

M I N U T E S
Regular Meeting of the Mayor and Council
Monday, October 5, 2015
8:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:01 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

Mayor Moscaritolo called for a moment of silent prayer or reflection and asked Councilwoman Murphy to lead the salute to the flag.

MISSION STATEMENT & OPEN PUBLIC MEETINGS -

Mayor Moscaritolo 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.

Mayor Moscaritolo-stated that since there is a full house this evening, he asked the Council if they would be interested in using a timer to limit the public comment to prevent the meeting from running long due to the subject matter.

Motion by Councilwoman Busted, seconded by Councilman Papaleo to use the timer to be consistent with the amount of time the public has to speak.

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

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

Mayor Moscaritolo-informed everyone that the Borough Clerk received a letter dated October 2, 2015 from Anthony Cappola resigning from his position as Councilman effective immediately.

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the minutes of the Mayor and Council work session meeting of September 8, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the minutes of the Mayor and Council work session and regular

meeting of September 21, 2015.

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

PROCLAMATIONS & AWARDS -

Mayor Moscaritolo read the Proclamation Declaring the Month of October 2015 as Italian American Heritage Month as follows:

PROCLAMATION

WHEREAS, since our nation's inception and throughout our history, brave men, women and children, yearning for freedom and opportunity, made the journey to the United States in search of a better life; and

WHEREAS, from early explorers to the 5.5 million immigrants of the early twentieth century, Italian Americans have helped shaped and develop our nation; and

WHEREAS, coinciding with festivities surrounding Columbus Day, National Italian American Heritage Month recognizes the many achievements, contributions and successes of Americans of Italian descent; and

WHEREAS, Italian American citizens have made significant economic and cultural contributions to our nation, state and community, and their influences can be found in every walk of life.

NOW, THEREFORE, BE IT RESOLVED that I, Sandy Moscaritolo, Mayor of the Borough of River Edge, in recognition thereof, do hereby proclaim:

The Month of October 2015

as

Italian American Heritage Month

Mayor Sandy Moscaritolo

Dated: October 5, 2015

Mayor Moscaritolo read the Proclamation Declaring the Month of October 2015 as LGBT History Month as follows:

PROCLAMATION

WHEREAS, Lesbian, Gay, Bisexual and Transgender (LGBT) History Month originated in the United States and was first celebrated in 1994; and

WHEREAS, LGBT History Month was founded by Missouri High School history teacher Rodney Wilson who believed a month should be dedicated to the celebration and teaching of gay and lesbian history; and

WHEREAS, October was chosen by Rodney Wilson as the month for the celebration because National Coming Out Day was already established on October 11th and October commemorated the first March on Washington for Lesbian, Gay and Bi Equal Rights and Liberation by LGBT people in 1979; and

WHEREAS, LGBT History Month is a month long annual observance of lesbian, gay, bisexual and transgender history and the history of the gay rights and related civil rights movements; and

WHEREAS, LGBT History Month is intended to encourage honesty and openness about being lesbian, gay, bisexual and/or transgender; and

WHEREAS, LGBT Americans have made and continue to make great and lasting contributions that strengthen the fabric of our society; and

WHEREAS, the LGBT rights movement has achieved great progress, but there is more work to be done. LGBT youth should feel safe to learn without fear of harassment, bullying or discrimination and LGBT families and seniors should be allowed to live their lives with dignity and respect.

NOW, THEREFORE, BE IT RESOLVED that I, Sandy Moscaritolo, Mayor of the Borough of River Edge, in recognition thereof, do hereby proclaim:

The Month of October 2015

As

LGBT History Month

Mayor Sandy Moscaritolo

Dated: October 5, 2015

Mayor Moscaritolo presented the proclamation to his friend Paul Lucas and River Edge resident Lisa Pols. The Mayor also invited Assemblyman Tim Eustace who was unable to attend.

Paul Lucas-stated that they have made great strides in the last few decades in the United States but a transgender person is murdered on average, every 28 hours worldwide. He continued to say that November 20th is International Transgender Day of Remembrance to honor those who have taken their own lives, have been killed, died of aids, etc. He thanked the Mayor and Council for this proclamation.

Mayor Moscaritolo read the Proclamation Declaring October 4 - 10, 2015 as Fire Prevention Week as follows:

PROCLAMATION

WHEREAS, cooking, heating, and electrical fires represent three of the nation's leading causes of home fires, and are collectively responsible for nearly half of all home fires and almost one-third of the associated fire deaths; and

WHEREAS, the vast majority of home cooking, heating, and electrical fires can be prevented by taking simple safety precautions; and

WHEREAS, developing a home fire escape plan and practicing it at least twice a year are critical to escaping a fire safely; and

WHEREAS, proper installation, testing, and maintenance of smoke alarms are part of a thorough home fire escape plan; and

WHEREAS, by preventing the leading causes of home fires, and by developing and practicing a thorough home fire escape plan, people can greatly reduce their risk to fire; and

WHEREAS, the Fire Prevention Week 2015 theme, "Hear the Beep Where You Sleep" encourages the public to develop a home fire escape plan and make sure they have working smoke alarms; and

WHEREAS, the fire service of the Borough of River Edge is dedicated to the safety of life and property from the devastating effects of fire; and

WHEREAS, the members of the fire service are joined by other concerned citizens of this Borough of River Edge, County of Bergen, State of New Jersey, as well as other emergency service providers and safety advocates, businesses, schools, service clubs, and organizations in their fire safety efforts; and

WHEREAS, I Sandy Moscaritolo, Mayor of the Borough of River Edge, do hereby proclaim the week of

October 4 – 10, 2015

as Fire Prevention Week

This week commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless, and destroyed more than 17,400 buildings.

WHEREAS, I call upon the people of the Borough of River Edge to participate in fire prevention activities at home, work, and school, and to take the steps needed to make their homes and families safe from the leading causes of home fires, which include cooking, heating and electrical fires and plan and practice their home fire escape.

Sandy Moscaritolo, Mayor

Dated: October 5, 2015

Mayor Moscaritolo presented the proclamation to Fire Chief Gregg Cariddi.

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to open public comments on any issue on the agenda.

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

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

There being no comments by the public, motion by Councilwoman Murphy, seconded by Councilman Papaleo to close public comments on any issue on the agenda.

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

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the salary change of Kenneth Morse, Tree Trimmer II in the Department of Public Works from an annual Step III salary of \$56,853.00 to Step IV - \$57,453.00, effective November 5, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the salary change of Thomas Dekker, Laborer II in the Department of Public Works from an annual Step III salary of \$41,903.00 to Step IV - \$42,381.00, effective November 26, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the salary change of Jason DeCarlo, Laborer II in the Department of Public Works from an annual Step I salary of \$29,226.00 to Step II - \$41,423.00, effective November 5, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the resignation of Councilman Anthony Cappola from the Borough of River Edge, effective October 2, 2015.

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

CORRESPONDENCE -

Letter - Board of Chosen Freeholders - 9/17/15
Re: Adopted Resolution #1079-15
Notice - County of Bergen - 9/28/15
Re: Road Resurfacing Notification

MONTHLY REPORTS -

Alan P. Negreann - Damage to Public Property Report
Dated 9/24/15
Alan P. Negreann - Revenue Report dated 9/19/15
Beautification - September 2015 - No Quorum
Tax Collector - August 2015

ORDINANCES - 1ST READING - NONE

ORDINANCE - 2ND READING -

Stephanie Evans, Borough Clerk read the title of Ordinance #1840 as follows:

Ordinance #1840 - AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RIVER EDGE SO AS TO AMEND §152, BUSINESS ESTABLISHMENTS, SO AS TO SET FORTH HOURS OF OPERATION REQUIREMENTS FOR RETAIL BUSINESSES OPERATING IN RESIDENTIAL DISTRICTS AND C1 AND C2 ZONE DISTRICTS OF THE BOROUGH.

BOROUGH OF RIVER EDGE ORDINANCE
ORDINANCE #1840

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE CODE OF THE BOROUGH OF RIVER EDGE SO AS TO AMEND §152, BUSINESS ESTABLISHMENTS, SO AS TO SET FORTH HOURS OF OPERATION REQUIREMENTS FOR RETAIL BUSINESSES OPERATING IN RESIDENTIAL DISTRICTS AND C1 AND C2 ZONE DISTRICTS OF THE

BOROUGH.

WHEREAS, the Mayor and Council have recognized that in order for some retail establishments to provide optimal service to the community, it is necessary for them to operate twenty-four a day; and

WHEREAS, the Mayor and Council have the right to impose such regulation as is necessary to insure the health, peace, comfort and repose of its residents which may be affected by business establishments that operate with extended hours; and

WHEREAS, it is important to protect the character of the residential neighborhoods serviced by the businesses in contiguous C1 zones. The C1 zones is located in the midst of the Borough which is essentially residential in character. Therefore reasonable restrictions in the business hours of operation are necessary to prevent an intrusion on the privacy of these areas, to protect the quiet enjoyment of the residents in their homes during late evening and early morning hours, restricting excessive noise, light, littering and traffic.

WHEREAS, The C-2 Zone District of the Borough includes 24 hour transit served by bus, train and State highway. The C2 Zone District is commercial in character. It would serve both the public good and business community to permit, subject to certain regulations, extended hours in the C-2 Zone District of the Borough;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of River Edge, County of Bergen and State of New Jersey that § 152-4 is hereby amended to read as follows:

SECTION 1: §152-4 Permitted Hours of Operation.

A. All retail businesses located in the C-2 zone district shall be permitted to operate twenty-four hours a day provided that they meet the following regulations in addition to the other regulations set forth herein:

1. There are two employees on continuous duty in that part of the business establishment to which the public is invited. At any business establishment which is a gasoline service station and conforms to the requirements of River Edge Code Chapter 416, Article VI, § 416-21, or is a legal nonconforming use, only one such employee will be required to be on duty of the business establishment;
2. Each establishment is equipped with a security camera, approved by the Chief of Police of the Borough of River Edge, capable of monitoring and recording activity where cash is maintained on the premises; and
3. Accepts exact change only for cash purchase transactions of more than \$5 during the hours between 11:00 p.m. and 5:00 a.m.; and
4. Conspicuous signs placing the public on notice for the security camera and exact change policy are posted on the premises. Said signage shall be subject to the approval of the Chief of Police of the Borough of River Edge.
5. The business establishment shall employ a security officer on the premises or have in operation a security device approved by the Chief of Police of the Borough of River Edge. The security device may consist of a silent and/or audible burglar alarm connected to a central security monitoring system designed to activate police response, a closed-circuit television connected to a central security monitoring system designed to activate police response or such other device which can be activated instantaneously to notify law enforcement officers that a crime or disorderly persons activity is in progress.
6. The names, address and telephone number of the security officer's employer, if other than the business establishment, shall be provided to the Chief of Police. Any security agency providing the security officer must be

licensed by the State of New Jersey. If the security officer is an employee of the business establishment, he or she must demonstrate that he or she has received appropriate training; the training must be determined to be adequate in the reasonably exercised discretion of the Chief of Police.

7. At any business establishment selling gasoline, no security officer may carry or maintain on premises any firearm, whether he or she is licensed to do so. Any security officer carrying or maintaining on premises a firearm or any weapon must be licensed, if appropriate, and must notify, in writing, the Chief of Police of the firearm or weapon and the security officer's license. Written notice must be provided at least 48 hours before the security officer takes the firearm or weapon onto the property.

B. The provisions of this section shall not apply to establishments licensed for the sale of alcoholic beverages pursuant to Chapter 114, Alcoholic Beverages of "The Code of the Borough of River Edge" whose hours and mode of operation are governed separately by Borough ordinances and by N.J.S.A. 33:1-1, et. seq. of the laws of New Jersey pertaining to alcoholic beverages.

C. All retail businesses located in the C-1 zone district shall only be permitted to operate between the hours of 5:00 a.m. to 11:00 p.m. daily provided they adhere to the regulations set forth herein.

D. All retail businesses located in any other district in the Borough shall only be permitted to operate during the hours set forth in the resolution of approval or between the hours of 5:00 a.m. to 11:00 p.m, whichever is more restrictive. Further the retail businesses must adhere to the regulations set forth herein.

E. The foregoing restriction shall not apply to any business already established and in operation on the date this ordinance is adopted where approved hours of operation differ from the requirements of the above subsections.

SECTION II: The remaining portions of Chapter 152, Business Establishments, shall remain in full force and effect except as modified hereunder. All parts and provisions of any ordinance which are inconsistent with the provisions of this ordinance shall be repealed to the extent of such inconsistencies only.

SECTION III: 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 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:

Stephanie Evans, Borough Clerk
Dated:

OPEN PUBLIC HEARING - Ordinance #1840

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to open public hearing on Ordinance #1840.

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

Gerry Puccio - Rockleigh, NJ-Landlord for the 7 Eleven property-said that he has attended the last few meetings and has had the opportunity to hear the comments from the residents. He feels that this is a good opportunity to tell everyone about himself. He continued to say that he is a resident of Bergen County born and raised, his family has had businesses in the county for 50 + years and he has three children. He said that he is telling everyone these things because he is a regular person just like everyone else in the room. He's not some billionaire who is coming in and trying to ruin the town, he's just trying to make a living like everyone else. He explained the process that he had gone through before he purchased the property as well as the process for getting demo and construction permits. After he closed on the property he was denied a construction permit because he was told that the Mayor needed to sign a developer's agreement. He feels that he was strung along by the Mayor for five months. From that point on he was carrying the property for five months, paying the taxes for five months and didn't receive a return phone call or e-mail from the Mayor. The Mayor finally agreed to meet with him and signed the agreement. Twenty days later the first snow storm happened. Mr. Puccio was supposed to have the site finished for 7 Eleven and opened by December and if things had gone as originally planned he would have. With these facts in mind, he can only believe one thing and that is that this was done on purpose. He feels that this ordinance was strategically placed at this moment in time as a platform for the Mayor's re-election. He asked the Council to do the right thing.

Tara Finley-571 Clarendon Court-said that she doesn't mind that 7 Eleven is coming to town but is afraid of excess noise and disruption for her family and neighbors.

Bill Haggis - 208 Princeton Drive-has been a resident since 1988, was Police Officer for many years and is currently a business owner in River Edge. On Princeton Drive he has one of the only houses that is not a McMansion, yet he pays \$12,000 a year in taxes which is unheard of in comparison to similar type houses in neighboring towns. Mr. Haggis continued to say that if we were to ask the Mayor and Council what their constituent's biggest concerns are, he's confident the answer would be high taxes and feels that one of the ways to stabilize taxes are business ratables. He continued to say that in order to bring in business ratables, we need to be business friendly and that means being flexible. He said that we should not look to control the type of businesses that come into town but look to be fair and equitable in dealing with business owners because they are making the investment in their businesses, not us. An example of flexibility would be the change in the Blue Law when the Mayor and Council at that time, decided to mirror Bergen County's. Mr. Haggis quoted a flyer which was handed out at Cherry Hill School which said "River Edge residents, do you want 24 hour a day stores in your residential neighborhoods disturbing your sleep and peace?" He said that there are no businesses in any residential zones in River Edge, nor would there be. He stated that this is not only misleading but untrue because there are only businesses abutting residential zones. Mr. Haggis stated that as a rule of thumb when you are going to campaign for any particular issue, the first rule is to be truthful to the people you are trying to inform as opposed to be purposely misleading and untruthful. Mr. Haggis stated that for the residents of Clarendon Court nothing has changed from the time that they purchased their houses and cited an example when there were fights among intoxicated parties coming out of Beemer's Pub at 2 a.m. He feels that a better solution would be to put up some type of buffer zone consisting of trees, walls or wall barriers to prevent any additional noise.

Stephanie Hartman-144 Monroe Avenue- feels that the timing of this ordinance makes us look business unfriendly and makes the process very disingenuous. She knows that during the process, 7 Eleven had a signage issue that was established and changed to accommodate the community. She feels that to turn around at the eleventh hour, grandfather two other businesses when the store is nearly open and change what you knew was a potential 24 hour does not speak to River Edge as a business friendly town. Mrs. Hartman said that she used to go to CVS in Teaneck when her kids were little because there wasn't anywhere she could get certain things in this community. She said that she would have welcomed something where she could have run to at 1 or 2 a.m. Mrs. Hartman said that Monroe Avenue is a major thoroughfare with a lot of traffic, kids going to park and a lot of debris but that's the cost of living there. She feels that although she has the luxury of the park, she also has to deal with the issues that go along with it. She feels that this 7 Eleven will increase the traffic on her street because it is the main way to get to

Kinderkamack Road. Mrs. Hartman feels that this is a business that we welcomed into our town and she thinks that it's inappropriate at the eleventh hour to curtail what they had intended.

Herb Ouida-591 Clarendon Court-thanked the Mayor and Council for doing an outstanding job on this issue. He feels that the ordinance is balanced and is very friendly to businesses. Mr. Ouida encouraged everyone to look at the minutes from the Planning Board in 2012 because it says very clearly that there is no approval for a 24 hour operation. He disagrees with the statement that we're not business friendly because of the new businesses in the south end of town. Mr. Ouida stated that there will be another 7 Eleven in the south end of town that will be open 24 hours and still feels that the store on Kinderkamack which will abut Clarendon Court will change their privacy. Mr. Ouida also disagrees with the statement that the residents of Clarendon Court are the only people who are against the hours of operation because many people who signed the petition are from different areas of town. Mr. Ouida stated that we shouldn't be afraid of the threat of a lawsuit and asked the Council not to vote their fears but to vote their hopes.

Mary Baker-264 Valley Road-stated that she lives approximately 500 feet from the Temple. She continued to say that it is a very active temple and the members of the temple have been wonderful neighbors. She also explained that when you buy by a temple you expect to have cars on holidays, children on sukkots, buses for religious classes and cars coming and going. If you live by St. Peter's you can expect mass every day, children at school, bells ringing, etc. She continued to say that if you buy a house on Kinderkamack Road you would expect traffic 24/7, customers coming and going, car doors opening and closing, power drills from the gas station. She said that 7 Eleven is a 24/7 business and if we restrict the hours we will end up getting sued and feels that we will lose. Ms. Baker stated that we've had many law suits in this town that we've lost over the last few years which have cost a lot of money to settle them and a lot of attorney fees. She understands the neighbor's points but feels that they should have been proactive instead of reactive. She stated where were they before it was built?

Thomas Didio-416 Oradell Avenue-informed everyone that he is the owner of the Van Buren Apartments which is right behind the 7 Eleven. Overall he feels that it is a good thing for the town but is concerned about the lighting and noise from 11 to 5 a.m. and how it may disrupt his tenants which are mostly senior citizens.

Mayor Moscaritolo-asked how many units does he have?

Thomas Didio-replied, 33 units.

Jeff Bequeaith-745 7th Avenue-stated that he and his wife moved here 7 years ago and were well aware that they would be paying a premium of property taxes to live in River Edge. He feels that the residents who live in the areas adjacent to and across from the 7 Eleven location on Kinderkamack Road, were fully aware that by living there, they are subject to traffic from business entities and the fact that the type of businesses may change from time to time. Mr. Bequeaith stated that in addition to that, it was mentioned that this process happened more than a year ago, and at that time there was plenty opportunity for public to voice their opinion and for the Council to take action on an agreement that would both suit 7 Eleven and River Edge. Mr. Bequeaith feels that at this point in time to change the rules when this entity is close to opening is unfair to that business. He doesn't see any other alternative for them other than to take legal action and if that takes place and River Edge loses, then the money that they would use for road work and other things to help our community are gone and we'll be behind the eight ball again. Mr. Bequeaith said that typically 7 Eleven gives back by getting involved in the community and he hopes that the Council will do the best thing for our community and support the 24 hour operation. By doing so they will receive back the support that the franchise would give the community.

Dan Bruen-581 Clarendon Court-has been a resident for over 23 years and has yet to hear any reason, justification or compelling evidence why any business needs to be open 24 hours a day. He is all for businesses being successful in town but the residents who are supporting this restriction on business hours are doing it for the neighborhood and not aiming it towards any particular business. He feels that by passing this ordinance it will maintain the quality of their neighborhood and have a say in how businesses conduct themselves. He doesn't see a national corporation coming in to the community and dictating how they will operate without giving a reason or justification.

MaryLiza Santos-578 Clarendon Court-has lived in River Edge for 14

years and the 7 Eleven is located 300 feet away from her property. She had attended previous meetings and has heard that 7 Eleven stores are all 24/7 businesses. After doing some research, she found that within a 35 miles radius from River Edge, twelve 7 Eleven locations were not open 24 hours a day. She presented her research material to the Borough Clerk.

Carl Fazio-229 Madison Avenue-stated that his comments this evening are directed to the Mayor and Council and not towards the residents of Clarendon Court. He continued to say that the ordinance as it stands today allows for businesses in the area to operate 24 hours a day, 7 days a week. 7 Eleven was granted the right to build a building with this understanding of the ordinance. To discriminate and change the ordinance now, opens the residents of River Edge up for a lawsuit which we will lose. He continued to say that as a resident of River Edge, he doesn't want one penny of his tax dollars going towards defending itself against stupidity. He asked that they please stop misleading the residents of River Edge. Mr. Fazio stated that they've ignored many issues in town over the years and feels that it's time for a change.

Chirag Pandya-216 Princeton Drive-has lived in River Edge for 6 years. He feels that they should allow 7 Eleven to operate 24 hours a day to show that we are business friendly. He stated that a few years back he tried to open a Subway and was rejected. He doesn't feel that by being open 24 hours, there will be many people that are up after 11 p.m. that will notice the lights and noise. Mr. Pandya said that they've put a lot of money into building this store and also doesn't think it's right that they were granted permission and now they want to change the rules. He feels that they should focus on the high taxes instead of wasting money on a lawsuit.

Peggy White-741 Center Avenue-said that she had attended several meetings in the past and was present to hear 7 Eleven's proposal to be open 24 hours. She also stated that at that time the Council heard their proposal and although a few Council members were not in favor of it, nothing was put forth to stop it. Mrs. White said that now, there is a beautiful building with nice surroundings that is enhancing Kinderkamack Road and increasing the value of the property and the properties around it. She understands and agrees that we don't want all businesses open 24/7. However, if this ordinance is passed, it should not include a business that has gone through all that they have and then be told that they don't have the authority to conduct business as they expected. She feels that if this ordinance is passed, they should be exempt because if they're not and it ends up in court, all taxpayers and businesses will be paying this big bill.

Paul McCusker-583 Clarendon Court-thanked the Mayor and Council for their hard work. Mr. McCusker feels that the ordinance is narrowly tailored for a specific means to keep the quality of life that everyone loves here and that everyone moved here for. He and the other residents of Clarendon Court received a letter from Mr. Puccio stating that the Planning Board had approved 7 Eleven for a 24 hour operation which was contrary to his understanding of the function of the Planning Board. His understanding is that the Planning Board approved the site plan, lighting, etc. and that they have nothing to do with the hours of operation. That decision is within the purview solely of the Mayor and Council. After reading Mr. Puccio's letter and going back to the Planning Board minutes in 2012, he felt that there was nothing giving approval for 24 hour operation. He said that there was testimony regarding lighting, egress and ingress off Kinderkamack Road. He also stated that at that time, some of the issues and concerns that we're hearing tonight were raised by residents back then. Mr. McCusker said that at that time, it was called a site plan application, not a business operation application and not a 24 hour business operation. He said that at that time, the site plan application was approved by the Planning Board. He feels that for 7 Eleven to say that they were approved for 24 hour operation by the Planning Board just isn't the case because that's not within the Planning Board's authority to do so. When he went back and looked at the records it just wasn't there and although there were issues regarding lighting and signage, there was very little reference to 24 hour operation. He agrees with all of the concerns made by residents because he believes that pursuant to the Springfield case, this ordinance as proposed is narrowly tailored to meet the needs of the community and asked that they pass it tonight.

Damian Albergo-239 Howland Avenue-stated that he is the attorney for Mr. Puccio but is speaking as a resident of River Edge. He stated that the case law is very clear in that business owners have a constitutional right to operate their businesses and ordinances that

attempt to restrict the hours of operation infringe on their constitutional right. To respond to the resident who said he doesn't know any reason why a business should be allowed to operate in River Edge for 24 hours, it's because they have the constitutional right to do so. Mr. Albergo explained that five years ago, a Bergen County Superior Court Judge struck down an ordinance in Rutherford attempting to shut down 7 Eleven from operating 24 hours and he feels that the facts in that case are strikingly similar. He explained that Rutherford has ordinances in place for noise and loitering that could address the fears which are many of the same fears that the residents have here. The court found that the town had to give those ordinances the opportunity to succeed before they could jump to shut down the business. Mr. Albergo stated that the fact that over 300 people signed a petition to restrict the hours of a business is constitutionally irrelevant. Mr. Albergo feels that the reasonable and balanced approach would be to let the business open and see what happens. If there really is a problem, then they can act on it. He also feels that that approach would be based upon actual evidence rather than speculation and fear. Mr. Albergo stated that this a balanced approach for residents of Clarendon Court, 7 Eleven and his client who has invested substantially in this town. The effect of this ordinance will have a discriminatory impact and favor some businesses over others. He reiterated what his client had said by asking the Council to do the right thing. There is absolutely no public need to do this now. He again asked them to take a wait and see approach and if there is a real problem, then address it rather than acting out of political expediency which he feels is wrong.

Cindy Bequeaith-745 7th Avenue-was born and raised in River Edge and has seen many changes in the community. She said that one of the things that always bothered her was that there was no place to go when she or her parents needed something in a hurry. They had to drive a distance because nothing was open. She feels that having a 7 Eleven in town will help provide what is needed for our residents in a more convenient manner. Mrs. Bequeaith feels that if you purchase a home next to or abutting a business district they had to have realized that at some point something may be built that they wouldn't like. She feels that if they wanted to have a quiet more sedentary lifestyle, they should not have chosen to live there. Mrs. Bequeaith stated that there are 7 Eleven stores throughout our county that give back to the community, who are civic minded, and teach the franchise owners and employees how to minimize anything negative that could possibly happen. She feels that we should be happy to have a business like that in our town. She stated that she doesn't think that by having a 7 Eleven store open 24 hours will be something that will bring in extra traffic because the majority of business will be conducted during regular business hours. Mrs. Bequeaith does not want to pay for a lawsuit and thinks that we should be more business friendly by allowing them to come in.

Luisa Antuono-20 Van Buren Avenue-lives in the Van Buren Apartments directly behind the 7 Eleven. She challenged the signatures that were obtained by the Clarendon Court residents. She was upset to learn that they obtained access to her complex and left a flyer at her doorstep. She called the Police who told her that they did not have a permit to do so. She also feels that the tenants in her complex were coerced into signing the petition because it was the only way they could get rid of them.

Renee Bruen-581 Clarendon Court-stated that she has attended the last two council meetings and hopes that the Mayor and Council will do the right thing for the town and vote to pass this ordinance. She stated that most of the people that she spoke with wanted limited business hours because whether you live on a busy road or not, most people just want a good nights sleep.

Ann Marie Hartman-821 Park Avenue- said that she is one of the residents who signed the petition, but before signing it, she asked many residents throughout the town how they felt about it. She found that the majority of residents told her that they were in favor of limited hours.

Jason Tuvel, Esq.-stated that he has attended several meetings where this ordinance has been discussed and feels that it's arbitrary, capricious and unreasonable. He continued to say there has been no public need established and at the July 6th meeting, the ordinance was tabled because there was a lack of due diligence which was acknowledged by this Council. Since that time, no studies or analyses have been done and at the September 21st meeting, the Police Chief acknowledged that there really were no issues with 24 hour operations in the Borough at the given moment. He stated that it's our

constitutional right that a public necessity needs to be established by the municipality which he feels doesn't exist. All cases on the issue deal with the need to establish a public necessity and there has been no documentation, no study done by the municipality in connection with the need for this ordinance. He stated that it's being done purely on speculation and purely being done to race to the finish line before the 7 Eleven can be opened. Mr. Tuvel stated that out of all the documents and reports that were submitted at the last meeting, the one that the Mayor submitted from Albany University was actually helpful. The report talks about the need to figure out exactly what the problem is in the community and factual evidence that is needed to deal with the problem. Mr. Tuvel stated that everything the report said to do were things that 7 Eleven is already implementing, especially for loss prevention. The municipal Council has a duty to first identify the problem and then figure out how to narrowly tailor it in a least restrictive manner. He feels that you can't implement an ordinance without knowing what the issues are. Mr. Tuvel continued to say that this business has not been treated fairly because there are two other businesses that are grandfathered into this ordinance. He asked if there were any studies done as to why the diner or gas station should be grandfathered? He's asking the Mayor and Council to allow the 7 Eleven to open and if there is an issue that arises, the Council will have a basis to adopt an ordinance to deal with the problem at hand. Mr. Tuvel stated that the fair thing to do would be to allow the business to open, see if there is a problem and then address it then.

Lisa Aljian, 377 Kinderkamack Road-stated that she appreciates both sides of this issue because we certainly want River Edge to be a business friendly town. She also noted that we have many families with young children so there is clearly issues on both sides. Ms. Aljian stated that many residents feel that we gave to 7 Eleven and then we taketh away and based on her understanding of what occurred, that's not what happened. Her understanding is that the Planning Board never had the jurisdiction to grant 24 hour operation to 7 Eleven and had they wanted it, they should have secured and confirmed it at that time. Ms. Aljian stated that for the people that feel that River Edge isn't being fair to 7 Eleven by not permitting them to be open 24 hours, they need to understand that they never had that right in the first place.

Dave Roberts-Planner, Maser Construction-had provided testimony at the July 6th meeting and indicated that he did review the report that Mr. Tuvel spoke about and would like to make a few observations. He continued to say that the essence of this ordinance is to what extent the use of Police powers are justified or necessary for the public welfare. Part of his concern from a planning standpoint, is that there hasn't been any documentation or evidence that there is a need for the public purpose and that's there a danger or threat to the public welfare. He explained that there are a few businesses that are currently operating 24 hours along Kinderkamack Road, with the diner and 7 Eleven in the middle, and feels that if there was a real problem, they wouldn't have been grandfathered in. He stated that if the ordinance was intended to apply to all businesses and not just convenience stores, it may have been designed differently because the only conversation tonight has been about 7 Eleven. In terms of the study, there was a very strong emphasis to understand the problem. In order to do that you would have to interview stake holders, interview the Police Department and do background work. Once you've identified the problem assuming you have one, then tailor your actions accordingly. There were a series of responses that Mr. Tuvel mentioned and not one of the responses was to curtail the hours of operation. He concluded by saying that all of the issues that were brought up as responses have already been addressed in the ordinance. Mr. Roberts doesn't feel that there is a need to change the requirements that we currently have for businesses that operate 24/7.

CLOSE PUBLIC HEARING - Ordinance #1840

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to close public hearing on Ordinance #1840.

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

ADOPTION - Ordinance #1840

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to adopt Ordinance #1840.

Mayor Moscaritolo-stated that he has reviewed not only the May 17, 2012 minutes of the Planning Board, but went back to 2007 because a convenience store had been previously approved. At that time, the minutes reflect that the applicant, Mr. Patel, agreed that his hours of operation would be from 6 a.m. to 11 p.m. and also agreed that no deliveries would be made between 11 p.m. to 6 a.m. so it wouldn't interfere with the peace and quiet of the neighborhood. The Mayor said that back in 2007 there were concerns about hours of operation. The Mayor continued to say that in 2012, he and Councilman Mignone were members of the Planning Board and Councilwoman Busteed and Councilman Acquafredda who were not elected officials at that time were citizen members. The Mayor specifically recalls back in 2012, members of the Planning Board questioned the hours of operation of the 7 Eleven and they dealt with that issue by saying that whatever our ordinance allowed they would have to comply with until the ordinance was changed. The resolution approving the site plan does not give them the right to open up for 24 hours. The Mayor referred to the letter from Mr. Puccio to the residents of Clarendon Court which stated that the Planning Board resolution allowed the 7 Eleven to operate 24 hours which the Mayor feels is not true. The Mayor stated that there have been numerous discussions going back from 2007 through 2012 and up until the present time about making changes to the ordinance to insure the quality of life and peace and quiet of the neighborhood. The Mayor explained that the Borough Planner was asked to do a memo where she recommended various changes to the ordinance to restrict hours of operation. The memos were circulated to the Council and public discussions were held on the record. There were discussions among the Council that more changes were needed and more discussions were needed which brings us up to the present time of the input and petition from the public. The Mayor stated that at no point in time did anyone say that they had anything against the 7 Eleven and also stated that he himself voted for the 7 Eleven. The Mayor stated that the only legitimate issue that people have is that they don't want any business or anymore businesses than there already are, in the C1 zone which abuts residential neighborhoods, to be open around the clock because it adversely affects the quality of life. The Mayor stated that there's been a lot of misinformation out there but feels that at this point, all the questions have been answered. The Mayor made reference to a letter that was received from Mr. Tuvel where he says that in his opinion, they don't have the authority to vote on the ordinance tonight. The Mayor disagrees with him.

Councilwoman Murphy-read the following statement: I'm here to represent the people of River Edge, the people who have chosen to live and raise their families here. I have researched, debated and taken all sides into consideration in order to come to my decision. I am pro-business and thankful for all the new businesses that have chosen to become stakeholders in our town. That being said, there is a need to strike a balance between our residents and our businesses. The C1 and C2 delineation strikes this balance.

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

RESOLUTIONS - By Consent

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve resolution #15-364 through #15-368, resolution #15-371 through #15-375.

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

#15-364 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 October 19, 2015 work session meeting and discussion of the hereinafter specified subject matter:

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

October 5, 2015

#15-365 Enter Into Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the Design of Borough Hall Entrance Ramp

WHEREAS, there exists a need for expert professional engineering services related to the design of Borough Hall entrance ramp; 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, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-170 of the Current Fund in the amount of \$3,000.00; 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, Robert Costa has completed and submitted a Business Entity Disclosure Certification which certifies that Robert Costa 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 examined resumes, biographies, work experience; and

WHEREAS, the Mayor and Council have reviewed price and other factors when considering supporting reasons for awarding this contract; and

WHEREAS, the rate of pay shall not exceed \$65.00 per hour as Borough Engineer and per hour rates as follows:

Principal Land Surveyor.....	\$ 75.00
Survey Field Crew.....	\$150.00
Senior Designer.....	\$ 65.00
Senior Drafter.....	\$ 55.00
Computer Drafting.....	\$ 75.00

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 Robert Costa, Costa Engineering Corp., 325 South River Street, Suite 302, Hackensack, New Jersey 07601 in the amount not to exceed \$3,000.00; and
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 the resolution be forwarded to THE RIDGEWOOD NEWS for publication.

October 5, 2015

#15-366 Amend Agreement with Anthony Suarez, Esq., Werner, Suarez, Moran, 1 University Plaza, Suite 117, Hackensack, New Jersey 07601 for Professional Services as Special Counsel for COAH

WHEREAS, there exists a need for Special Counsel for legal services related to COAH; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Anthony Suarez, Esq. Werner, Suarez, Moran, 1 University Plaza, Suite 117, Hackensack, New Jersey 07601 on August 3, 2015 via resolution #15-288 in the amount of \$2,500.00; and

WHEREAS, additional funding is required for legal services; 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, Anthony Suarez, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Anthony Suarez, 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 Anthony Suarez, 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 October 5, 2015; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-172 of the Current Fund in an amount not to exceed \$3,000.00.

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 to execute an amended agreement with Anthony Suarez, Esq., Werner, Suarez, Moran, 1 University Plaza, Suite 117, Hackensack, New Jersey 07601 in the amount not to exceed \$3,000.00.
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.

October 5, 2015

#15-367 Resolution Approving the Addition to the Certification List of Volunteer Members of the River Edge Volunteer Fire Department Qualifying for Credit Under the Length of Service Awards Program (LOSAP) for 2014

WHEREAS, the Borough of River Edge adopted Ordinance #1289 on May 7, 2000 which created the Length of Service Awards Program (LOSAP); and

WHEREAS, N.J.S.A. 40A:14-191 requires that the River Edge Volunteer Fire Department furnish the Mayor and Council with an annual certification list of all volunteer members who have qualified for credit under the award program for the previous year.

WHEREAS, there was one firefighter who did not file an application on a timely basis but has now qualified.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the Mayor and Council hereby approves Tyler Aronoff of the River Edge Volunteer Fire Department and as certified by the Chief of the Fire Department for the year 2014; and

BE IT FURTHER RESOLVED that a copy of this resolution be posted by the Chief of the Fire Department.

October 5, 2015

#15-368 Rejection of Bid for Complete Solid Waste Collection Service from 1-4 Family Residences as Part of a Shared Service with New Milford

WHEREAS, the Borough of New Milford advertised and received public bids in connection with Complete Solid Waste Collection Service from 1-4 Family Residences on a shared service basis with the Borough of River Edge; and

WHEREAS, the aforesaid bid was in the best interest of the residents of River Edge; and

WHEREAS, the bid specifications provided for three options: Option 1 - a one-year contract with four one-year options for renewal; Option 2 - a three-year contract with two one-year options for renewal; and Option 3 - a five-year contract; and

WHEREAS, one bid was received and opened on September 1, 2015 at 10:00 a.m. as follows:

	Option 1	Option 2	Option 3
	<u>5 Year Total</u>	<u>5 Year Total</u>	<u>5 Year Total</u>
Joseph Smentkowski, Inc.	\$4,319,175.00	\$4,319,175.00	\$4,319,175.00

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of River Edge hereby reject the bid for Complete Solid Waste Collection Service from 1-4 Family Residences on a shared service basis with the Borough of New Milford as the lowest bid substantially exceeds the contracting units appropriate for the goods or service.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Joseph Smentkowski, Inc., 3 York Avenue, Jersey City, New Jersey 07607, the River Edge Department of Public Works Superintendent and to the Borough of New Milford.

October 5, 2015

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to **table** resolution #15-369.

ROLL CALL VOTE: Councilwoman Murphy, Councilwoman Busteded, Councilman Acquafredda and Councilman Papaleo voted yes; Councilman

Mignone was absent.

TABLED

TABLED

TABLED

#15-369 Resolution to Approve the Submission of a Grant Application with the New Jersey Department of Transportation Discretionary Grant for the Borough of River Edge Project

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of River Edge formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of River Edge and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

October 5, 2015

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to approve resolution #15-370 as amended.

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

#15-370 Approval to Submit a Grant Application and Execute a Grant Agreement With The New Jersey Department of Transportation for the 2016 Municipal Aid Application for Fifth Avenue, Section 4 Improvements

WHEREAS, the Borough of River Edge continues to develop projects that will improve access and maintenance on public roads; and

WHEREAS, the Borough of River Edge's Engineering Department has provided plans specifically designed to address and improve traffic flow/safety issues and maintenance on our roads; and

WHEREAS, the Borough of River Edge has submitted plans to the State of New Jersey, Department of Transportation for Municipal Aid and will continue to do so in the future; and

WHEREAS, the Borough of River Edge has identified Fifth Avenue, Section 4 in desperate need of repair.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of River Edge, in the County of Bergen, State of New Jersey formally approves the grant application for \$1,372,969.21.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as Fifth Avenue Section 4 to the New Jersey Department of Transportation on behalf of the Borough of River Edge.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of River Edge and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Mayor

Borough Clerk

October 5, 2015

#15-371 Enter Into Agreement with Robert McNerney, McNerney & Associates, 266 Harristown Road, Glen Rock, New Jersey, 07452-0067 for Professional Services for Tax Appeal Appraisals for Block 203, Lot 4, 645 Kinderkamack Road

WHEREAS, there exists a need for professional services for various tax appeal appraisals;

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, 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, Robert McNerney meets the criteria for a professional service contract under N.J.S.A. 40A:11-1; and

WHEREAS, Robert McNerney has completed and submitted a Business Entity Disclosure Certification which certifies that Robert McNerney 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 McNerney from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has previously certified that funds are available from Account #01-2040-55-6400 in the amount of \$2,800.00 of the Accounts Payable Account and Account #01-2010-20-1552-028 of the Current Fund in the amount of \$700.00 for a total amount not to exceed \$3,500.00; and

WHEREAS, the Mayor and Council have previously hired Robert McNerney, McNerney & Associates for this service.

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 Robert McNerney not to exceed \$3,500.00; and
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.

October 5, 2015

#15-372 Enter into a Shared Service Agreement Between the County of Bergen and the Borough of River Edge for Road Resurfacing on Kinderkamack Road

WHEREAS, the County of Bergen maintains and controls approximately 450 miles of County roads; and

WHEREAS, maintenance of the County roads requires periodic resurfacing for the benefit of the drivers and residents of Bergen County; and

WHEREAS, the County's Department of Public Works performs this resurfacing through period Road Resurfacing Projects; and

WHEREAS, the County's Road Resurfacing Projects require cooperation and coordination between the County and the seventy municipalities in which the County roads are located; and

WHEREAS, a formal agreement between the County of Bergen and the seventy municipalities in which the County will undertake road resurfacing activities will serve to memorialize the respective responsibilities of the County and the municipality in connection with a Road Resurfacing Project; and

WHEREAS, N.J.S.A. 40A:65-4(a)(1) states, in part, that "any local unit may enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction;" and

WHEREAS, the County and the seventy municipalities within Bergen County are "local units" under N.J.S.A. 40:65-4(a)(1), authorized to enter into shared services agreements pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that the Mayor and Borough Clerk are hereby authorized to enter into a shared services agreement with the County of Bergen for road resurfacing on Kinderkamack Road.

BE IT FURTHER RESOLVED that the Borough Clerk forward a copy of this resolution and the shared services agreement to the County of Bergen.

October 5, 2015

#15-373 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Monroe Avenue

WHEREAS, on or about October 5, 2015, the Borough of River Edge granted permission to Liz Serednicky, 291 Monroe Avenue, River Edge, New Jersey, to hold a block party on Monroe Avenue on Saturday, October 10, 2015 (rain date October 11, 2015) starting at 2:00 p.m. to 10:00 p.m. in accordance with Borough Ordinance #1678; and

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

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.

October 5, 2015

#15-374 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen Community Development Grant of \$52,500.00 has been proposed by New Concepts for Living, Inc. for the renovation of a bathroom and kitchen at their residence located at 11 June Court in the municipality of River Edge; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project tis in the best interest of the people of River Edge and the residents of the New Concept for Living; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid Community Development Funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of River Edge hereby confirm endorsement for the aforesaid project.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

October 5, 2015

#15-375 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	\$3,106,086.18
CAPITAL ACCOUNT	\$ 46,918.95
RECREATION ACCOUNT	\$ 9,236.20
ANIMAL WELFARE ACCOUNT	\$ 231.60
TRUST OTHER ACCOUNT	\$ 3,186.00
OPEN SPACE ACCOUNT	\$ 2,180.18
TRUST OTHER DEVELOPER ACCOUNT	\$ 2,893.75

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 times claims would be paid.

October 5, 2015

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to approve resolution #15-376.

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

#15-376 Approval to Submit a Grant Application and Execute a Grant Agreement With The New Jersey Department of Transportation for the 2016 Municipal Aid Application for Howland Avenue, Section 7 Improvements.

WHEREAS, the Borough of River Edge continues to develop projects that will improve access and maintenance on public roads; and

WHEREAS, the Borough of River Edge's Engineering Department has provided plans specifically designed to address and improve traffic flow/safety issues and maintenance on our roads; and

WHEREAS, the Borough of River Edge has submitted plans to the State of New Jersey, Department of Transportation for Municipal Aid and will continue to do so in the future; and

WHEREAS, the Borough of River Edge has identified Howland Avenue, Section 7 in desperate need of repair.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of River Edge, in the County of Bergen, State of New Jersey formally approves the grant application for \$120,900.00.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as Howland Avenue, Section 7 to the New Jersey Department of Transportation on behalf of the Borough of River Edge.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of River Edge and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Mayor

Borough Clerk

October 5, 2015



OPEN HEARING OF THE PUBLIC -

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

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

Resident-asked what zone is Dunkin Donuts in?

Mayor Moscaritolo-asked which one?

Resident-replied the one on Midland and Kinderkamack.

Mayor Moscaritolo-said that he believes is in the C1 zone.

Resident-asked if that is the same zone as the 7 Eleven?

Mayor Moscaritolo-replied yes, the same zone as the 7 Eleven, correct.

Resident-stated that Dunkin Donuts was allowed to be open 24 hours and they chose not to remain open.

Mayor Moscaritolo-explained that they were operating 24 hours. This ordinance that was just adopted will restrict their hours of operation so they would no longer be able to operate for 24 hours.

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS -

Councilwoman Murphy-thanked the Health Department for putting together another successful Rabies Clinic and also announced that flu shots are available this week. Councilwoman Murphy reminded everyone that River Edge Day was re-scheduled for October 11th from 1 - 4 and informed everyone that the Green Team will be there with a paper shredder. The Environmental Commission will sponsor the annual River Clean-up on October 18th at Kenneth B. George Park. She thanked the River Dell Chamber of Commerce for the sponsoring a very well attended luncheon last week at Edge Croft. The luncheon was a combined effort with Hackensack. Councilman Papaleo-commended the Council for listening and debating the issues of Ordinance #1840. He thanked all of the residents for coming out and voicing their opinions from both sides and feels that this is a good example of how democracy works.

Mayor Moscaritolo-echoed Councilman Papaleo's comments and feels that this was a very difficult issue for the Council to tackle as it's been on the agenda for a very long time. The Mayor feels that this was the right conclusion in order to protect the peace and quiet of the zone adjacent to the C1 zone and thinks that it will benefit the community for a long time. The Mayor that it is the right way to deal with and maintain the quality of life in our little corner of the world given our allocation of public resources. The Mayor doesn't think the fear mongering that we've heard about costly litigation will ever materialize. He thinks that some things regarding the quality of life are worth protecting and worth fighting for and he feels that this is one of them. He is very proud of the Council. The Mayor congratulated the Cultural Center on their 20th Anniversary celebration which was held at the Library on Sunday and wished them another 20 years of success.

ADJOURNMENT - 9:45 P.M.

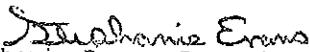
Motion by Councilwoman Murphy, seconded by Councilman Papaleo to adjourn the meeting at 9:45 p.m.

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



Mayor Sandy Moscaritolo

Attest:


Stephanie Evans, Borough Clerk

Dated: