

M I N U T E S
Regular Meeting of the Mayor and Council
Monday, July 7, 2014
8:00 P.M.

CALL THE MEETING TO ORDER -

Council President Murphy called the meeting to order at 8:00 p.m. in the Council Chambers of the Borough Hall,

SILENT PRAYER - FLAG SALUTE

Council President Murphy called for a moment of silent prayer and reflection and asked resident Carl Fazio to lead the salute to the flag.

ROLL CALL - Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone and Councilman Acquafredda; Councilman Papaleo and Mayor Moscaritolo were absent.

APPROVAL OF MINUTES -

Motion by Councilman Mignone, seconded by Councilwoman Busted to approve the minutes of the Mayor and Council regular meeting of June 16, 2014.

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

Motion by Councilwoman Murphy, seconded by Councilman Acquafredda to approve the minutes of the Mayor and Council work session meetings of May 19, 2014.

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

Motion by Councilwoman Murphy, seconded by Councilman Acquafredda to approve the minutes of the Mayor and Council work session meetings of June 2, 2014 and June 16, 2014.

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

PROCLAMATIONS & AWARDS -

Council President Murphy read the Certificate of Recognition for Dr. Aran Degenhardt as follows:

Certificate of Recognition

this Certifies that

Dr. Aran Degenhardt

has been awarded this certificate in recognition for his heroism in the rescue of a distressed swimmer caught in a riptide in Sandy Hook on Father's Day without any thought for his own safety.

Dr. Degenhardt explained that he and his family were enjoying the beach at Sandy Hook on Father's Day when a man approached him and asked if he could take his swim board out to a woman who seemed to be in distress out in the water. Once Dr. Degenhardt got to her, he found out that she just had shoulder surgery and was holding her glasses and keys in her hand. He helped her onto the board and brought her to shore and was surprised to find out that she was there all alone. He was happy that everything worked out.

OPEN MEETING TO THE PUBLIC ON ANY ISSUE ON THE AGENDA -

Motion by Councilman Mignone, seconded to open meeting to the public on any issue on the agenda.

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

Phyllis Roth-186 Van Saun Drive-voiced her concerns regarding what she sees as a traffic hazard at the intersection of Reservoir and Van Saun Drive. She asked if a stop sign could be placed at that intersection to slow traffic down. She stated that many years ago a yield sign was placed there but it doesn't seem to slow motorist down. She is concerned about the safety of the surrounding residents because there are many young children in the area. Mrs. Roth also voiced her concern about the new curb construction on Bogert and Marginal Road. Tom Sarlo, Esq.-explained that the Bogert Road curb construction has been discussed and a revised plan has been produced. The Borough Engineer will follow up with phone calls to try and get construction started up again.

CLOSE MEETING TO THE PUBLIC ON ANY ISSUE ON THE AGENDA -

Motion by Councilman Mignone, seconded by Councilwoman Murphy to close meeting to the public on any issue on the agenda.

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

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilman Mignone, seconded by Councilwoman Busteed to approve the salary increase of Maureen Murphy, Tax Collector from an annual Step II salary of \$42,056.00 to Step III - \$44,264.00, effective July 1, 2014.

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

Motion by Councilman Mignone, seconded by Councilwoman Busteed to approve the salary increase of Peter Stitz, Mechanic II in the Department of Public Works from an annual Step I salary of \$59,741.00 to Step II - \$60,135.00, effective July 22, 2014.

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

Motion by Councilman Mignone, seconded by Councilwoman Busted to approve the appointment of Thomas Wall, Esq., 115 River Road, Edgewater, New Jersey as Alternate Public Defender at an hourly rate \$85.00 not to exceed four hours, retroactive to 7/1/2014.

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

Motion by Councilman Mignone, seconded by Councilman Busted to approve the hire of Catherine Solimando, 236 Fern Street, Washington Township, as a part-time Clerk in the Department of Public Works, effective July 8, 2014, at an hourly probationary rate of \$15.74, not to exceed 20 hours per week with a six-month probationary period commencing on the first day of work.

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

Motion by Councilman Mignone, seconded by Councilman Acquafredda to approve the salary increase of Patrick Diamond, Patrol Officer from an annual salary of \$29,183.00 to \$37,142.00, due to 2nd year probation, effective July 23, 2014.

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

Motion by Councilman Mignone, seconded by Councilman Acquafredda to approve the salary increase of Joseph Sanfilippo, Patrol Officer from an annual salary of \$29,183.00 to \$37,142.00, due to 2nd year probation, effective July 2, 2014.

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

Motion by Councilman Mignone, seconded by Councilwoman Busted to approve the salary increase of Marc DeYoung, Patrol Officer from an annual salary of \$122,156.97 to \$124,461.82, due to an increase in longevity from 6% to 8%, effective July 15, 2014.

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

Motion by Councilman Mignone, seconded by Councilwoman Busted to approve the salary increase of Michael McGinty, Patrol Officer from an annual salary of \$122,156.97 to \$124,461.82, due to an increase in longevity from 6% to 8%, effective July 15, 2014.

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

Motion by Councilman Mignone, seconded by Councilwoman Busted to approve the hire of Kelly McDermott, 683 Kinderkamack Road as a seasonal employee for the Recreation Commission as Light Monitor for the Kenneth B. George Field, at a rate of \$20.00/round trip, effective July 8, 2014.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola,

Councilwoman Busteded and Councilman Mignone voted yes; Councilman Papaleo was absent.

Motion by Councilwoman Busteded, seconded by Councilman Mignone to approve the appointment of Tyler Aronoff, 231 Woodland Avenue to the River Edge Volunteer Fire Department, effective July 8, 2014.

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

Council President Murphy administered the Oath of Office to Tyler Aronoff.

Fire Chief Cariddi welcomed Tyler to the Department.

Motion by Councilman Mignone, seconded by Councilwoman Busteded to approve Family Medical Leave Act status and Article 15, Health and Welfare Disability Benefits of the Collective Bargaining Agreement between the Borough of River Edge and Local 108, Public Employee Division, RWDSU, Blue Collar Unit to George Fink, Laborer in the Department of Public Works, effective July 14, 2014.

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

CORRESPONDENCE -

Notice - Paramus - Bd. of Adj. - 6/13/14
Re: Parking Variance - 10 Forest Ave.

Notice - Borough of New Milford - 6/16/14
Re: Public Hearing on Zoning Amendment

Letter - River Edge Fire Dept. Co. #2-6/16/14
Re: Resignation of three members

Memo - Maureen Murphy, Tax Collector-6/19/14
Re: Mailing of Estimated Tax Bills

Letter - R.E. Free Public Library-6/19/14
Re: Thank You for Honoring Stan Gurian

Notice - River Edge Board of Education - 6/25/14
Re: Meeting Notice - 6/25/14

Letter - First Environmental - 6/24/14
Re: 2014 EJIF Audit

Notice - US Bankruptcy Court - 6/27/14
Re: Revel, Atlantic City

Notice - Alan Spiniello, Esq. - 6/30/14
Re: 200 Foot Notice-Site Plan Approval

Letter - Cablevision - 7/3/14
Re: Program Changes

MONTHLY REPORTS -

Library Board - June 2014
Building Department - May 2014
Recreation Commission - May 2014
Planning Board - May 1, 2014
Planning Board - May 15, 2014
Shade Tree Commission - May 2014

LIAISON REPORTS -

Councilwoman Murphy - Liaison to Shade Tree Commission, Library, Environmental Protection Commission, Green Team, Technology Committee, New Milford and Oradell Shared Services Committee - handed out information that she received from New Milford Councilman Michael Putrino who asked if River Edge would be interested in exploring the consolidation of DPW services with New Milford and Oradell. Councilman Putrino has organized a Tri-boro DPW Committee with the following members: New Milford Councilmen Michael Putrino and Dominic Colucci, Oradell Councilmembers Donna Alonzo and Edward Pflieger and River Edge Councilmembers Edward Mignone and Kathleen Murphy. Once a decision is made to participate, they will meet and report back to the Mayor and Council. Councilwoman Murphy announced that the Library will be sponsoring a Mid Summers Nights Dream this Friday, July 11th starting at 7 p.m. The Green Team did meet with the Traffic & Safety Committee and Bonnie Stewart gave updates on a few areas in town that would be problematic with pedestrian safety. She asked that the survey be completed by September. Councilwoman Murphy also announced that there will be a Farmer's Market this Thursday from 1 to 7 p.m. in the American Legion parking lot and encouraged everyone to stop by.

Councilman Cappola - Liaison to Recreation Commission, Senior Citizens co-liaison, Beautification Committee, Special Events Committee, Technology Committee - reported the Recreation Camp is in full swing and commended the counselors for doing a great job. He reported that the Beautification Committee continues to do weeding and the July 4th festivities went very well considering they had to postpone everything until Saturday. The Senior Citizens had their summer concert and he helped hook up a wireless sound system so they could sing and dance.

Councilwoman Busteed - Liaison to Senior Citizens, Co-liaison, Historic Commission, Traffic & Safety Committee, Special Events Committee - thanked everyone for their hard work on the July 5th celebration. She reported that Traffic & Safety and the Green Team met collectively in June to discuss the walkability/bikability surveys which will identify trouble spots within the community that can be improved on.

Councilman Mignone - Liaison to DPW, Zoning Sub-Committee, Redevelopment, New Milford and Oradell Shared Services Committee - reiterated Mr. Costa's statement that Fifth Avenue paving will start on or about July 28th and the other streets will follow suit in the month of August.

Councilman Acquafredda - Liaison to Construction Code Official, Property Maintenance, Planning Sub Committee, Technology Committee, River Edge and River Dell Schools - reported that he had attended the River Edge Board of Education meeting on June 25th where they heard the report from the demographer regarding the population trends in River Edge. Councilman Acquafredda and the Board of Education found it very disappointing because they did not reach any conclusion besides being given the same numbers that they already had. The only suggestion that was given was that they keep an eye on future residential development. Councilman Acquafredda reported that they will conduct a re-registration by grade and essentially what they were left with is that unless we assess that this is a trend, it remains an anomaly and there shouldn't be a pressing need to find classroom space. Councilman Acquafredda also stated that he still hasn't received anything from the Board Architect, DiCara Rubino, and looks forward to their take on the situation. He agrees that they need to be aware of the impact on the schools when approving future residential development.

Councilman Papaleo - Liaison to Police Department, Fire/Fire

Prevention, River Edge Alliance Against Alcohol & Drugs - was absent.

Mayor Moscaritolo - River Edge Ambulance Service - On behalf of Mayor Moscaritolo, Council President Murphy reported that the Ambulance Services has responded to 66 calls through the month of June. They attended the River Dell Junior Police Academy at the Middle School where the equipment was reviewed with the children and a tour of the ambulance was given. REVAS stood by at this event while the State Police Helicopter landed.

ORDINANCES - 1ST READING -

Council President Murphy read the title of Ordinance #1810 as follows:

Ordinance #1810 - BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$32,000 FOR THE REPLACEMENT OF THE HVAC SYSTEM AT THE MUNICIPAL BUILDING IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Motion by Councilman Mignone, seconded by Councilman Acquafredda to approve the first reading of Ordinance #1810 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1810

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$32,000 FOR THE REPLACEMENT OF THE HVAC SYSTEM AT THE MUNICIPAL BUILDING IN, BY AND FOR THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

WHEREAS, the Borough Council of the Borough of River Edge has heretofore authorized the replacement of the HVAC system at the Municipal Building and appropriated the aggregate sum of \$370,500 (consisting of an \$18,500 down payment from the Borough's Capital Improvement Fund and \$352,000 of authorized bonds for said improvement pursuant to ordinance nos. 1763 and 1806 adopted by the Borough Council of said Borough on April 16, 2012 and April 21, 2014, respectively; and

WHEREAS, the Borough Council now finds and determines that the additional sum of \$32,000 is required for such improvement, NOW, THEREFORE,

BE IT ORDAINED by the Borough Council of the Borough of River Edge, in the County of Bergen, New Jersey (the "Borough"), as follows:

Section 1. The additional sum of \$32,000 is hereby appropriated to the payment of the cost of the replacement of the HVAC system at the Municipal Building authorized by ordinance nos. 1763 and 1806 adopted by the Borough Council of the Borough on April 16, 2012 and April 21, 2014, respectively (collectively, the "Prior Ordinances"). Said additional appropriation shall be met from the down payment appropriated and from the proceeds of the sale of the bonds authorized by this ordinance. Said improvement

shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefitted.

Section 2. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of said Borough, and (2) it is necessary to finance the additional costs of said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose is \$402,500, including the sum of \$370,500 appropriated by the Prior Ordinances and the \$32,000 appropriated by this ordinance, and (4) \$1,600 of the additional cost of said purpose is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for the additional cost of said purpose is \$30,400, and (6) the additional cost of such purpose includes the sum of \$2,000, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 3. It is hereby determined and stated that moneys exceeding \$1,600, appropriated for down payments on capital improvements or for capital improvement purposes in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$1,600 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 4. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$30,400 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$30,400 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of fifteen years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$30,400 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The Borough intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinances and described herein. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

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

Council President Murphy read the title of Ordinance #1811 as follows:

Ordinance #1811 - A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CHERRY BLOSSOM COMMUNITY PARK PHASE I IMPROVEMENTS IN SAID BOROUGH AND APPROPRIATING THE SUM OF \$52,000.00 FROM BERGEN COUNTY'S 2013 OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND

Motion by Councilwoman Murphy, seconded by Councilwoman Busted to approve the first reading of Ordinance #1811 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1811

A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CHERRY BLOSSOM COMMUNITY PARK PHASE I IMPROVEMENTS IN SAID BOROUGH AND APPROPRIATING THE SUM OF \$52,000.00 FROM BERGEN COUNTY'S 2013 OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, FARMLAND & HISTORIC PRESERVATION TRUST FUND

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

Section 1. The Borough of River Edge shall renovate and improve Cherry Blossom Community Park. Such improvements shall include all work and appurtenances necessary and suitable for the use and purpose thereof. Such improvements shall be made in accordance with plans to be prepared thereof by the Borough herein authorized to be made.

Other Expenses, including but not limited to, architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses to the extent permitted by Section 20 of the Local Bond Law are permitted.

Section 2. The Borough shall expend \$52,000.00 for the \$52,000.00 improvement authorized in Section 1. hereof. Said sum of \$52,000.00 is a grant from the Bergen County 2013 Open Space, Recreation, Floodplain, Farmland & Historic Preservation Trust Fund.

Section 3. Such improvement is hereby determined and declared to be a Capital Improvement, which the Borough may lawfully make pursuant to law.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated:

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted and Councilman Acquafredda voted yes; Councilman Mignone voted no and Councilman Papaleo was absent.

Council President Murphy read the title of Ordinance #1812 as follows:

Ordinance #1812- AN ORDINANCE AMENDING CHAPTER 384, TREES OF THE CODE OF THE BOROUGH OF RIVER EDGE SPECIFICALLY THOSE SECTIONS SET FORTH IN CHAPTER 384-19, DEFINITIONS, BY THE MODIFICATION, DELETION AND/OR ADDITION THERETO OF CERTAIN PROVISIONS.

Motion by Councilman Mignone, seconded by Councilwoman Busted to approve the first reading of Ordinance #1812 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1812

AN ORDINANCE AMENDING CHAPTER 384, TREES OF THE CODE OF THE BOROUGH OF RIVER EDGE SPECIFICALLY THOSE SECTIONS SET FORTH IN CHAPTER 384-19, DEFINITIONS, BY THE MODIFICATION, DELETION AND/OR ADDITION THERETO OF CERTAIN PROVISIONS.

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:

SECTION 1: The provisions of **§384-19, Definitions** of the above titled Ordinance is hereby modified and amended so that said **§384-19** shall read as follows:

The definition of "DIAMETER BREAST HEIGHT (DBH) shall be deleted in its entirety.

SECTION 2: The provisions of **§384-19, Definitions** of the above titled Ordinance is hereby modified and amended so that said **§384-19** shall read as follows:

The definition of "REGULATED TREE" shall be deleted in its entirety and replaced with the following new definition:

Any living woody perennial plant having a diameter greater than one and a half inches measured at a point four inches above the base of the root flare. This definition shall apply to any tree situated in or along any public property, park, field, public right-of-way, easement or encumbrance under the ownership and control of the Borough of River Edge. The term "regulated tree" shall also mean public tree(s) as provided in the context within the article.

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

SECTION 4: If any part, sections, provisions, or total of any of the abovementioned publications are held to be invalid or unenforceable by any court, the findings or judgments of which court are applicable in the State of New Jersey, that the balance and remainder of such publication shall remain in full force and

effect as an Ordinance of the Borough of River Edge.

SECTION 5: This Ordinance shall become effective immediately upon adoption and publication according to law.

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk
Dated:

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

ORDINANCE - 2ND READING - NONE

RESOLUTIONS - By Consent

Motion by Councilman Mignone, seconded by Councilwoman Busteed to approve resolution #14-267 through #14-268.

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

#14-267 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 August 4, 2014 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 7, 2014

#14-268 Endorse Municipal Open Space Department of Public Works Modified Plan

WHEREAS, the Governing Body of the Borough of River Edge adopted Resolution #12-200 on June 4, 2012; and

WHEREAS, a referendum was held on the question of creating a Municipal Open Space Trust Fund and was approved by the voters of the Borough of River Edge on November 6, 2012; and

WHEREAS, a public hearing was held on January 27, 2014 to provide the public with an opportunity to comment on recommendations to spend the Municipal Open Space Trust Fund; and

WHEREAS, the Governing Body of the Borough of River Edge approved a plan via resolution #14-94 MOE \$9,500.00; and

WHEREAS, the Mayor and Council desire to modify these plans to provide for a reallocation of funds for a plan on file with the Borough Clerk; and

WHEREAS, this matter was discussed at a work session of the Governing Body on July 7, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that the Department of Public Works Plan as modified by this resolution and on file with the Borough Clerk, is hereby approved.

BE IT FURTHER RESOLVED that the Governing Body approves the addition of the above listed plans in the amount from 2012 unauthorized \$66.65 2012 MOE \$250.00 to MOE Department of Public Works \$316.65.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to send a copy of this resolution to the Department of Public Works.

July 7, 2014

Motion by Councilman Mignone, seconded by Councilwoman Busteed to **TABLE** resolution #14-269.

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

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#14-269 Resolution Adopting Policy Governing the Use of Electronic Communications Between Municipal Officials Discussing Borough Business

WHEREAS, the Open Public Meetings Act (OPMA) defines a meeting as "any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of the public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body." N.J.S.A. 10:4-8(b); and

WHEREAS, "communication equipment" may include electronic equipment through e-mail, text message, social media, or any other similar device; and

WHEREAS, communication using electronic equipment, among an effective majority of the members of a "public body" as defined by OPMA, held with the intent to discuss or act on public business, that is not open to the public, may violate OPMA; and

WHEREAS, it is appropriate for the Borough of River Edge to adopt guidelines regarding the use of electronic communications, such as e-mail, text messages, and other forms of electronic communication, when discussing or deliberating upon municipal business; and

WHEREAS, the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies is vital to the enhancement and proper functioning of the democratic process; that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society, and hereby declares it to be the public policy of this State to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon in any way; and

WHEREAS, such communications, the use of electronic communications (email; text messages; even "Facebook" or "Twitter") depending upon the circumstances, can be deemed to be "meetings" under the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. ("The Sunshine Law"); and

WHEREAS, it is important for municipal officials to identify the differences between typical communications in which "the business of the municipality is not discussed", and other forms of communication which might fall under The Sunshine Law; and

WHEREAS, the Borough Governing Body of the Borough of River Edge has determined it appropriate to adopt a policy governing the use of electronic communications by Borough officials where the business of the municipality is included within the content of said communications.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, County of Bergen and State of New Jersey, that the following policy is hereby adopted and shall constitute the guidelines to be followed within the Borough of River Edge governing the use of electronic communications by municipal officials, when the business of the municipality is intended to be discussed:

1. E-mail communications should, as far as practicable, not include an effective majority of the Governing Body (e.g. 3 or less members of the Governing Body inclusive of the Mayor) and should never include an effective majority of the Governing Body where a discussion of information related to the business of the Borough is involved.
2. Where e-mail communications do include an effective majority of the Governing Body, such communications should not include any request for a response. Any e-mail communication should indicate that there should be no e-mail reply or response for communication.

3. In the rare instance when a response to an e-mail is appropriate, such response must not involve any decision-making or deliberative function of the Governing Body or otherwise address public business as contemplated by the OPMA. Further, the response shall not be made to the entire list of e-mail addressees to avoid even the appearance of circumvention of the Act. The use of the "Send All" or "Reply-All" function should be avoided and any response should be limited to a response to the sender only, such as the Administrator, Clerk, or Attorney.
4. Rolling e-mail conversations must be avoided. A 'rolling' e-mail occurs when one member of the Governing Body, or a third-party, contacts others via e-mail individually to successively discuss or gain opinions on an item of Borough business. This would apply to other forms of electronic communication as well. However, communications between less than effective majority of the Governing Body do not violate the OPMA provided the dialogue does not become a 'rolling' discussion that ends up including an effective majority of the Governing Body.
5. To the extent possible, e-mail communications regarding the public business of the Governing Body, when sent by Governing Body members should be sent only to and from the Governing Body member's official borough e-mail address and not to any personal e-mail addresses.
6. All e-mail communications regarding the public business of the Governing Body, when sent by Governing Body members, should be sent only to and from the Governing Body member's official borough e-mail address and not to any personal e-mail addresses.
7. A member of a public body, or a third party, may communicate electronically with an effective majority of the public body if the communication is of a purely informational nature. For example, an administrator may e-mail the council to inform them of current issues in the town or items to be placed on a future agenda.
8. This policy is adopted as a Borough Policy and shall apply to all Agencies and Boards of the Borough that are subject to the Open Public Meetings Act, including, but not limited to, the Planning Board and the Zoning Board of Adjustment and/or any other Board or Commission.
9. Copies of this resolution shall be provided to all elected and appointed officials and to those newly elected or appointed to any Borough agency or body that is subject to the Open Public Meetings Act.

July 7, 2014

Motion by Councilman Mignone, seconded by Councilwoman Busted to approve resolution #14-270 through #14-280.

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

#14-270 Amend 2014 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, the Borough has received a donation for the Memorial park Bench Program in the Recreation Department in the amount of \$1,500.00.

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

Donation Memorial Park Bench Program.....\$1,500.00

BE IT FURTHER RESOLVED that the like sum of \$1,500.00 and the same is hereby appropriated under the caption of:

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

Donation Memorial Park Bench Program.....\$1,500.00

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

July 7, 2014

#14-271 Amend Agreement with Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey for Professional Services for Expert Legal Services

WHEREAS, there exists a need for Expert Legal Services for tax appeal representation; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Alan P. Spiniello, Esq. via resolution #14-09 dated January 1, 2014 in the amount of \$5,000.00 and amended via resolution #14-225 in the amount of \$6,000.00; and

WHEREAS, additional funding is required for Expert Legal Services for tax appeal representation; 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, Alan P. Spiniello, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Alan P. Spiniello, 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 Alan P. Spiniello, Esq. 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 July 7, 2014; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-174 of the Current Fund an amount not to exceed \$9,000.00.

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;

WHEREAS, the rate of pay shall not exceed \$85.00 per hour:

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 Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey, 07601 in the amount not to exceed \$9,000.00.
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 a "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.

July 7, 2014

#14-272 Amend Capital Budget

WHEREAS, the Borough of River Edge, New Jersey desires to amend the Capital Budget of said municipality by inserting thereon or correcting the items therein as shown on such budget for the following reason: Replacement of the HVAC System at the Municipal Building.

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

Section 1. The 2014 Capital Budget of the Borough of River Edge is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT 14-1
CAPITAL BUDGET OF THE BOROUGH OF RIVER EDGE
Projects Scheduled for 2014
Method of Financing

<u>Project</u>	<u>Estimated Cost</u>	<u>Capital Improvement Fund</u>	<u>Bond/Notes Authorized</u>
Replacement of the HVAC System at the Municipal Building	\$32,000.00	\$1,600.00	\$30,400.00

July 7, 2014

#14-273 Refund of Performance Escrow - 405 Fifth Avenue, Block 904, Lot 3

WHEREAS, Your Home Team, LLC, deposited \$1,000.00 in escrow to complete grading and seeding within 90 days of the project completion at the property located at 405 Fifth Avenue, Block 904, Lot 3 ; and

WHEREAS, the Borough Engineer has performed all final inspections; and

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund:

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Amount</u>
904/3	Your Home Team, LLC 37 Christine Court West Milford, NJ 07480	\$1,000.00

July 7, 2014

#14-274 Refund of Performance Escrow, 780 Elm Avenue, Block 306, Lot 20

WHEREAS, Young Kun Kim deposited \$500.00 in escrow to complete grading and seeding within 90 days of the project completion at the property located at 780 Elm Avenue, Block 306, Lot 20; and

WHEREAS, the Borough Engineer has performed all final inspections; and

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to make the following refund:

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Amount</u>
306/20	Young Kun Kim 780 Elm Avenue River Edge, NJ 07661	\$500.00

July 7, 2014

#14-275 Authorize the Release of a Performance Bond for Reggio Construction for the Howland Avenue (Section 6) Phase IV Roadway Improvement Project (from Colonial Court to Bogert Road)

WHEREAS, the Borough of River Edge received a Performance Bond from Reggio Construction Inc., 1575 West Street, Fort Lee, New Jersey 07024 for the Howland Avenue (Section 6) Phase IV Roadway Improvement Project; and

WHEREAS, the amount of the Performance Surety Bond was \$153,682.06; and

WHEREAS, the Borough Engineer has certified that the final inspection has been made and approval is given with regard to the

Howland Avenue (Section 6) Phase IV Roadway Improvement Project and recommends that the Performance Surety Bond be released; and

WHEREAS, the Borough Clerk has received a Maintenance Surety Bond in the amount of \$23,052.40 which will run for a two year period from June 1, 2014 to June 1, 2016; and

WHEREAS, at a work session of the Mayor and Council on July 7, 2014 the recommendation of the Borough Engineer was considered and reviewed.

NOW, THEREFORE, BE IT RESOLVED that the Performance Surety Bond for Reggio Construction on file with the Borough of River Edge be released in the amount of \$153,682.06.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to send a copy of this resolution to Reggio Construction, Inc., 1575 West Street, Fort Lee, New Jersey 07024 and The Service Insurance Company, Inc., 80 Main Street, 3rd Floor, West Orange, New Jersey 07052.

July 7, 2014

#14-276 Enter Into Agreement with Public Service Electric & Gas for a Right-of-Entry on Borough Property, Block 214, Lot 1 and Block 215, Lot 1

WHEREAS, Public Service Electric & Gas has requested a Right-of-Entry regarding a facility upgrade project located in the Borough of River Edge on Block 214, Lot 1 and Block 215, Lot 1 to access a manhole and cross over Borough property; and

WHEREAS, Public Service Electric & Gas has drawn up a Right-of-Entry Agreement for ingress and egress over Block 214, Lot 1 and Block 215, Lot 1; and

WHEREAS, this agreement has been reviewed by the Borough Attorney, the Borough Engineer and the Mayor and Council of the Borough of River Edge at a work session on July 7, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are authorized to execute the Right-of-Entry Agreement with Public Service Electric & Gas Company.

July 7, 2014

#14-277 Authorize Mayor and Clerk to Sign the Houston-Galveston Area Council (H-GAC) Interlocal Contract for Cooperative Purchasing

WHEREAS, the Borough of River Edge desires to enter into an interlocal agreement with Houston-Galveston Area Council; and

WHEREAS, the State of New Jersey, Division of Local Government Services permits the entering into national cooperative contracts; and

WHEREAS, the authorization to enter into the contract is subject to the Borough Attorney's approval and meeting all of the requirements of Local Finance Notice 2012-10; and

WHEREAS, this matter was discussed at a work session meeting

on July 7, 2014.

BE IT RESOVLED, that the Mayor and Borough Clerk are hereby authorized to sign the Houston-Galveston Area Council (H-GAC) Interlocal Contract for Cooperative Purchasing.

July 7, 2014

#14-278 Amend 2014 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 \$708.96; 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.....\$708.96

BE IT FURTHER RESOLVED that the like sum of \$708.96 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.....\$708.96

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

July 7, 2014

#14-279 Resolution to Authorize Approval of a Drawing Depicting Changes for the Bogert Road Intersection Design for the Project Known as New Bridge Landing at River Edge

WHEREAS, the Borough of River Edge desires to approve the drawing depicting changes for the Bogert Road intersection design for the project known as New Bridge Landing at River Edge; and

WHEREAS, the Borough Engineer has submitted a drawing

depicting changes for the Bogert Road intersection design; and

WHEREAS, the revised drawing for the Bogert Road intersection design was discussed at a work session on July 7, 2014; and

WHEREAS, the Mayor and Council of the Borough of River Edge desire to memorialize their approval of the drawing and the design elements contained therein for the project entitled New Bridge Landing at River Edge.

NOW, THEREFORE, BE IT RESOLVED that the drawing for the Bogert Road intersection design is accepted and approved by the Governing Body of the Borough of River Edge.

July 7, 2014

#14-280 Award of Contract to Asphalt Paving Systems, P.O. Box 530, Hammonton, NJ 08037 for the Riverside Cooperative 2014 Micro-surfacing Program

WHEREAS, on June 10, 2014 a sealed bid was received for the 2014 Riverside Cooperative Micro-surfacing Program by the Riverside Cooperative (35-RC) from Asphalt Paving Systems; and

WHEREAS, the Borough of Haworth, the Lead Agency for the Riverside Cooperative awarded the bid on July 2, 2014; and

WHEREAS, the bid has been reviewed by the Borough Administrator, Borough Engineer, Borough Attorney and Superintendent of Public Works; and

WHEREAS, the Mayor and Council have reviewed this matter at a work session on July 7, 2014; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1806-500 of the Capital Fund in the amount not to exceed \$100,000.00.

WHEREAS, this contract is awarded on a unit price basis and may be considered an "Open Ended Contract" under N.J.A.C. 5:34-5.3, in which case certification of funds is not required until such time as the services are ordered and prior to incurring the liability by placing the order, certification of availability of funds will be made by the Chief Financial Officer, and it shall be the responsibility of the official responsible for issuing the purchase order to notify and seek the certification of availability of funds from the Chief Financial Officer as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the bid is hereby awarded to Asphalt Paving Systems, Inc., P.O. Box 530, Hammonton, New Jersey 08037 in the amount of 100,000.00 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

July 7, 2014

Motion by Councilwoman Busted, seconded by Councilman Acquafredda to approve resolution #14-281.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted and Councilman Acquafredda voted yes; Councilman Mignone voted no and Councilman Papaleo was absent.

#14-281 Resolution Authorizing the Contract for Cherry Blossom Community Park, Phase I Improvements, County of Bergen Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund

BE IT RESOLVED, that the Mayor and Council of the Borough of River Edge wish to enter into a Bergen County Trust Fund Project Contract ("Contract") with the County of Bergen for the purpose of using a \$52,000.00 matching grant award from the 2013 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund ("Trust Fund") for the municipal park project entitled Cherry Blossom Community Park Phase I Improvements located in Cherry Blossom Community Park at 380 Bogert Road in Block 1004, Lot 38.04 on the tax maps of the Borough of River Edge; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize the Mayor and Clerk to be a signatory to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about December 4, 2015; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment and other such documents as may be required by the County in accordance with the Trust Fund's requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund's requirements.

July 7, 2014

Motion by Councilman Mignone, seconded by Councilman Acquafredda to approve resolution #14-282 through #14-287.

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

#14-282 Authorize Tax Collector to Transfer a 2nd Quarter 2014 Tax Overpayment to the 3rd Quarter 2014 Taxes

WHEREAS, the tax office has received a 2nd quarter 2014 tax overpayment on the following property; and

WHEREAS, a written request was received from the homeowner to transfer the overpayment to the next quarter due.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector adjusts her records by transferring the 2nd quarter 2014 tax overpayments to the 3rd quarter 2014 taxes as follows:

From 2nd Quarter To 3rd Quarter

July 7, 2014

#14-285 Authorize Refund from Recreation Dedicated Account and Trust
Other Account

WHEREAS, a resident signed up and paid in full for the use of Memorial Park; and

WHEREAS, the resident was unable to use the park due to the condition it was left in after the Roosevelt 6th grade picnic and has requested a refund; and

WHEREAS, had signed their child up and paid in full for the Recreation Summer Camp Program; and

WHEREAS, the child is not able to attend and the resident has asked for a refund; and

WHEREAS, a refund will be made to the following:

Elizabeth Smerdon 859 Bogert Road River Edge, NJ 07661	\$ 50.00	Park Use
Darma Camacho 145 Monroe Avenue River Edge, NJ 07661	\$170.00	Camp Program

NOW, THEREFORE, BE IT RESOLVED that a total of \$170.00 be refunded from the Recreation Dedicated Account and \$50.00 from the Trust Other Account to the above listed residents.

July 7, 2014

#14-286 Amend Agreement with Richard D. Kraus, Esq., 1
University Plaza Drive, Hackensack, New Jersey 07601 for
Professional Services for Expert Legal Services

WHEREAS, there exists a need for Expert Legal Services for tax appeal representation; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Richard D. Kraus, Esq. via resolution #12-09 dated January 2, 2012 in the amount of \$5,000.00; and

WHEREAS, additional funding is required for Expert Legal Services for tax appeal representation; 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, Richard D. Kraus, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Richard D. Kraus, 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 Richard D. Kraus, Esq. 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 July 7, 2014; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-174 of the Current Fund an amount not to exceed \$6,000.00.

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;

WHEREAS, the rate of pay shall not exceed \$85.00 per hour:

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 Richard D. Kraus, Esq., 1 University Plaza Drive, Hackensack, New Jersey, 07601 in the amount not to exceed \$6,000.00.
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 a "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.

July 7, 2014

#14-287 Authorize Alan P. Spiniello, Esq. to Enter Into a Stipulation of Settlement with Public Service Electric & Gas Co., for the Premises Located at 1190 Main Street, Block 1306, Lot 3

WHEREAS, Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey will handle the litigation of Settlement with Public Service Electric & Gas Co., for the premises located at 1190 Main Street, Block 1306, Lot 3 (transformer station); and

WHEREAS, Alan Spiniello, Esq. has recommended stipulation in the above stated matters; and

WHEREAS, the Mayor and Council have considered these recommendations at their work session of July 7, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby authorize Alan Spiniello, Esq. to enter into a Stipulation of Settlement with an assessment reduced from \$126,800 to \$75,000.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to forward a copy of this resolution to James Anzevino, the Borough's Tax Assessor and Alan Spiniello, Esq.

July 7, 2014

Motion by Councilman Mignone, seconded by Councilman Acquafredda to approve resolution #14-288.

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

#14-288 Authorize Alan P. Spiniello, Esq. to Enter Into a Stipulation of Settlement with Frieda Finkelstein, 197 Midland Avenue, Block 114, Lot 1

WHEREAS, Alan P. Spiniello, Esq., 45 Essex Street, Hackensack, New Jersey will handle the litigation of Settlement with Frieda Finkelstein, 197 Midland Avenue, Block 114, Lot 1; and

WHEREAS, Alan Spiniello, Esq. has recommended stipulation in the above stated matters; and

WHEREAS, the Mayor and Council have considered these recommendations at their work session of July 7, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby authorize Alan Spiniello, Esq. to enter into a Stipulation of Settlement with an assessment reduced to \$540,000 for the calendar years 2013 and 2014 and \$520,000 for the calendar year 2015.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to forward a copy of this resolution to James Anzevino, the Borough's Tax Assessor and Alan Spiniello, Esq.

July 7, 2014

Councilman Mignone read resolution #14-289 into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #14-289.

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

#14-289 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	\$768,349.68
CAPITAL ACCOUNT	\$ 58,285.61
RECREATION ACCOUNT	\$ 5,010.18

SELF INSURANCE ACCOUNT	\$ 1,545.50
TRUST OTHER ACCOUNT	\$ 18,500.48
OPEN SPACE ACCOUNT	\$ 17,046.77
TRUST OTHER DEVELOPERS ACCOUNT	\$ 2,500.00

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.

July 7, 2014

OPEN HEARING OF THE PUBLIC -

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

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

Carl Fazio-229 Madison Avenue-thanked the Police Officers for the job that they do in town and said that his comments tonight have no reflection on them. Mr. Fazio made a statement regarding the Police Chief's salary and his inability to carry a firearm. He asked if the town has paid Police Officers money to settle law suits.

Tom Sarlo, Esq.- stated that to the best of his recollection, yes there have been some law suits that have been resolved.

Carl Fazio-asked how many law suits have been settled?

Tom Sarlo, Esq. - replied that he's not certain. He recommended that Mr. Fazio fill out an OPRA request to obtain this information. Carl Fazio-asked if taxpayer money was used to settle the law suits? Tom Sarlo, Esq.-stated that some of the law suits were handled by the Insurance and there was a portion that the Borough paid depending on the law suit. He again stated that if the information is not subject to confidentiality it could be provided to him.

Carl Fazio-asked who manages Police Chief Cariddi?

Tom Sarlo, Esq.-replied that the authority of the Borough is the Mayor. The Mayor and Council have authority but the Police Chief reports to the Mayor. Mr. Sarlo stated that Councilman Papaleo is the Liaison to the Police Chief and is in frequent contact with the Police Chief and the PBA.

Carl Fazio-asked if Councilman Papaleo read the report regarding the call at the Police Chief's house?

Tom Sarlo, Esq.-stated that he cannot speak for Councilman Papaleo.

Carl Fazio-stated that he would like to request information from 2009 through 2011.

Tom Sarlo, Esq.-again asked Mr. Fazio to go through the proper channels and fill out an OPRA request to obtain the information.

Carl Fazio-stated that he knows that \$85,000 of legal costs have been paid out between the years 2009 and 2012. He stated that this was reported on WNYC News in a segment entitled "Good Cop Bad Cop, How Infighting is Costing New Jersey Taxpayers". He stated that he would like answers to his questions and feels that the residents should know what's been going on especially if these payouts are coming from tax dollars. He asked if anyone was aware of this newscast or if they knew about the website that it can be viewed.

Councilwoman Murphy-stated that she was not aware of that.

Tom Sarlo, Esq.- stated that he is not speaking for the Council but

reminded everyone that this is the public comment portion of the meeting not a question and answer period. He continued to say that after Mr. Fazio asks his questions and makes his comments, the Council, if they so choose, can answer him at that time.

Carl Fazio-asked who should he follow-up with?

Tom Sarlo, Esq.- stated that he can file an OPRA request through the Borough Clerk's office and within the time prescribed by law, we will provide the documents or the answers that he needs if they are discoverable.

Wilson Valdez-458 Kinderkamack Road-stated that he wants to file a formal complaint against the Zoning, Code Enforcement Officer and Construction Department. He continued to say that back in August of 2012 he and his wife filed a complaint against the commercial property adjacent to their home because every time there is a heavy downpour, their property is affected by runoff from the driveway next door. He stated that for two years they've been dealing with Bob Costa and no action has been taken. His wife attended a Council meeting a few months ago with the same complaint and was basically told that the condition of the driveway was grandfathered in which he feels is not true. He listed the number of improvements that they've made and feels that they haven't abided by the Zoning regulations for buffer zones. He doesn't understand why they would have received approvals for modifications without following the code requirements and asked the Council to address the issue.

Tom Sarlo, Esq.-stated that the Mayor and Council have no authority in approving modifications to a building, it would go before the Planning and Zoning Boards. If there was a site plan approval, it would have come from the Zoning or Planning Board. It definitely would be an issue if he has done something in violation of his site plan approval.

Wilson Valdez-asked who enforces the zoning code.

Tom Sarlo, Esq.- stated that the Mayor and Council have jurisdiction over the Building Department.

Wilson Valdez-asked why they aren't following the code?

Tom Sarlo, Esq.-replied, that wasn't the question. The question was why did the Mayor and Council allow the work to be done. If Mr. Valdez is changing the question, then yes, this Mayor and Council does have jurisdiction over the Building Department. If there was a problem with the way it was built, that's Zoning and it is something the Mayor and Council can direct the Building Department, if there is an issue, to go back to the Zoning or Planning Board for corrective action. He explained that where things stand now, it's under the auspices of the Building Department and potentially the Mayor and Council to make sure everything was done in conformance with the site plan.

Wilson Valdez-stated that he and his neighbors never received notice of any changes to the property.

Council President Murphy-asked if Mr. Valdez first noticed flooding after the recent improvements.

Wilson Valdez-explained that the home has been in his wife's family for forty years but he and his wife have lived there for three years. He stated that the home was empty for many years so no one noticed the flooding issue. He asked if there is any recourse he can take?

Council President Murphy-stated that first they need to see if they adhered to the plans that were approved.

Wilson Valdez-asked how the plan could have been approved even though they're not following the city code?

Councilman Mignone- stated that it could have been approved because it may have been a condition that was not known to the Planning Board. There were no site changes that were approved except for the little island for the sign. They came in for a change of use because they were putting a food establishment in the mall.

Wilson Valdez-again stated that he was never notified.

Councilman Mignone-stated that by law, he would have to be notified as an adjacent property owner before they came before the Planning Board.

Wilson Valdez-stated that he and his neighbors did not receive any notification.

Tom Sarlo, Esq.- stated that by law, they would have to provide proof of notice, which are certified green cards to the Planning Board.

Wilson Valdez-asked if he could receive a copy of the card that was sent to his address.

Tom Sarlo, Esq.- explained that the Zoning office would have a copy, but first he feels they need to address some of these concerns such as the transformer that was constructed without proper permits. Mr. Sarlo stated that he feels that Mark Skerbetz and Bob Costa need to provide the Mayor and Council additional information as to what's going on there. He asked Mr. Valdez what the main issue is.

Wilson Valdez-stated that his main concern is that they did not put the five foot buffer zone between their commercial property and his residential property as stated in the city code.

Tom Sarlo, Esq.-stated that he will recommend that Mark Skerbetz and Bob Costa provide an opinion with regard to the five foot buffer zone as well as the transformer.

Alan Negreann-stated that it is his understanding that Mr. Valdez would also like to see a curb to prevent the water running.

Wilson Valdez-feels that a curb or fencing should have been put in according to our code. He provided Council President Murphy with pictures.

Tom Sarlo, Esq.-said that he would reach out to Bob Costa for more information.

Alan Negreann-stated that he look into finding a copy of the certified receipt card as well as the permit for the transformer.

Casey Connors-259 Adams Avenue-noticed that Councilman Acquafredda seemed baffled by the fact that we would pay someone to turn the lights on at the park and wondered if anyone thought about putting timers on the lights.

Council President Murphy-stated that the lights are inside a cage.

Councilman Acquafredda-explained that when he used to coach and referee, the lights are activated by a mechanical switch that you have to disengage to shut off the lights. He did admit that he is a little baffled because in the past residents used to do it voluntarily.

Council President Murphy-stated that hopefully when they get the new lights they won't have to pay someone because it could be done remotely.

Tom Sarlo, Esq.-explained that with the new system, you call a phone number and put in an access code which will turn the lights on and off. He feels that it's a great system and very energy efficient.

Council President Murphy-explained that they have been putting money aside each year for new lighting.

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS -

Council President Murphy-apologized publically to Ms. Lombardi for the July 4th mishap.

ADJOURNMENT - 9:00 P.M.

Motion by councilman Mignone, seconded by Councilwoman Busted

to adjourn the meeting at 9:00 p.m.

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated: