEREAS, the Open Public Meetings Act, N.J.S.A.10:4-12, permits the exclusion of the public from a meeting in certain enumerated circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. That the public shall be excluded from the February 21, 2012 meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session</u> <u>Docket #</u>	<u>Item Title or Description</u>	<u>Statutory</u> <u>Reference</u>
12-2/21-1	Personnel - Mayor & Council Salaries	N.J.S.A. 10:4-12(8)

2. It is anticipated at this time that the above stated subject matter will be made public within a reasonable time, the substance of which will be released after the Mayor and Council or the specific authorized public body has reviewed and specifically accepted the data.

3. This resolution shall take effect immediately.

February 21, 2012

#12-96 Transfer of Funds in the Budget Appropriation Reserve

WHEREAS, various 2011 bills have been presented for payment this year, which bills were not covered by a purchase order number and/or recorded at the time of transfer between the 2011 Budget Appropriation Reserve in the last two months of 2011; and

WHEREAS, N.J.S. 40A4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months on the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that the transfer in the amount of \$41,410.00 be made between the 2011 Budget Appropriation Reserves as follows:

FROM: PUBLIC WORK REPAIR S/W	26-2901-011	200.00
TO: UNIFORM FIRE SAFETY S/W	25-2651-011	200.00
FROM: PUBLIC WORK REPAIR S/W	26-2901-011	300.00
TO: MUNI PROS. S/W	25-2751-011	300.00
FROM: PUBLIC WORK REPAIR S/W	26-2901-011	4,500.00
TO: RECYCLING S/W	26-3051-011	4,500.00
FROM: PUBLIC WORK REPAIR S/W	26-2901-011	700.00
TO: PUBLIC LIBRARY S/W	29-3901-011	700.00
FROM: PUBLIC WORK REPAIR S/W	26-2901-011	21,000.00
TO: POLICE DEPT S/W	25-2401-014	21,000.00
FROM: FINANCIAL ADMIN OE	20-1302-168	400.00
TO: POLICE COMMUNICATIONS OE	25-2502-144	400.00
FROM: FINANCIAL ADMIN OE	20-1302-168	600.00
TO: POLICE DEPT OE	25-2402-077	600.00
FROM: OTHER CODE ENF. S/W	22-2001-011	200.00
TO: FIRE OE	25-2552-180	200.00
FROM: PUBLIC WORK REPAIR S/W	26-2901-011	1,610.00
TO: MUNICIPAL CLERK OE	20-1202-022	1,610.00
FROM: PUBLIC WORK REPAIR S/W	26-2901-011	2,100.00
TO: TELEPHONE & TELEGRAPH OE	31-4402-170	2,100.00
FROM: OTHER CODE ENF. S/W	22-2001-011	600.00
TO: PUBLIC HEALTH SVCS OE	27-3302-036	600.00
FROM: PUBLIC WORK REPAIR S/W	26-2901-011	900.00
TO: MAINT/PUB. LIB ELECT OE	31-4302-174	900.00
FROM: PLANNING BOARD OE:	21-1802-036	800.00
TO: BUILDING & GROUNDS OE	26-3102-182	800.00
FROM: PUBLIC WORK REPAIR S/W	26-2901-011	5,000.00
TO: PUBLIC REPAIR MAINT OE:	26-2902-178	5,000.00
FROM: PUBLIC WORK REPAIR S/W	26-2901-011	2,500.00
TO: PETROLEUM PRODUCTS	31-4472-166	2,500.00

February 21, 2012

OPEN HEARING OF THE PUBLIC -

Motion by Councilman Cordts, seconded by Councilman Porco to open hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Joann Lamneck-148 Voorhis Avenue-publicly thanked Mayor Moscaritolo and Council Papaleo for helping and supporting them in trying to rectify the drainage problem on Voorhis Avenue. She stated that she received a letter from Bob Costa informing her that the town has allocated funds for him to implement a plan to resolve their flooding problems.

Mayor Moscaritolo-stated that even though they've allocated money in the capital budget for that project, he's hoping that they'll be able to get some funding through a grant.

CLOSE HEARING OF THE PUBLIC -

Motion by Councilman Cordts, seconded by Councilman Papaleo to close hearing of the public.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

COUNCIL COMMENTS -

Councilman Papaleo-reported that over the last few weeks the Fire Department has had three fire education school classes which included special needs students and Brownies. He informed everyone that a resident had donated a pet/animal resuscitation device which has been outfitted on one of the fire trucks. He also reported on the number of fire calls that the Department responded to and that they will be holding a drill this evening. Councilman Papaleo stated that one of the campaign promises that he made was to help revitalize River Edge commercial properties and disclosed that Gary Esposito, his nephew, offered free publicity for the Huffman Koos property on chainstorage.com. It is his hope that it will foster a positive and desirable retail stores for our town. He is happy to announce that this website will be publishing many articles on River Edge redevelopment starting with the old Huffman Koos property and Total Wine.

Councilman Bartelloni-reported that he had attended the River Dell Board of Education meeting on February 13th and noted that they recognized the Girls Volleyball Team for being the Group II State Champions. He hoped that the Council would also acknowledge them as well at a future meeting. Councilman Bartelloni announced that the school musical this year will be "Willie Wonka". He also reported that all three school districts have moved their elections from April to November and budget packets went out last week. He also stated that on Thursday, the State will release their state aid figures for the schools and hopes that it will benefit River Edge and River Dell. Councilman Bartelloni continued by saying that they're still finishing up the budget and explained several issues that will have an impact on the budget. These items include the lack of Open Space funds, the reserve for uncollected taxes, BCUA fee increases and emergency appropriations for Hurricane Irene and the Halloween snow storm. He also stated that the single most important thing that will affect our budget is that this year we have \$655,250 less in available surplus than we did the year before and although people may get tired of hearing it, this town had a huge surplus in the middle 2000's. He stated that in 2004 there was over \$9,000,000 in the bank in surplus and in 2007, 2008 and 2009 the Council used almost \$9,500,000 in surplus for their budgets and effectively there is nothing left. He stated that the lack of surplus funds continues to affect the budget.

Councilman Mignone-stated that since he was unable to attend the February 6th meeting, he congratulated the new Patrol Officers, Anthony Roman and Renata Sanches and wished them a successful career with the Borough. He spoke with Chief Cariddi who reported that their training is going very well and feels that they made a good decision by hiring them. Councilman Mignone stated that at the Planning Board meeting they had the first hearing on the Now Atkins application for 230 Kinderkamack Road. He stated that the hearing will continue on March 15th when at that time, they will be bringing in the traffic engineer and the landscape architect. Councilman Mignone attended the Environmental Commission meeting where unfortunately there was no quorum. He had hoped to be able to add new members but because the number of members is set by the enabling statute in the ordinance, we're unable to. He explained that the Association of Environmental Commissions of New Jersey has stated that other towns that have had this issue, did enact legislation to have other categories of membership incorporated. He feels that they need to evaluate who is on the Commission, their commitment to it and maybe have the Chairman send a letter to make sure they still want to participate. They did have a conversation about the annual river clean-up which will be in May and the Commission did put in a request for a moderate amount of funding.

Councilman Porco-is happy to report that they've gotten the Borough meetings on

video for the website, explained how to view them and encouraged everyone to take look. He thanked the River Dell Patch for their article and informed everyone that there have been 77 views already and hopes that more people will tune into the meetings..

Councilman Cordts-had no comment.

Mayor Moscaritolo-stated that he spoke with Paul Ciancia, the owner of the former Huffman Koos property and asked for an update as to where they are with the clean-up. He noticed that the most of the equipment, which had been there for months, seems to be gone and was informed that they're done with the initial clean-up stage. Mayor Moscaritolo was told that they would have to wait about a month to test the monitoring wells to see if the levels of perk that were in the groundwater have decreased. If they have, they will be able to get clearance from the DEP to begin construction. Mayor Moscaritolo stated that he was told they are hopeful that by late spring, early summer they may be ready to do something there. They indicated to the Mayor that they have a commitment from Total Wine to enlarge the facility and were also looking for a tenant for the existing Total Wine store. They are aggressively marketing for a store to go in the middle section of the complex. Mayor Moscaritolo stated that he and Council President Cordts have been meeting to continually communicate and come together and try to keep major issues to a minimum. Mayor Moscaritolo promised that when he became Mayor, he would be pro-active with economic development and grants. He hopes that the Council will move to hire Capital Alternatives or look at other grant consultants because he feels that there is money out there for projects that we may want to do. Mayor Moscaritolo spoke about the bids that were received for the Soil Remediation of the Pocket Park and asked when it will be awarded.

Alan Negreann-has asked the firm who is undertaking the review of the bids to prepare a report so that the Governing Body can discuss it at the February 27th work session and award at the March 5th meeting.

Mayor Moscaritolo-confirmed that the Council had received copies of the two bids for the project and asked Alan if there is money in budget?

Alan Negreann-answered, yes.

ADJOURNMENT - 8:50 P.M.

Motion by Councilman Cordts, seconded by Councilman Porco to adjourn the meeting at 8:50 p.m.

ROLL CALL VOTE: Councilman Cordts, Councilman Porco, Councilman Mignone, Councilman Bartelloni and Councilman Papaleo voted yes; Councilwoman Murphy was absent.

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated: