

M I N U T E S
Meeting of the Mayor and Council
Monday, July 1, 2013
8:00 P.M.

CALL THE MEETING TO ORDER -

Councilman Bartelloni called the meeting to order at 8:08 p.m. in the Council chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Councilman Bartelloni called for a moment of silent prayer and asked Councilman Acquafredda to lead the salute to the flag.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

Councilman Bartelloni read the Mission Statement into the record 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 affecting 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 - Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone, Councilman Bartelloni were present; Councilman Papaleo and Mayor Moscaritolo were absent.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the Mayor and Council work session and regular meeting of June 17, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council work session of June 24, 2013.

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

PROCLAMATIONS & AWARDS - NONE

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve the hire of Joseph Sanfilippo,
as a Patrol Officer in the Police Department at an annual salary of \$28,611.00 with a two-year probationary period, effective July 2, 2013.

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

Councilman Bartelloni administered the Oath of Office to Joseph Sanfilippo and Chief Cariddi presented him with his badge.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the conditional hire of Patrick Diamond,
as a Patrol Officer in the Police Department at an annual salary of \$28,611.00 with a two-year probationary period, effective July 2, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Maureen Murphy, Tax Collector, from an annual Step I salary of \$39,066.00 to Step II - \$41,231.00, effective July 1, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Judy O'Connell, Deputy Borough Clerk from an annual salary of \$52,097.00 to 52,577.00 due to an increase in longevity from \$480.00 to \$960.00, effective July 6, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the salary change of Francis Gallagher, Laborer I in the Department of Public Works, from an annual salary of \$51,573.00 to \$53,193.00 due to a step increase from Step V to Step VI, effective July 5, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the hire of Brendan Kiely, 489 The Fenway, as a temporary Crossing Guard for Temple Avodat Shalom, at an hourly rate of \$16.48 per hour, effective June 1, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the hire of Brendan Kiely, 489 The Fenway, as a part-time Police Dispatcher at an hourly rate of \$17.92, not to exceed 29 hours per week, effective July 2, 2013.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the retirement of Robert Daly, Sergeant in the Police Department, effective August 1, 2013.

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

CORRESPONDENCE -

Letter	-	State of New Jersey - 6/14/13
		Re: Governor Survey
Notice	-	River Edge Board of Education - 6/17/13
		Re: Meeting Notice - 6/19/13
Letter	-	Sergeant Robert Daly - 6/24/13
		Re: Letter of Retirement

MONTHLY REPORTS -

Library Board	-	May 2013
Planning Board	-	March 2013
Planning Board	-	April 2013
Planning Board	-	May 2013

PUBLIC HEARING BERGEN COUNTY OPEN SPACE - 2014 APPLICATION

Open Public Hearing

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open the public hearing.

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

Alan Negreann-stated that we have the copy of the plan displayed in the Council Chambers for the public to view and explained that the consultant has provided a revised quotation based on the adjustments that were made at the last meeting. The total is \$123,000.00 and the application will be prepared for 50% of the sub-total plus the contingencies. The purpose of the hearing this evening is to take public comments on the plan.

Close Public Hearing

There being no comments from the public, Motion by Councilwoman Murphy, seconded by Councilman Mignone to close the public hearing.

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

ORDINANCES - 1ST READING -

Judy O'Connell, Deputy Borough Clerk read the title of Ordinance #1792 as follows:

Ordinance #1792 - AN ORDINANCE REGULATING PARKING FOR KINDERKAMACK ROAD NORTH MUNICIPAL BUSINESSES, BETWEEN WASHINGTON AVENUE AND LINCOLN AVENUE, ON GROVE STREET COMMERCIAL PARKING LOT IN THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the first reading of Ordinance #1792 as follows:

**BOROUGH OF RIVER EDGE
ORDINANCE #1792**

AN ORDINANCE REGULATING PARKING FOR KINDERKAMACK ROAD NORTH MUNICIPAL BUSINESSES, BETWEEN WASHINGTON AVENUE AND LINCOLN AVENUE, ON GROVE STREET COMMERCIAL PARKING LOT IN THE BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, STATE OF NEW JERSEY

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

Section I: *Kinderkamack Road North Municipal Businesses Parking Regulations on Grove Street Commercial Parking Lot.*

Section A. Only vehicles with numbered Hangers will be permitted to park in the designated parking spaces on Grove Street.

Section B. - Parking Regulations

- (1) All vehicles are to be parked head in within the lined spaces designated for parking.
- (2) Parking in any area other than described in Subsection (1) is prohibited.
- (3) The River Edge Police Department is authorized to prohibit parking whenever necessary for the public safety or when an emergent situation exists.
- (4) In addition to the penalties herein imposed, any vehicle parked in violation of this section may be towed away, at the owner's expense.
- (5) Grove Street Commercial Business District Permits. Business Owners and/or employees shall submit applications for quarterly and yearly permits as follows:
 - (a) First quarter: December 16th
 - (b) Second quarter: March 16th
 - (c) Third quarter: June 16th
 - (d) Fourth quarter: September 16th
 - (e) Yearly: January 31st
- (6) Parking permitted Monday through Friday 5:00 a.m. to 7:00 p.m.
- (7) Application for permit shall be restricted to one application per registered vehicle. Each applicant shall submit the parking fee with

his application as established by the Borough of River Edge along with a copy of his or her license.

Section II: *Enforcement*

This ordinance is to be enforced by the Police Department of the Borough of River Edge or any other person or persons designated by the Mayor and Council of the Borough of River Edge.

Section III: *Penalty*

Violation of this Ordinance shall be considered a motor vehicle parking violation and shall be subject to the same penalties as those in effect for parking violations on the streets of the Borough of River Edge.

SECTION IV:

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

SECTION V:

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

SECTION VI:

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

Attest:

Mayor Sandy Moscaritolo

Denise A. Dondiego, Borough Clerk
Dated:

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

Judy O'Connell, Deputy Borough Clerk, read the title of Ordinance #1793 as follows:

Ordinance #1793 - AN ORDINANCE AMENDING CHAPTER 206 "FEES" OF THE CODE OF THE BOROUGH OF RIVER EDGE

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the first reading of Ordinance #1793 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1793

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF RIVER EDGE (1998) CHAPTER 206 - "FEES"

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

SECTION I:

Chapter 206 of the Code of the Borough of River Edge is hereby amended and supplemented by the addition and changes thereto of the following which shall be added or changed to the list of fees and charges on file with the Borough Clerk.

Section 206-2 - Schedule of Fees

Sub-Section DD - River Edge Commuter Parking Fees.

ADD:

(1) Grove Street Commercial Business District Permits. Business Owners and/or employees shall submit applications for quarterly and

yearly permits as follows:

Quarterly \$65.00
Yearly \$200.00

Sub-Section EE - Miscellaneous Fees

Amend as follows:

1. Application for a Private Hauler - Commercial, Apartments, Industrial, Multiple Family Dwellings - Removal of Refuse and Recycling - \$70.00 yearly permit (effective 1/1/2014)
2. Vacant Building Registration-Initial Registration Fee for each vacant property \$250.00
Fee for subsequent renewals - \$500.00
(Renewal Fee for annual registration shall be due by October 1st of each year)

SECTION II:

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

SECTION III:

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 IV:

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

Mayor Sandy Moscaritolo

ATTEST:

Denise Dondiego, Borough Clerk

Dated:

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

ORDINANCE - 2ND READING -

Judy O'Connell, Deputy Borough Clerk read the title of Ordinance #1791 as follows:

Ordinance #1791 - AN ORDINANCE AMENDING CHAPTER 354, SOIL REMOVAL OF THE CODE OF THE BOROUGH OF RIVER EDGE

Ordinance #1791 was introduced by Councilwoman Murphy, seconded by Councilman Mignone at the June 17, 2013 meeting as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1791

AN ORDINANCE AMENDING CHAPTER 354, SOIL REMOVAL OF THE CODE OF THE BOROUGH OF RIVER EDGE

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

CHAPTER 354. SOIL REMOVAL

- § 354-1. Definitions.
- § 354-2. Permit required; enforcement.
- § 354-3. Applications.
- § 354-4. Consideration of application.
- § 354-5. Appeals.
- § 354-6. Silt movement or redistribution regulations.
- § 354-7. Planning Board approval.

- § 354-8. Unsuitable soil.
- § 354-9. Violations and penalties.

§ 354-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SOIL

Earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence of organic matter.

UNSUITABLE SOIL

Any soil that is contaminated so that it represents a violation of groundwater quality standards, results in vapor hazards, poses threats to human health or is considered a hazardous substance or waste by state and federal law and regulation.

§ 354-2. Permit required; enforcement.

- A. No person shall excavate, cause to be excavated, change or alter and/or allow the excavation, change or altering of any soil, change or alter the grade of any property within the Borough of River Edge without having first obtained a permit from the Borough Engineer or his designee.
- B. (Reserved)
- C. No person shall move soil from, into or within the Borough of River Edge without having first obtained a permit approving said movement.
- D. This chapter shall be enforced by the Borough Engineer.

§ 354-3. Applications.

- A. Applications shall be made to the Borough Engineer or his designee and shall be accompanied by the following:
 - (1) A map of the premises showing the present contour lines and the proposed future contour lines resulting from the intended excavation or redistribution of soil.
 - (2) The grades resulting from the intended movement or redistribution of soil in relation to the topography of the premises. This information may be included in the map required by Subsection A(1).
 - (3) The proposed dates for the commencement and completion of the work.
- B. In the case of an existing one-family residential property being improved with an approved addition and/or basement, if it is demonstrated to the borough engineer that more than 300 cubic yards of soil require movement and there will be no change in existing topography or structural elements (such as retaining walls), the requirements of § 354-3(A) (1) and (2) may be relaxed by the granting of a waiver by the borough engineer.

§ 354-4. Consideration of application.

- A. In considering the application, the Borough Engineer or his designee shall be guided by the following factors:
 - (1) Soil erosion by water and wind.
 - (2) Drainage.
 - (3) Soil fertility.
 - (4) Lateral support slopes and grades of abutting streets and lands.
 - (5) Land values and uses.
 - (6) Any other factor which is relevant to the coordinated, adjusted and harmonious development of the Borough of River Edge.
- B. If, after considering the above factors, the Borough Engineer or his designee determines that the proposed movement or redistribution of soil will not be detrimental to the health, safety or welfare of the Borough of River Edge or its inhabitants, he shall issue the necessary permit. Otherwise he shall deny the application and shall notify the applicant. Notice of the grant or denial of the application shall be given to the applicant within a reasonable time after the application is filed.

§ 354-5. Appeals.

If the application is denied, the applicant may appeal the decision of the Borough Engineer or his designee of the Borough by filing a notice, in writing, to that effect with the Borough Clerk within 10 days after receiving notice of the decision of the Borough Engineer or his designee. The Council shall set a time and place for a hearing and shall so notify the applicant. The decision of the Council rendered after a hearing shall be final.

§ 354-6. Silt movement or redistribution regulations.

Silt movement or redistribution conducted under a permit issued under this chapter shall be in accordance with the following regulations:

- A. Operations shall be conducted so that there shall be no sharp declivities, pits or depressions.
- B. Land shall be graded so as to conform to the approved contour lines and grades and shall be cleared of debris.
- C. Unless impractical, the top layer of soil to a depth of six inches shall not be removed from the premises but shall be set aside and respread over the premises when the remainder of the soil has been removed.
- D. Adequate measures shall be taken to prevent erosion or the depositing of soil upon surrounding lands, streets or municipal facilities.

§ 354-7. Planning Board approval.

- A. Soil shall not be moved within, to or from the Borough of River Edge without having first applied for a permit in accordance with this chapter. Application shall be made to the Planning Board of the Borough of River Edge for approval to move the soil within, to or from the Borough of River Edge if the volume of the soil exceeds 300 cubic yards except in cases of an existing one-family residential property where soil removal is the result of an excavation of a basement/foundation and no change to the surrounding topography or structural elements (such as retaining walls) are proposed.
- B. The application for soil movement shall be made at the same time the development application is being sought by the Planning Board or by the Board of Adjustment, if that Board is hearing said application.

§ 354-8. Unsuitable soil.

Unsuitable soil shall only be moved in accordance with state and federal law and regulations.

§ 354-9. Violations and penalties.

For a violation of any provision of this chapter, the maximum penalty, upon conviction thereof, shall be a fine not exceeding \$1,000 or imprisonment for up to 90 days, or a period of community service not exceeding 90 days, or any combination thereof. Each truckload of soil removed shall be considered a separate offense under this chapter.

§354-10. Severability.

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

§354-11. Repeal of Inconsistent Provisions.

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

§354-12. Codification.

This ordinance shall be part of the Code of the Borough of River Edge as though codified and fully set forth therein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Borough Clerk is authorized and directed to change any Chapter, Article and/or Section number of the Code of the Borough of River Edge in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

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

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 affect the remaining provisions of this ordinance, which shall be severable therefrom.

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

Mayor Sandy Moscaritolo

Attest:

Denise A. Dondiego, Borough Clerk

Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1791

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open hearing of the public.

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

CLOSE HEARING OF THE PUBLIC - Ordinance #1791

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Mignone to close hearing of the public.

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

ADOPTION - Ordinance #1791

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adopt Ordinance #1791.

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

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve resolution #13-262 through #13-274 and #13-276 and #13-277.

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

#13-262 Emergency Appropriation

WHEREAS, an emergency condition has arisen with respect to the fire sirens in the Borough of River Edge and no adequate provision was made in the 2013 budget for the aforesaid purpose; and

WHEREAS, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total emergency appropriation(s) created including the appropriation to be created by this resolution is \$47,000.00 and 3% of the total operations in the budget for the year 2013 is \$363,819.18.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, County of Bergen, State of New Jersey (not less than two thirds of all the members thereof affirmatively concurring) that in accordance with the N.J.S.A. 40A:4-48:

1. An emergency appropriation be and the same is hereby made for in the amount of \$7,000.00 to 8. General Appropriations, other expenses line item.
2. That said emergency appropriation shall be provided in full in the 2014 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. The two certified copies of this resolution be filed with the Director of Local Government Services.

July 1, 2013

#13-263 Resolution to Cancel Open Fixed Asset Balances

WHEREAS, the State of New Jersey, Division of Local Government Services promulgated Technical Accounting Directive #85-2 on or about October 11, 1985; and

WHEREAS, Technical Accounting Directive #85-2 was with regard to accounting for governmental fixed assets; and

WHEREAS, this accounting directive required that beginning January 1, 1986, all local government units shall be required to have and maintain a fixed asset accounting and reporting system for general fixed assets in accordance with the minimum requirements as promulgated by the Division of Local Government Services; and

WHEREAS, the Chief Financial Officer (Treasurer) promulgated a fixed asset manual on or about November 1, 1985 in order to implement the directive of the State of New Jersey; and

WHEREAS, the Borough of River Edge has on its books and records the following open balances in the account entitled "Investment and General Fixed Assets - Prior to 1986"; and

Machinery & Equipment	\$ 443,954.65
Office Equipment & Fixtures	\$ 174,878.00
Vehicle & Vehicle Equipment	\$ 930,221.84
Miscellaneous	\$1,022,515.45

WHEREAS, the fixed assets creating these balances have been investigated and it has been determined that a portion of these balances should be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, that the following balances be and the same are hereby cancelled.

Machinery & Equipment	\$ 441,954.65
Office Equipment & Fixtures	\$ 174,878.00
Vehicle & Vehicle Equipment	\$ 887,221.84
Miscellaneous	\$1,015,515.45

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby instructed to adjust the records of the Borough accordingly.

July 1, 2013

#13-264 Authorize Severance and Accumulated Absence Payments to Sergeant Robert Daly

WHEREAS, Sergeant Robert Daly has submitted a notification that he will retire as an employee of the Borough of River Edge on August 1, 2013; and

WHEREAS, the Borough of River Edge adopted Ordinance #585, on September 9, 1973 and amended it via Ordinance #814 dated March 21, 1982 and Ordinance #1736 dated September 6, 2011; and

WHEREAS, Ordinance #585 as amended provides for severance pay when an employee serves the Borough after twenty (20) years or more of continuous service; and

WHEREAS, the Borough of River Edge has entered into a collective bargaining agreement with the River Edge Superior Officers Association; and

WHEREAS, Article XIX provides for the payment of any vacation due him on a pro-rated basis; and

WHEREAS, Section V, Subject 1 of the Personnel Policy and Procedure Manual of the Borough of River Edge states that the Municipal Governing Body shall approve all payments for accumulated absences and other severance payment; and

WHEREAS, a certification by the Chief Financial Officer in accordance with N.J.A.C. 5:30-15.4 has been received and is on file with the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of River Edge that the Chief Financial Officer and the Finance Department are hereby authorized to make payment to Robert Daly for any amounts due per Ordinance #585 and accumulated vacation or other time as certified by the Chief Financial Officer.

July 1, 2013

#13-265 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 will or 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 July 22, 2013 and August 5, 2013 work session meeting and discussion of the hereinafter specified subject matter:

<u>Closed Session</u>		<u>Statutory</u>
<u>Docket #</u>	<u>Item Title or Description</u>	<u>Reference</u>

To be determined by reference to the Borough Clerk's Agenda for the above meeting.

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.

July 1, 2013

#13-266 Authorize Closing of Bank Accounts

WHEREAS, the Borough of River Edge adopted a Cash Management Plan via resolution #13-28 dated January 1, 2013; and

WHEREAS, other supporting resolutions such as #13-31 adopted January 1, 2013 with regard to authorizing facsimile signatures on specific bank accounts was adopted by the Governing Body of the Borough of River Edge; and

WHEREAS, it has been determined that some bank accounts are opened due to a specific State of New Jersey regulation or it has been determined that it's more cost effective to combine the account with an existing bank account in the same fund; and

WHEREAS, the status of several bank accounts has been investigated by the Chief Financial Officer and Account Supervisor and they are recommending that the following bank accounts be closed; and

WHEREAS, the Chief Financial Officer has discussed this matter with the auditor of the Borough of River Edge and they are in agreement with the above recommendation; and

WHEREAS, this matter was discussed at the work session on June 24, 2013.

NOW, THEREFORE, BE IT RESOLVED that the below listed bank accounts be

closed.

<u>Account Name</u>	<u>Account #</u>	<u>Bank</u>
C.A.R.E. Community Aid of River Edge	#80-4219-3687	PNC Bank
Green Acres	#80-4168-8389	PNC Bank
Accumulated Absences Trust	#80-4046-5626	PNC Bank

BE IT FURTHER RESOLVED, that the Chief Financial Officer is instructed to adjust his records accordingly.

July 1, 2013

#13-267 Appointment of Representatives to the Community Development Regional Committee

WHEREAS, the Borough of River Edge has entered into a three year cooperative agreement with the County of Bergen as provided under the Interlocal Services Act N.J.S.A. 40a:8A-1 et seq. and Title I of the Housing and Community Development Act of 1994; and

WHEREAS, said Agreement requires that one municipal representative and alternate be appointed by the Governing Body of the community to be part of the Community Development Regional Committee for the term of one year coinciding with the fiscal year July 1st through June 30th.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body hereby appoints James Arakelian as the representative to participate on the Community Development Regional Committee and Wendy Walker as Alternate #2.

July 1, 2013

#13-268 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on The Fenway

WHEREAS, on or about July 1, 2013, the Borough of River Edge granted permission to Colleen Kiely, 489 The Fenway, River Edge, New Jersey, to hold a block party on The Fenway between Kensington Road and Wayne Avenue on August 31, 2013 (with a rain date of September 1st) starting at 2:00 p.m. in accordance with Borough Ordinance #1678; and

WHEREAS, Mr. Porco has requested that the possession and consumption of alcoholic beverages be permitted in connection with said block party;

WHEREAS, Borough Code Section 114-15 allows the Governing Body to permit the possession and consumption of alcoholic beverages in or on a public street or sidewalk in connection with an authorized block party.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of River Edge that persons age 21 and over be and hereby are permitted to possess and consume alcoholic beverages at the block party described above, on the date and time specified herein.

July 1, 2013

#13-269 Amend 2013 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item for an equal amount; and

WHEREAS, revenues are on hand in the Grant Fund; and

State and Federal Grant Funds - Unappropriated

Drunk Driving Enforcement Fund.....\$3,967.01

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

Drunk Driving Enforcement Fund.....\$3,967.01

BE IT FURTHER RESOLVED that the like sum of \$3,967.01 and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations excluded from the "CAPS"

Public & Private Programs Offset by Revenues

Drunk Driving Enforcement Fund.....\$3,967.01

BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this resolution to the Director of Local Government Services.

July 1, 2013

#13-269 Amend 2013 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services may approve the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item for an equal amount; and

WHEREAS, revenues are on hand in the Grant Fund; and

State and Federal Grant Funds - Unappropriated

Drunk Driving Enforcement Fund.....\$3,967.01

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

Drunk Driving Enforcement Fund.....\$3,967.01

BE IT FURTHER RESOLVED that the like sum of \$3,967.01 and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations excluded from the "CAPS"

Public & Private Programs Offset by Revenues

Drunk Driving Enforcement Fund.....\$3,967.01

BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this resolution to the Director of Local Government Services.

July 1, 2013

#13-270 Amend 2013 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services approved the insertion or increase of any special item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion or increase of an item of appropriation for an equal amount; and

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for Alcohol Education and Rehabilitation Fund in the amount of \$1,002.72; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that it does hereby request the approval of the Director for the following:

Increase an item of revenue entitled:

3. Miscellaneous Revenue - Section F

Unappropriated Reserve for
Alcohol Education & Rehabilitation.....\$1,002.72

BE IT FURTHER RESOLVED that the like sum of \$1,002.72 and the same is hereby appropriated under the caption of:

General Appropriations
(A) Operations excluded from the "CAPS"
Public & Private Programs Offset by Revenues

Unappropriated Reserve for
Alcohol Education & Rehabilitation.....\$1,002.72

BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this resolution to the Director of Local Government Services.

July 1, 2013

#13-271 Award Contract for the Wales Avenue Outfall Structure Reconstruction of Headwall, Footing and Rip-Rap to Matina & Son, 146 English Street, Hackensack, New Jersey 07601

WHEREAS, on June 20, 2013 seven (7) sealed bids were received for the Wales Avenue Outfall Structure Reconstruction of Headwall, Footing and Rip-Rap project; and

WHEREAS, the lowest bid was received from Matina & Son in the amount of \$42,500.00; and

WHEREAS, the bid has been reviewed by the Borough Engineer and the Borough Attorney; and

WHEREAS, the Mayor and Council have discussed this matter at a work session on July 1, 2013; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1568-400 of the Capital Fund in an amount not to exceed \$42,500.00; and

NOW, THEREFORE, BE IT RESOLVED that the contract is hereby awarded to Matina & Son, 146 English Street, Hackensack, New Jersey 07601 in the amount not to exceed \$42,500.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

July 1, 2013

#13-272 Enter Into Agreement with YMP Consulting Engineering LLC, 16 Layng Terrace, Springfield, New Jersey 07081 for Professional Services Related to HVAC Engineering and Construction Support Services at the Borough Hall

WHEREAS, there exists a need for expert engineering services related to HVAC Engineering and Construction Support Services at the Borough Hall; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1763-100 of the Capital Fund not to exceed \$21,000.00; 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, YMP Consulting Engineering LLC has completed and submitted a Business Entity Disclosure Certification which certifies that YMP Consulting Engineering LLC 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 YMP Consulting

Engineering LLC from making any reportable contributions through the term of the contract; 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; and

WHEREAS, the per hour rates are as follows:

Partner	\$120.00
Manager	\$ 80.00
Senior	\$ 55.00
Staff	\$ 35.00
Administrative	\$ 30.00
Principal	\$120.00
Sr. Engineer	\$ 80.00
Engineer	\$ 60.00
CAD Designer	\$ 35.00

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with YMP Consulting Engineering LLC, 16 Layng Terrace, Springfield, NJ 07081 not to exceed \$21,000.00.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded without competitive bidding as "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because the service performed is by a person authorized to practice a recognized profession.
4. That a copy of this resolution be forwarded to THE RIDGEWOOD NEWS for publication.

July 1, 2013

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the emergency appropriation of \$10,000.00 to remediate the Library HVAC ducts.

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

#13-273 Emergency Appropriation

WHEREAS, an emergency condition has arisen with respect to the remediation of the Library HVAC ducts in the Borough of River Edge and no adequate provision was made in the 2013 budget for the aforesaid purpose; and

WHEREAS, N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total emergency appropriation(s) created including the appropriation to be created by this resolution is \$57,000.00 and 3% of the total operations in the budget for the year 2013 is \$363,819.18.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, County of Bergen, State of New Jersey (not less than two thirds of all the members thereof affirmatively concurring) that in accordance with the N.J.S.A. 40A:4-48:

1. An emergency appropriation be and the same is hereby made for in the amount of \$10,000.00 to 8. General Appropriations, other expenses line item.
2. That said emergency appropriation shall be provided in full in the 2014 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. The two certified copies of this resolution be filed with the Director of Local Government Services.

July 1, 2013

#13-274 Enter Into Agreement with George A Koteen Associates, Inc., 290 Queen Anne Road, Teaneck, New Jersey 07666 for Utility Auditing Services

WHEREAS, there exists a desire to retain services related to a Utility Audit for the Borough; and

WHEREAS, George A. Koteen Associates, Inc. are Utility Rate Consultants; and

WHEREAS, the Borough Attorney has recommended that this contract be awarded on a non-fair and open basis; and

WHEREAS, the Chief Financial officers has certified in writing that the annual aggregate value of the service may exceed \$17,000; and

WHEREAS, George A. Koteen Associates will audit and review all utility and telecom billings for a period of one year and will pay the Borough 60% of any overcharge found during the audit.

WHEREAS, the Chief Financial Officer has certified that funds equal to 40% of any overcharge found during the audit will be due and payable subject to funds being included in the 2014 budget; and

WHEREAS, George A. Koteen Associates has completed and submitted a Business Entity Disclosure Certification which certifies that George A. Koteen Associates 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 Robert Costa from making any reportable contributions through the term of the contract; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on June 24, 2013; and

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

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with George A Koteen Associates, Inc., 290 Queen Anne Road, Teaneck, New Jersey 07666.
2. The Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and
3. The contract is awarded on a non-fair and open basis.
4. That a copy of the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

July 1, 2013

Councilwoman Murphy-asked for clarification as to why there are two separate payments for the same amount.
Alan Negreann-explained that because of the Borough's cash flow problems, we are not able to make one payment for the total amount and stated that the school has been kind enough to allow us to make payment in two stages based on the amount of cash that we have available.

Councilman Mignone read resolution #13-275 into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #13-275.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Acquafredda, Councilman Cappola, Councilman Mignone and Councilman Bartelloni were present; Councilman Papaleo was absent.

#13-275 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	\$2,237,337.26
CAPITAL ACCOUNT	\$ 43,636.87
RECREATION ACCOUNT	\$ 4,099.50

TRUST OTHER ACCOUNT	\$ 8,543.59
TRUST OTHER DEVELOPERS ACCOUNT	\$ 4,150.00
OPEN SPACE ACCOUNT	\$ 3,428.07

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.

July 1, 2013

#13-276 Authorize Refund of Escrow Deposit to Peter Cetta, 213 Wales Avenue, River Edge, New Jersey 07661

WHEREAS, an agreement was entered into between the Borough and Peter Cetta, 213 Wales Avenue for an ingress and egress over Borough property for the purpose of allowing movement of equipment necessary for the removal of a tree; and

WHEREAS, a required \$1,000.00 escrow deposit was received from the homeowner, Peter Cetta; and

WHEREAS, the Superintendent of Public Works examined the Borough Property and has determined that everything is in order.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor refund \$1,000.00 to Peter Cetta, 213 Wales Avenue, River Edge, New Jersey 07661.

July 1, 2013

#13-277 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 July 1, 2013 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>
13-7/1-1	Personnel - Hiring of DPW Mechanic	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.

July 1, 2013

OPEN HEARING OF THE PUBLIC -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to open hearing of the public.

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

Mark Widder-135 Valley Road-stated that although he was pleased that Councilman Papaleo came to look at the stump on his property, he is disappointed that he is absent tonight because he thought the Council would be voting on an agreement that they had discussed.

Councilwoman Murphy-stated that he is on vacation but had previously sent everyone an e-mail with the proposed understanding.

Councilman Mignone-stated that Councilman Papaleo did speak to him about the framework of the agreement but it hasn't been brought to the Borough Attorney for review.

Councilman Bartelloni-stated that he was aware of the framework of the agreement but agrees that it has to go before the Borough Attorney before anything can be formally done.

Mark Widder-stated that he is very frustrated that things are taking so long to get resolved.

Councilman Bartelloni-stated that after speaking with Councilman Papaleo, it is his understanding that Mr. Widder and several other property owners have been using, to some extent, Borough property so that's what needs to be worked on with the Borough Attorney at this point.

Tom Sarlo, Esq.-explained that there will be no formal agreement put in place, there will be a letter from him as to what the Borough's intentions are. Mr. Sarlo explained that it's not as simple as just removing a tree stump, there are many other factors to consider. He invited Mr. Widder to come to the meeting on July 22nd when the full Council will be in attendance to get a verbal commitment with a letter to follow.

CLOSE HEARING OF THE PUBLIC -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to close hearing of the public.

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

COUNCIL COMMENTS -

Councilwoman Murphy-informed everyone that she attended SCORE's last meeting where they performed a song and dance review. Councilwoman Murphy looks forward to the July 4th festivities and hopes that the weather holds out.

Councilman Acquafredda-stated that the schools held their graduation ceremony's last week and he also is looking forward to the 4th of July.

Councilman Cappola-spoke to Bobbi Conway, Recreation Director and she informed him that they will be watching the weather closely in order to make decisions on whether some of the festivities might have to be cancelled or postponed.

Councilman Bartelloni-congratulated Joseph Sanfilippo on his appointment to the Police Department. He stated that as far as July 4th festivities, they are hoping to make a decision by noon on July 3rd as to whether the concert will be cancelled and if so, they will post it on the website and message board. It terms of the July 4th parade, they will have to make a same day decision depending on the weather and if it is rained out, they will try to re-schedule it for July 6th.

ADJOURNMENT -8:50 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adjourn the meeting at 8:50 p.m.

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

RE-OPEN - 9:03 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to re-open the regular meeting at 9:03 p.m.

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

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the hire of Peter Stitz, 210 Mohawk Drive, as Mechanic II in the Department of Public Works at an annual Step I rate of \$58,570.00 with a one-year probationary period, effective July 22, 2013.

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

ADJOURNMENT - 9:05 P.M.

Motion by Councilwoman Murphy, seconded by Councilman Mignone to adjourn the meeting at 9:05 p.m.

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



Mayor Sandy Moscaritolo

Attest:



Denise A. Dondiego, Borough Clerk

Dated: 8/15/13