

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

CALL THE MEETING TO ORDER -

Mayor Moscaritolo called the meeting to order at 8:18 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 led 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.

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

APPROVAL OF MINUTES -

Motion by Councilwoman Murphy, seconded by Councilman Mignone to approve the minutes of the Mayor and Council work session and regular meeting of August 3, 2015.

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

PROCLAMATIONS & AWARDS -

Mayor Moscaritolo read the Proclamation Recognizing the REGAL 3rd & 4th Grade Level Team for Winning the Championship Game of the Bergen County Girl's Summer Softball League as follows:

PROCLAMATION

WHEREAS, the River Edge Girl's Athletic League (REGAL) participated in the Bergen County Girls Summer Softball League, which is run by the Midland Park Little League; and

WHEREAS, this year there were 2 teams that played at the 3rd & 4th grade level, 1 at the U10 level, 1 at the U12 level, 1 at the U14 level and a U16 team which played in the High School League; and

WHEREAS, over 90 girls participated in the program, 14 of whom played on the winning team; and

WHEREAS, the on Saturday, July 25, 2015 the Regal Hawks 3rd & 4th Grade Travel Softball played in the leagues County Championship against Westwood in Midland Park; and

WHEREAS, the girls who made up the Regal 3rd & 4th Grade Travel Softball Hawks Team were: Grace Basil, Samantha Campos, Kiera Caslin, Gabriella DeGroat, Emma Evancho, Isabella Gilmour, Alexa Grigaliunas, Kylie Hay, Katrina Matonti, Erin Nader, Melina Nastasi, Olivia Palladino, Christa Shoolis and Amanda Simon; and

WHEREAS, on July 25th the REGAL 3rd & 4th Grade Travel Softball Hawks defeated Westwood for a 17 – 14 victory to win the championship.

NOW, THEREFORE, BE IT RESOLVED, that I, Sandy Moscaritolo, Mayor of the Borough of River Edge and on behalf of the Council do recognize, proclaim and honor REGAL Hawks 3rd & 4th Grade Travel Softball and their coaches: Barry Simon, Sharon Basil, Ted DeGroat, John Evancho and Rich Gilmour for their championship victory over Westwood in the Bergen County Girls Summer Softball League.

Mayor Sandy Moscaritolo

Dated: September 8, 2015

Mayor Moscaritolo presented the proclamation to the team and coaches.

Mayor Moscaritolo read the Proclamation Celebrating William Weierstall's 100th Birthday as follows:

PROCLAMATION

WHEREAS, William Weierstall residing on Lozier Terrace in River Edge will attain the age of 100 on August 27, 2015; and

WHEREAS, William Weierstall was born in Elberfeld, Germany, immigrated to the United States at the age of 12, became an American citizen in 1939 and has been known by a number of nick-names such as Dutch, Willy and Bill; and

WHEREAS, Bill served in the United States Navy during World War II as a Baker 2nd Class on the USS Markham in the Pacific; and

WHEREAS, Bill married Emily Haughey in Jersey City on June 10, 1939 and raised their three children; Frederick, Richard and Lois; and

WHEREAS, Bill moved his family to River Edge in 1970 after their home in Union City was destroyed by fire; and

WHEREAS, Bill's working career included baker, milkman, pipefitter and warehouseman and he actively worked until he was 86 years old; and

WHEREAS, Bill was very athletic and participated as a young man, as speed bike racer

at the Nutley Velodrome and as a goalie in soccer in various leagues; and in his later years and well into his 70's and 80's he played as a pitcher in softball and was considered an excellent bowler; and

WHEREAS, Bill and Emily were members of SCORE for many years and Bill continues to participate and support the organization; and

WHEREAS, Bill has three grandchildren; Eric, Kurt and Karen and to date, one great grandchild, Aiden; and

WHEREAS, Bill has earned the respect of his family, fellow neighbors and residents and has been an asset to this community.

NOW, THEREFORE, BE IT RESOLVED that I, Sandy Moscaritolo, as Mayor of River Edge, am proud to issue this proclamation to William "Bill" Weierstall to honor him at such an important milestone in his life and wish him all the happiness and continued good health and join with his family and friends in making this a special day for him.

Mayor Sandy Moscaritolo

Dated: September 8, 2015

Mayor Moscaritolo presented the proclamation to Mr. Weierstall

OPEN PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

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

Councilwoman Murphy-mentioned the resignation letter from Bill Lins and thanked him for his service. She asked that a proclamation be prepared for him in the near future.

Mayor Moscaritolo-asked Tom Sarlo, the Borough Attorney for his recommendation on the procedure for Ordinance #1840.

Tom Sarlo, Esq.-stated that at the July 6th meeting, Ordinance #1840 was listed for second reading, had a public hearing and there was a motion, second and all in favor to table the ordinance. At that time there was nothing set forth as to when the ordinance would be brought back for a second reading. He continued to say that one, as they approached the summer months, there was a possibility that they wouldn't have a quorum; two, counsel for 7/11 provided the Mayor and Council with a packet that included eight exhibits that he hoped they would not read on the spot and would be able to take time to digest. He disagrees with counsel that we have three choices when an ordinance is listed for a second reading. He stated that either you approve it, deny it or approve it with amendments. If they were the only choices that the Mayor and Council had to work with, they would be setting a lot of bad laws. Basically, they've heard a lot of statements, no testimony, and they had a lot of documents that needed to be digested. He stated that it is certainly okay to table an ordinance, however once the ordinance is tabled you need to provide some type of notice to the public. Notice could have been provided at that time by giving a future date but at that time they just decided to table it. He continued to say that without a date certain, he suggests that if the Mayor and Council decide to act upon the ordinance as is, they should move it from work session for a second reading and list it at the next public meeting with notice of publication. He doesn't think that they have to start over because at this point they are looking for more research and deliberation. Because they did not set a date certain,

he would feel more comfortable to set a date certain and publish it. This will be challenged in court if they decide to approve it as is. He continued to say that courts defer to due process whether it is a business or a resident. If they feel that due process was not provided, they will kick it back and we'll have to start all over again. He thinks that they will meet the due process requirement if they decide to move forward with it as is, table it, take it off the table or make amendments for a second reading. Mr. Sarlo explained that because there already was a public hearing on July 6th, there is no need to have another public hearing on it. If they receive any other information, he would recommend that they open up to the public because there is new documentation that the public could comment on. If there is no new information, you don't have to open it up to the public, although you could if you wanted to, but could go right into deliberation and a vote. Mr. Sarlo stated that if they choose to do amendments and they are minor amendments, you could put it forward and go right to a vote. He continued to say that if there are major amendments, you would have to publish it and open it up to the public again.

Councilwoman Murphy-asked how will they know what a substantial change would be?

Tom Sarlo-explained that he would make that determination.

Councilman Cappola-asked if taking it off the table means that they will vote on it?

Tom Sarlo-replied no it just means that it's taken off the table to be scheduled for a future date. If there is no motion to take it off the table, it will just stay and eventually die.

CLOSE PUBLIC COMMENTS ON ANY ISSUE ON THE AGENDA -

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

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

APPOINTMENTS & PERSONNEL CHANGES -

Motion by Councilman Mignone, seconded by Councilman Papaleo to approve the salary increase of Tybe Manzelli, Accounts Receivable Clerk from an hourly Step II rate of \$19.83 to Step III - \$20.88, effective September 19, 2015.

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

Motion by Councilman Papaleo, seconded by Councilman Busted to approve the appointment of Kyle James McInerney, 159 Voorhis Avenue to the River Edge Volunteer Fire Department, effective September 9, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the appointment of John Farelli, 188 Webb Avenue to the River Edge Volunteer Fire Department, effective September 9, 2015.

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

Mayor Moscaritolo administered the Oath of Office to John Farelli.

Motion by Councilwoman Busted, seconded by Councilman Papaleo to approve the appointment of Eric Model, 155 Monroe Avenue to the Historic Commission for a four-year term through 12/31/19, effective September 9, 2015.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busted, Councilman Mignone, Councilman Acquafredda and

Councilman Papaleo voted yes.

Mayor Moscaritolo administered the Oath of Office to Eric Model.

Motion by Councilman Papaleo, seconded by Councilman Cappola to approve the hire of Aynur Akdemir, 348 Continental Avenue, as a Technical Services Library Assistant at an hourly rate of \$11.00, 20 hours per week, with a six-month probationary period, effective September 9, 2015.

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

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the resignation of William Lins from the Library Board of Trustees, effective immediately.

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

CORRESPONDENCE -

Notice - PSE&G - 7/31/15
Re: Rate Changes
Letter - hibu Publisher of Yellowbook-7/31/15
Re: Upcoming Phone Book Delivery
Letter - City of Hackensack - 8/10/15
Re: Amendment to Municipal Code
Report - Alan Negreann, BA/CFO - 8/17/15
Re: Damage to Public Property Report
Letter - Board of Chosen Freeholders-8/21/15
Re: Intro of Ordinances #15-16 & #15-17
Letter - Board of Chosen Freeholders-8/21/15
Re: Adoption of Ordinances #15-19,
#15-20 & #15-21
Letter - Bergen County Community Development -
Re: Monitoring Senior Bus Dispatch &
Wages - 8/24/15
E-Mail - NJ Dept. of Transportation - 8/31/15
Re: Construction Work on River Edge Road
Railroad Crossing
Letter - County of Bergen - 8/31/15
Re: Grant Approval for Senior Bus Dispatch/
Driver Wages, Senior Activities and
Handicapped Accessible Curb Ramps
Notice - River Edge Board of Education-8/31/15
Re: Meeting - September 2nd
Notice - PSE&G - 8/31/15
Re: Rate Changes
Report - Alan P. Negreann, Admin/CFO - 8/31/15
Re: Revenue Report @ 8/31/15
Letter - Board of Chosen Freeholders-9/3/15
Re: Final Adoption of Ordinances
#15-16 & #15-17
E-mail - Dr. William Lins - 9/3/15
Re: Resignation from Library Board

MONTHLY REPORTS -

Tax Collector - July 2015
Zoning Board of Adjustment - March 2015
Traffic & Safety Committee - July 2015

ORDINANCE - 1ST READING -

Judy O'Connell, Deputy Clerk read the title of Ordinance #1842 as follows:

Ordinance #1842 - AN ORDINANCE OF THE BOROUGH OF RIVER EDGE AMENDING AND SUPPLEMENTING CHAPTER 400, ARTICLE II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE PROHIBITING PARKING ON FRONT YARDS

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

THE BOROUGH OF RIVER EDGE

ORDINANCE #1842

AN ORDINANCE OF THE BOROUGH OF RIVER EDGE AMENDING AND SUPPLEMENTING CHAPTER 400, ARTICLE II OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE PROHIBITING PARKING ON FRONT YARDS

WHEREAS, the Borough of River Edge is a municipal entity organized pursuant to the laws of the State of New Jersey; and

WHEREAS, Chapter 400, Article II of the Code of the Borough of River Edge regulates the parking of motor vehicles, motorcycles, commercial vehicles, campers, trailers and boats on private property within the Borough of River Edge; and

WHEREAS, the Mayor and Council is concerned that parking in front yard areas can degrade streetscapes, provide a less attractive front yard area, increase impervious surfaces, create a less pedestrian friendly community and have a negative impact on property values; and

WHEREAS, the purpose of this chapter is to prohibit the parking and storage of motor vehicles, motorcycles, commercial vehicles, campers, trailers and boats on front yard areas to promote safe and vehicular traffic, to preserve peace and good order, to promote the aesthetic beauty of the community and to promote the health, safety and general welfare of the citizens of the Borough of River Edge;

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

SECTION 1: Article II of Chapter 400, entitled Parking, Standing and Stopping is hereby amended, revised and supplemented as follows:

- A. The parking of motor vehicles, motorcycles, commercial vehicles, campers, trailers, boats and other vehicles in the front yard of any property within the borough is prohibited at all times.
- B. Parking of motor vehicles, motorcycles, commercial vehicles, campers, trailers, boats and other vehicles are prohibited from parking on any grassed area or non-paved area of the property at all times.
- C. Motor vehicles, motorcycles, commercial vehicles, campers, trailers, boats and other vehicles are prohibited from being parked in the rear of the property unless it is a paved driveway.

SECTION 2: The prohibitions set forth in this Section shall not apply during a state of emergency that is declared by either the State of New Jersey or the Borough of River Edge or whenever there is a snow accumulation that covers the street requiring plowing and removal.

SECTION 3. This section is to be enforced by the Police Department of the Borough of River Edge or any other person or persons designated by the Mayor and Council of the Borough of River Edge.

SECTION 4. Violation of this section shall be considered a motor vehicle parking violation and shall be subject to the same penalties as those in effect for parking violations on the streets of the Borough of River Edge. A separate violation shall be deemed to have occurred for each twenty-four-hour period during which the motor vehicle, truck or other vehicle remains parked in violation of this chapter following the issuance of the initial summons and complaint.

SECTION 5. Any portion or portions of the Borough Code not affected by this Ordinance remain(s) unchanged and in full effect.

SECTION 6. Any portion(s) of the Borough Code inconsistent herewith is (are) repealed.

SECTION 7. This Ordinance shall be part of the Borough of River Edge's Municipal Code as though codified and fully set forth therein. The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the River Edge Municipal Code.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Mayor Sandy Moscaritolo

Stephanie Evans, Borough Clerk
Dated:

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

The Mayor and Council asked Thomas Sarlo, Borough Attorney to make a few small revisions to Ordinance #1842 before the second reading on September 21, 2015.

Judy O'Connell, Deputy Clerk read the title of Ordinance #1843 as follows:

Ordinance #1843 - A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF STREET, CURB AND SIDEWALK IMPROVEMENTS PHASE I IN SAID BOROUGH AND APPROPRIATING THE SUM OF \$65,771.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT PROGRAM FUNDS TO PAY THE COST THEREOF

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve the first reading of Ordinance #1843 as follows:

BOROUGH OF RIVER EDGE

ORDINANCE #1843

A CAPITAL ORDINANCE OF THE BOROUGH OF RIVER EDGE, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF STREET, CURB AND SIDEWALK IMPROVEMENTS PHASE I IN SAID BOROUGH, AND APPROPRIATING THE SUM OF \$65,771.00 FROM BERGEN COUNTY COMMUNITY DEVELOPMENT GRANT PROGRAM FUNDS TO PAY THE COST THEREOF

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 construct street, curb and sidewalk improvements on Oxford Terrace and Rutgers Place. 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 and herein authorized to be made. Such improvements shall be undertaken and made as a general improvement, no part of the cost of which shall be assessed against property specially benefited.

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 \$65,771.00 for the improvement authorized in Section 1. hereof. Said sum of \$65,771.00 is a grant from the 2015 Community Development Block Grant Funds, County of Bergen and is appropriated by the Borough

by special rider in budgets hereinbefore authorized.

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 Busteed, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes.

MOTION TO TAKE ORDINANCE #1840 OFF THE TABLE -

Motion by Councilman Papaleo, seconded by Councilwoman Busteed to take ordinance #1840 off the table and list it for second reading at the September 21, 2015 meeting.

Councilman Acquafredda-asked if it has to be the next meeting?

Mayor Moscaritolo-explained that it has to have a date certain.

Councilman Acquafredda-could it be October 5th?

Councilwoman Murphy-said that she would also prefer October 5th.

Councilwoman Busteed-stated that they've all received a memo from our Planner, Brigitte Bogart on the subject but never received comment from the Planning Board. She asked if there were any comments from the Planning Board?

Councilman Acquafredda-replied, not that he know of.

Councilwoman Busteed-suggested that Ms. Bogart be invited to the September 21st work session meeting to discuss this topic.

Councilman Papaleo-said that his motion still stands because he doesn't feel that they need to hear further testimony.

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

Councilman Mignone-voted no because although it may not be a legal argument, our by-laws do say that we're supposed to follow Roberts Rules of Order. He continued to say that according to Roberts Rules of Order, once we tabled it and did not act on it the following session, it becomes null and that means starting again and re-introducing. He said that he appreciates everyone's concerns but feels that they did not do their due diligence and didn't do it correctly. He stated that they could be faulted for not having the foresight or hindsight to do this 3 ½ years ago but to try and do it now when it's obvious that's we're in a race against them getting a C.O. is just not right. He feels that they have to look at the larger picture and what the impact on River Edge is and to proceed with a process that we know is flawed and wasn't done correctly, is not the way to do things. He stated that the Planner, in 3 ½ years, has never come before them with any commentary for or against it and they've had two or three revisions presented to them through various means. Councilman Mignone said that the Police Chief gave very vague or general comments regarding 24 hour operations. He stated that everyone cites Springfield, but in the Rutherford case, that was decided the way it was because the Council did not have factual reasoning for their ordinance. He feels that they've never built a foundation to approve the ordinance and also feels that if we're not going to do it properly, he's not in favor of taking it off the table. Councilman Mignone feels that if they want to re-introduce it, it should be listed on a work session where modifications could be made. He doesn't think that it's right to push it through just because we're in a race to beat them before they get a C.O.

Councilman Acquafredda would like to move it off the table but not list it for second reading until October 5th. He would like to hear from the Planner, Police Chief and/or Fire Chief first to hear their opinions before making any decisions.

Councilman Papaleo stated that in his opinion there have been a lot of stalling strategies which usually are invoking further experts. He does not believe that they need to hear any other testimony and feels that they are within their right to make a decision about hours of operation.

MOTION FAILED

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to take Ordinance #1840 off the table and list it for second reading on October 5, 2015 as is.

Councilwoman Busted asked that our Planner, Brigette Bogart be invited to the September 21st meeting.

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

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:

Motion by Councilwoman Busteded, seconded by Councilman Azquafredda to have our Planner, Brigette Bogart appear before the them to discuss her memo regarding hours of operation at the September 21st meeting.

ROLL CALL VOTE: Councilwoman Murphy, Councilman Cappola, Councilwoman Busteded, Councilman Acquafredda voted yes; Councilman Mignone voted no and Councilman Papaleo abstained.

Councilman Mignone-stated that the Planner never offered an opinion in the first place, her memo basically said that these are the comments from the Planning Board. Unless they're asking her to prepare an analysis of the ordinance, he doesn't think she'll much to say to them.

Councilman Acquafredda-feels that they need to give her specific instructions as to what she should discuss when she appears on the 21st.

Councilman Papaleo-doesn't believe that her testimony is necessary based on his understanding of what's required to pass a 24 hour ordinance. He doesn't object to anyone asking an expert to come in. Mayor Moscaritolo-explained that the second reading will be on October 5th when the Council will be able to hear from the Planner. He continued to say that this is a quality of life issue or the peace and quiet ordinance as he calls it and hopefully progress can be made by October 5th.

ORDINANCES - 2nd READING - NONE

RESOLUTIONS - By Consent

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to approve resolution #15-310 through #15-314, #15-316 through #15-327, #15-329 through #15-334 and #15-336 through #15-339.

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

#15-310 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 September 21, 2015 work session meeting and discussion of the hereinafter specified subject matter:

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

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

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

3. This resolution shall take effect immediately.

September 8, 2015

#15-311 Renewal of Membership in the Bergen County Municipal Joint Insurance Fund

WHEREAS, the Borough of River Edge is a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2015 unless earlier renewed by agreement between the Borough of River Edge and the Fund; and

WHEREAS, the Borough of River Edge desires to renew said membership.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough of River Edge agrees to renew its membership in the Bergen County Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time-to-time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Bergen County Municipal Joint Insurance fund evidencing the Borough of River Edge's intention to renew its membership.

September 8, 2015

#15-312 Resolution Authorizing Advanced Travel Expenses for the Fire Department

WHEREAS, N.J.S.A. 40A5-16.1 permits the governing body for any local unit to authorize payment in advance toward expenses for authorized official travel; and

WHEREAS, certain officers of the Fire Department have requested an advance payment of travel expenses for attendance at the New Jersey State Firemen's Convention, Wildwood, New Jersey; and

WHEREAS, Section IV, Subject 9, Leave and Conferences and Conventions of the Borough's Personnel and Policy Procedure Manual, provides a policy for Fire Department members to attend certain conferences and enumerates regulations pertaining to travel expenses; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01/2010/25/2552/041 of the Current Fund in the amount not to exceed \$3,000.00; and

WHEREAS, the Fire Officers of the Borough of River Edge will verify their expenses and any excess cash will be repaid to the Borough of River Edge along with a detailed bill or items of demand, and the certification or affidavits required by N.J.S.A. 40A:5-16 which will be submitted by the officers within 10 days after the completion of the travel for which the advance was made.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor and Chief Financial Officer are hereby instructed to make up a \$3,000.00 check payable to the River Edge Fire Department for life members to go to the New Jersey State Firemen's Convention, September 17, 18, 19, 2015.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to send a copy of this resolution as well as the policy of the Borough with regard to travel expenses, to each of the Fire Department Officers receiving the advance.

September 8, 2015

#15-313 Amend 2015 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 of appropriation for an equal amount; and

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for State and Local Housing Grant in the amount of \$112.00.

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

State/Local Cooperative Housing Grant.....\$112.00

BE IT FURTHER RESOLVED that the like sum of \$112.00 and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations excluded from the "CAPS"

Public & Private Programs Offset by Revenues

State/Local Cooperative Housing Grant.....\$112.00

BE IT FURTHER RESOLVED that the Borough forward electronically the contents of this resolution to the Director of Local Government Services.

September 8, 2015

#15-314 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Berkeley Road

WHEREAS, on or about September 8, 2015, the Borough of River Edge granted permission to Patricia Rodio, 217 Berkeley Road, River Edge, New Jersey, to hold a block party on Berkeley Road between Elm Avenue and Fifth Avenue on Saturday, September 12, 2015 (rain date September 13th) starting at 2:00 p.m. in accordance with Borough Ordinance #1678; and

WHEREAS, Mrs. Rodio 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.

September 8, 2015

Councilman Midnone-asked if the Board of Education had approved the agreement yet?

Alan Negreann - responded that the Board's Attorney had drawn it up and looked it over.

Tom Sarlo - explained that the only comment that he received from the Risk Consultant was to do a cross indemnity agreement between the two entities. He is in the process of preparing that.

Councilman Mignone -noted that in the third whereas paragraph, it stated that the Borough desires to build a vehicle gate, pedestrian gate, concrete apron and fence on the Board's property which is not true. The only thing that is actually on the Boards property is the concrete apron, which is in front of the pedestrian gate. Everything else is our property. He asked what is the implication of us approving an agreement where we're not doing four of the major requirements as part of the project? He continued to say that we're not installing a vehicle or pedestrian gate, the fence or concrete apron and asphalt drive under Phase I. He feels that we're basically approving an agreement and not doing any of the work. He wants to know what we are committed to do and what is the agreement requiring us to do?

Alan Negreann- explained that the agreement was drawn up some time ago before the specs had changed.

Councilman Mignone -asked if the Board is aware that we're not doing the work? He also doesn't understand why we're calling this a shared services agreement because all we really need from them is a temporary construction easement. He stated that we're building everything and we're responsible for maintaining everything.

Alan Negreann - replied, no not the pad.

Councilman Mignone-agreed with that statement but feels that they don't need the pad because there's already an asphalt driveway.

Alan Negreann-referred to the Borough Attorney.

Tom Sarlo - stated that if the Borough has no intention of constructing a vehicle gate it should come out, because accordingly to this agreement they can compel you to build a vehicle gate.

Alan Negreann- suggested that they table it so it can be corrected.

Mayor Moscaritolo- stated just for Mr. Sarlo's clarification, the shared services agreement is based on the finished plan of the park and we're only doing one phase of it. This agreement would suffice so that you wouldn't have to go back and get it amended four times.

Tom Sarlo - said that this encompasses all of the phases.

Councilman Mignone- doesn't agree because this was drafted originally in April when the intention was to do the work under the first plan. He continued to say that when we bid it the first time it these items were included and it was Mr. Miller's choice when he was asked to hurriedly rebid this, to take these item out without realizing that these were the items that the school board wanted. Councilman Mignone feels that the school board should be aware that we're not doing this work under Phase I. He also brought up Item F of the agreement which states that the parties acknowledge that no work should be performed by the Borough while school is in session and right now, school is in session. He doesn't know if that means that we're supposed to work weekends and nights or on holidays but that's what the agreement says. Councilman Mignone noted that they're not doing items B,C,D,E & F and thinks that the Board of Education should be aware of what Phase I is and then modify the agreement accordingly. He feels that right now, all that is needed is a temporary easement which we probably already have because they started working on the site.

Motion by Councilman Mignone, seconded by Councilman Papaleo to table resolution #15-315.

ROLL CALL VOTE: Councilman Cappola, Councilwoman Busteed, Councilman Mignone, Councilman Acquafredda and Councilman Papaleo voted yes, Councilwoman Murphy voted no.

TABLED

TABLED

TABLED

#15-315 Authorize Mayor and Clerk to Sign a Shared Services Agreement with the River Edge Board of Education to Share the Benefits and Responsibilities of the Establishment, Use and Maintenance of Cherry Blossom Park

WHEREAS, the Borough of River Edge wishes to enter into a Shared Services Agreement with the River Edge Board of Education pursuant to the provisions of the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.); and

WHEREAS, the purpose of said agreement is to establish, use and maintain the Cherry Blossom Park.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of River Edge that the Borough of River Edge shall enter into a Shared Services Agreement with the River Edge Board of Education for the shared use of Cherry Blossom Park.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the Shared Services Agreement pursuant to the Uniform Shared Services and Consolidation Act, subject to the approval and review of the agreement by the Borough Attorney.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the River Edge Board of Education.

September 8, 2015

#15-316 Enter into a Shared Services Agreement with Rutgers, The State University of New Jersey with Dr. Robert Burchell, to Conduct the Burchell Fair Share Analysis with Regard to COAH

WHEREAS, the Borough of River Edge has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Bergen County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Borough of River Edge desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Borough of River Edge for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. The Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-172 of the Current Fund in the amount not to exceed \$21,840.00.
4. The Mayor is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of River Edge in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of River Edge hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of River Edge the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of River Edge will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This resolution shall take effect immediately.

September 8, 2015

#15-317 Amend Agreement with Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley road, Upper Level 105, Oakland, New Jersey, 07436 for Professional Services as Labor Attorney for the Borough

WHEREAS, there exists a need to retain legal services for the purpose of Labor and Employment Services; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 69 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 on January 5, 2015 via resolution #15-03 in the amount of \$3,000.00; 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, Matthew Giacobbe, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that Matthew Giacobbe, 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 Matthew Giacobbe, 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 September 8, 2015; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1552-168 of the Current Fund in an amount not to exceed \$8,000.00.

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 Matthew Giacobbe, Esq., Cleary Giacobbe Alfieri Jacobs, LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 in the amount not to exceed \$8,000.00.
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.

September 8, 2015

#15-318 Amend 2015 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 of appropriation for an equal amount; and

WHEREAS, the Borough has received a grant for a Municipal Alliance on Alcoholism and Drug Abuse Grant in the amount of \$9,876.00.

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:

4. Miscellaneous Revenue - Section F

Municipal Alliance on Alcoholism and Drug Abuse Grant.....\$9,876.00

BE IT FURTHER RESOLVED that the like sum of \$9,876.00 and the same is hereby appropriated under the caption of:

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

Municipal Alliance on Alcoholism and Drug Abuse Grant.....\$9,876.00

BE IT FURTHER RESOLVED that the Borough forward electronically the contents of this resolution to the Director of Local Government Services.

September 8, 2015

#15-319 Authorize Mayor and Chief Financial Officer to Enter into a Contract with the County of Bergen for the Municipal Alliance to Prevent Substance Abuse Grant

BE IT RESOLVED, that the Mayor and Chief Financial Officer are hereby authorized to enter into a contract with the County of Bergen for the Municipal Alliance to Prevent Substance Abuse Grant for the period July 1, 2015 to June 30, 2016.

September 8, 2015

Councilwoman Murphy-asked if we're giving this money back to the State?

Alan Negreann-explained that it's unused grant money.

Councilwoman Murphy-asked if it goes back to the state?

Alan Negreann-we're not sending money back, we're just not drawing on it.

#15-320 Resolution Authorizing Chief Financial Officer to Cancel Grant Fund Receivable and Appropriated Reserve for the "Municipal Alliance on Alcoholism and Drug Abuse" Grant

WHEREAS, the Borough of River Edge received approval for a grant through the County of Bergen for a grant entitled "Municipal Alliance on Alcoholism and Drug Abuse"; and

WHEREAS, the Borough of River Edge has on its books and records an account receivable of \$1,011.55 and an appropriated reserve of \$1,011.55; and

WHEREAS, the Chief Financial Officer has investigated the account receivable and appropriated reserve balance and has recommended that they can be cancelled.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is authorized to cancel the grant fund account receivable and appropriated reserve for the grant entitled "Municipal Alliance on Alcoholism and Drug Abuse" both in the amount of \$1,011.55.

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

September 8, 2015

#15-321 Rescind Resolution #15-291 - Authorize Chief Financial Officer and Account Supervisor to Remit Unclaimed Funds to the

State of New Jersey, Department of the Treasury

WHEREAS, resolution #15-291 was approved by the Governing Body on August 3, 2015.

NOW, THEREFORE, BE IT RESOLVED that resolution #15-291, dated August 3, 2015 is hereby rescinded due to the fact that John Gloria of 43 Pine Drive Associates appeared before the Borough Clerk to re-establish a claim for the remaining balance of the performance bond.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby instructed to change her records accordingly.

September 8, 2015

#15-322 Authorize Refund from the Trust Other Account for a Performance Bond Provided By 43 Pine Drive Associates to John Gloria

WHEREAS, on or about February 4, 1998, 43 Pine Drive Associates, Inc., d/b/a Custom Homes, 43 Pine Drive, Bergenfield, New Jersey 07621 deposited with the Borough a bond for the performance and maintenance as outlined in a Developers Agreement dated October 7, 1998; and

WHEREAS, the balance remaining in the Borough of River Edge Trust Other Fund is for the purpose of the installation and maintenance of monuments on the development; and

WHEREAS, Costa Engineering has recently discovered the monuments at Oswego Place and Oneida Drive set by Koesnter & Associates with regard to the Pine Drive Associates sub-division; and

WHEREAS, the balance remaining is \$940.00; and

WHEREAS, the Borough Administrator/Chief Financial Officer has investigated this matter and has sent a last chance letter to 43 Pine Drive Associates advising them to claim the balance of the funds; and

WHEREAS, John Gloria of 43 Pine Drive Associates appeared before the Borough Clerk on August 17, 2015 to re-establish a claim to the above monies.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge Governing Body hereby instructs the Chief Financial Officer and Account Supervisor to forward the balance of the Trust Other performance bond funds remaining for 43 Pine Drive Associates in the amount of \$940.00 to John Gloria, 517 Brook Avenue, River Vale, New Jersey 07675.

September 8, 2015

#15-323 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Tenney Avenue

WHEREAS, on or about September 8, 2015, the Borough of River Edge granted permission to Krista Van Wettering, 180 Tenney Avenue, River Edge, New Jersey, to hold a block party on Tenney Avenue between Elm Avenue and Bogert Road on Saturday, October 3, 2015 (rain date October 4th) starting at 12 noon to 10:00 p.m. in accordance with Borough Ordinance #1678; and

WHEREAS, Mrs. Van Wettering 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.

September 8, 2015

Councilwoman Murphy-noticed that this refund is from 2011 and asked if this is common that a case takes this long?

Alan Negreann-replied yes and sometimes even longer.

Councilwoman Murphy-asked if we might have more surprises down the road for other judgments?

Alan Negreann-explained that they receive year end reports from the Tax Appeal Attorneys which he will distribute to the Mayor and Council.

Councilwoman Murphy-asked if we have anything else coming in from 2011?

Alan Negreann-stated that he doesn't know that answer off the top of his head but will distribute the reports to the Mayor and Council.

#15-324 Authorize Tax Collector to Refund 2011 Taxes Due to a New Jersey Tax Court Judgment

WHEREAS, a Tax Court Judgment was entered on 6/26/15 and the same was received on 7/13/15 by the tax office reducing the Assessed Value on the property owned by Schmitt, Arthur & Dolores N., known as Block, 1208 Lot, 16.01 located at 97 Lakeview Street for the year 2011; and

WHEREAS, the 2011 taxes were paid in full.

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

Block/Lot	Old Value	New Value	Year	Refund
1208/16.01	344,700	300,000	2011	\$1,193.94
Total:				\$1,193.94

Make check payable to:
Schmitt, Arthur and Dolores N.
97 Lakeview Street
River Edge, NJ 07661

September 8, 2015

#15-325 Resolution Permitting the Possession and Consumption of Alcoholic Beverages at a Block Party on Lexington Drive

WHEREAS, on or about September 8, 2015, the Borough of River Edge granted permission to Bill & Janet Crowley, 256 Lexington Drive, River Edge, New Jersey, to hold a block party on Lexington Drive between Oak Avenue and Warwick Court on Sunday, October 25, 2015 starting at 12 noon to 11:00 p.m. in accordance with Borough Ordinance #1678; and

WHEREAS, Mr. & Mrs. Crowley have 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.

September 8, 2015

Councilwoman Murphy asked why there is such a drastic decrease in property value?
Alan Negreann stated that he doesn't have the answer but would speak with the Tax Assessor. He said that possibly the building is gone and it's just vacant land.

#15-326 Resolution to Authorize Tax Collector to Adjust the 2015 Final Tax Bill and Refund Overpaid 2015 Taxes Due to a County Board Judgment

WHEREAS, a County Board Judgment was received for the year 2015 by the tax office on April 20, 2015 reducing the Assessed Value on a property which received an erroneous Added Assessment preliminary billing; and

WHEREAS, the reduction in the assessment for 2015 has also reduced the total tax amount due for 2015; and

WHEREAS, the tax credit created exceeds the taxes due and paid for 2015.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor refund the following amount and the Tax Collector adjust her records accordingly.

BL/Lot	Name/Address	Old Value	New Value	Total Tax Adjustment
213/10	UEJIMA 844 Park Avenue	610,000	196,200	13,337.68
				<u>Adjustment</u>
2015 Adjustment is as follows:		4 th Qtr. 15 Credit:		4,884.92
		3 rd Qtr. 15 Credit & Refund:		8,452.76
		TOTAL TAX REFUND:		\$8,452.76

Please make check payable to:

Uejima, Shigekazu & Masako
 844 Park Avenue
 River Edge, NJ 07661

September 8, 2015

15-327 Resolution to Authorize Tax Collector to Adjust 2015 Final Tax Bills Due to County Board Judgments

WHEREAS, County Board Judgments were received for the year 2015 by the tax office on 6/30/15 reducing the Assessed Value on the following properties; and

WHEREAS, the reductions were not reflected in the 2015 Tax Duplicate.

NOW, THEREFORE, BE IT RESOLVED the Tax Collector apply the tax credits to the 4th Quarter 2015 taxes and adjust and her records accordingly.

BL/Lot	Name/Address	Old Value	New Value	Adjusted Taxes
108/1	GUO 209 Hillside Avenue	415,100	365,000	1,611.72
302/7	MANZELLI 789 Sixth Avenue	731,500	631,500	3,217.00
303/12	MACRAE 773 Fifth Avenue	540,000	490,000	1,608.50
305/31	FORMOSO 725 Elm Avenue	901,200	795,000	3,416.45
308/1	SALOGIANNIS 355 Webb Avenue	521,300	470,000	1,650.32
308/5	CLANCY 733 Seventh Avenue	790,000	710,000	2,573.60

308/15	KORATH 712 Eighth Avenue	600,300	575,000	813.90
310/23	CERESTE 738 Sixth Avenue	750,000	625,000	4,021.25
311/25	SCHULER-DALVERNY 738 Fifth Avenue	338,000	329,000	289.53
403/5	BINETTI 787 Kinderkamack Road	495,400	425,000	2,264.77
404/9	38 RIVER EDGE ROAD, LLC 38 River Edge Road	730,000	650,000	2,573.60
406/2	SHAFIGH 775 Kinderkamack Road	389,600	300,000	2,882.43
501/39.02	CILIA 685 Fifth Avenue	597,100	537,000	1,933.42
503/1	PROIETTO 690 Millbrook Avenue	388,100	384,400	119.03
508/18	RAYSIDE 224 Madison Avenue	524,700	475,000	1,598.85
613/7	HASTINGS 107 Adams Avenue	400,000	380,000	643.40
706/32	DOERR 484 Fifth Avenue	373,000	340,000	1,061.61
905/17	CARIAGA 348 Howland Avenue	410,800	380,000	990.84
909/23	PAUL 4 Fenway Court	908,500	825,000	2,686.20
1004/23.01	CUBERO 335 Kinderkamack Road	323,700	240,000	2,692.63
1005/6.01	LITTERINI 316 Kinderkamack Road	476,100	420,000	1,804.74
1101/22	ROMAN 155 Valley Road	346,100	320,000	839.64
1103/54	DIMITRIOU 54 Eastbrook Drive	564,400	465,000	3,197.70
1108/19	D'AGOSTINO 291 Oak Avenue	814,000	750,000	2,058.88
1210/14	BERGER/ORTIZ 162 Van Saun Drive	720,100	650,000	2,255.12
1302/2	KRAFT 244 Kinderkamack Road	479,000	440,000	1,254.63
1402/5.02	ALHASSAN 106 Davis Drive	428,000	400,000	900.76
1406/3	MARTI REALTY, LLC 125 Kinderkamack Road	1,190,900	1,070,000	3,889.35
1417/2.01	WEEDO 277 Johnson Avenue	248,000	225,000	739.91
			Total tax credits:	\$55,589.78

September 8, 2015

Motion by Councilwoman Murphy, seconded by Councilman Papaleo to approve resolution #15-328.

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

#15-328 Approval to Waive a Portion of the Police Outside Duty Rate for St. Peter the Apostle Parish

WHEREAS, St. Peter the Apostle Parish will host a Parish Carnival on the Parish Grounds located at 445 Fifth Avenue from September 25th through September 28th, 2015; and

WHEREAS, St. Peter the Apostle Parish requested one (1) uniformed officer for the duration of the carnival; and

WHEREAS, St. Peter the Apostle Parish have made an appeal to the Mayor and Council to waive the administrative fee portion of the \$135.00 per hour rate and be billed for the officer's overtime rate; and

WHEREAS, the Mayor and Council have discussed this matter at their work session of September 21, 2015 and have indicated that the outside duty rate of \$135.00 be waived and that the actual overtime rate of the police officer assigned to that duty be charged.

NOW, THEREFORE, BE IT RESOLVED that the Police Department and the Chief Financial Officer are instructed to adjust their billing accordingly and to notify St. Peter the Apostle Parish of the fee to be paid for the services provided.

September 8, 2015

#15-329 Amend Agreement with Robert Costa, Borough Engineer, for Professional Services Related to the 2015 Riverside Road Resurfacing Program-Inspection

WHEREAS, there exists a need for expert professional engineering services for the 2015 Riverside Road Resurfacing Program - Inspection; and

WHEREAS, the Borough of River Edge has previously awarded a contract to Robert Costa, Borough Engineer via resolution #15-208 dated May 18, 2015 in the amount of \$10,000.00 and amended via resolution #15-294 dated August 3, 2015 in the amount not to exceed \$6,000.00; and

WHEREAS, additional funding is required for professional services for the 2015 Riverside Road Resurfacing Program-Inspection; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1652-100 of the Current Fund in the amount not to exceed \$3,000.00;

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 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.

September 8, 2015

#15-330 Amend Agreement with Robert Costa, Borough Engineer, for
Professional Services Related to the Design/Inspect of Fifth Avenue,
Section 1

WHEREAS, there exists a need for expert professional engineering
services related to the design as well as the inspection of Fifth
Avenue, Section 1; and

WHEREAS, the Borough of River Edge has previously awarded a
contract to Robert Costa, Borough Engineer via resolution #13-452
dated December 16, 2013 in the amount of \$10,000.00; amended via
resolution #14-152 dated April 7, 2014 in the amount of \$15,000.00;
amended via resolution #14-299 in the amount of \$1,000.00 dated August
4, 2014 and amended via resolution #14-328 dated September 3, 2014 in
the amount of \$7,000.00; and

WHEREAS, additional funding is required for professional services
related to the design of Fifth Avenue, Section 1; and

WHEREAS, the Chief Financial Officer has certified that funds are
available from Account #01-2010-20-1652-100 of the Current Fund in the
amount not to exceed \$2,000.00; and

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

WHEREAS, 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 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 \$2,000.00; 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.

September 8, 2015

#15-331 Award Contract to Marini Brothers for the 2015 Drainage Improvements at Various Locations, Intersection of Elm Avenue and Greenway Terrace, Intersection of Elm Avenue and Concord Drive, Intersection of Kensington Road and Fifth Avenue

WHEREAS, on August 25, 2015 four (4) sealed bids were received for the 2015 Drainage Improvements at Various Locations, Intersection of Elm Avenue and Greenway Terrace, Intersection of Elm Avenue and Concord Drive, Intersection of Kensington Road and Fifth Avenue; and

WHEREAS, the lowest bid was received from Marini Brothers in the amount of \$104,580.50; and

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

WHEREAS, the Mayor and Council have discussed this matter at a work session on September 8, 2015; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #04-2150-55-1829-250 of the Capital Fund in an amount not to exceed \$104,580.50; and

NOW, THEREFORE, BE IT RESOLVED that the contract is hereby awarded to Marini Brothers, 9 Lafayette Street, Hackensack, New Jersey 07601 in the amount not to exceed \$104,580.50 and the Mayor and Clerk are hereby authorized to sign said contract for the Borough.

September 8, 2015

#15-332 Authorize Tax Collector to Adjust the 4th Quarter 2015 Tax Bill for Senior/Disabled Deduction Allowed

WHEREAS, the following homeowner filed a Senior/Disabled Application for a deduction in the amount of \$250.00 and was approved by the Tax Assessor for the year 2015; and

WHEREAS, the deduction was not listed in the 2015 Tax Duplicate.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to adjust the 4th Quarter taxes for the following amount.

<u>Block/Lot</u>	<u>Name & Address</u>	<u>Deduction</u>	<u>Adjusted Amount</u>
1209/23	Donald Clemente 206 Lozier Terrace	Senior	250.00
1302/14	Denise Marone 154 Kinderkamack Rd.	Disabled	250.00

September 8, 2015

#15-333 Authorize Accounts Supervisor to Issue a Refund Check to Dutra Excavating & Sewer, Inc. for a Street Opening at 940 Summit Avenue

WHEREAS, the Borough of River Edge received a street opening permit from the following who surrendered \$500.00 for a bond; and

WHEREAS, John Lynch, Superintendent of Public Works has inspected the street where the opening was made, 940 Summit Avenue, and has declared it satisfactory; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Trust Other Account in the amount not to exceed \$500.00.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is authorized to issue a check in the amount of \$500.00 to the following:

Dutra Excavating & Sewer Inc.
10 Stone Hollow Road
Montvale, NJ 07645

September 8, 2015

#15-334 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development Grant of \$80,000.00 has been proposed by the Borough of River Edge for the River Edge LM Street/Curb/Sidewalk Improvements, Phase II 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 is in the best interest of the people of River Edge; 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; and

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.

September 8, 2015

Motion by Councilwoman Busted, seconded by Councilman Papaleo to approve resolution #15-335.

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

Councilman Mignone-voted no because he doesn't feel that these are appropriate change orders. He feels that this is a way of getting around the fact that they didn't award the alternate as part of the original award and now we're trying to do it through the back door which is not appropriate.

Councilman Acquafredda-stated that he voted yes because he recognizes the validity of the change orders and the fact that they're saving money. Going forward, if we don't have the money to do the entire project, we shouldn't do it. He doesn't want to be nickel and dimed by the Recreation Commission and engineer.

Councilman Mignone-stated that we're being billed \$2,200.00 for mulch removal off the site which should have been part of the scope of work. Councilman Acquafredda-feels that one of the problems is that we don't have a Clerk of the Works.

Councilman Mignone-stated that part of Mr. Miller's job is to be the Clerk of the Works.

#15-335 Change Order #1 and #2 Approval and Amendatory Contract for the Cherry Blossom Park Improvement Project, Phase 1 to Downes Tree Service

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

WHEREAS, the Borough of River Edge awarded a contract to Downes Tree Service on August 3, 2015 via resolution #15-309; and

WHEREAS Change Order #1 reflects the supply and installation of approximately 650 square yards of 6" stone base with fabric in the amount of \$3,800.00 and load truck and dispose of material stockpiled on site in the amount of \$2,200.00 for a total not to exceed \$6,000.00; and

WHEREAS, Change Order #2 reflects the supply and installation of 4" PVC sleeves under walkways as shown on the plan in the amount of \$1,500.00; and

WHEREAS, the Project Engineer has recommended the above change.

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #15-308 DOE in an amount not to exceed \$7,500.00.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with Downes Tree Service, 65 Royal Avenue, Hawthorne, New Jersey 07506 for Change Order #1 and #2 in the increased amount of \$7,500.00.

BE IT FURTHER RESOLVED that the exact form of this amendatory contract shall be at the discretion of the Borough Attorney and the Mayor and the Borough Clerk is hereby authorized to execute said contract, and Change Order #1 and #2.

September 8, 2015

#15-336 Enter into Agreement with Robert Costa, Borough Engineer for Professional Services Related to Community Development Block Grant Street/Curb/Sidewalk Improvements, Phase I- Design and Inspect (Oxford/Rutgers)

WHEREAS, there exists a need for expert professional engineering services related to the Community Development Block Grant Street/Curb/Sidewalk Improvements, Phase I - Design and Inspect; 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 #01-2010-20-1652-100 of the Current Fund in the amount not to exceed \$6,000.00; 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 \$6,000.00; 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.

September 8, 2015

#15-337 Amend 2015 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 of appropriation for an equal amount; and

WHEREAS, the Borough has received a grant from the Community Development Block Grant Program for a Senior Citizens Activities Grant in the amount of \$1,800.00.

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:

5. Miscellaneous Revenue - Section F

Community Development Block Grant
Senior Citizen Activities.....\$1,800.00

BE IT FURTHER RESOLVED that the like sum of \$1,800.00 and the same is hereby appropriated under the caption of:

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

Community Development Block Grant
Senior Citizen Activities.....\$1,800.00

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

September 8, 2015

#15-338 Amend 2015 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 of appropriation for an equal amount; and

WHEREAS, the Borough has received a grant from the Community Development Block Grant Program for a Senior Bus Dispatcher & Driver Wages Grant in the amount of \$13,500.00.

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:

6. Miscellaneous Revenue - Section F

Community Development Block Grant
Senior Bus Dispatcher & Driver Wages.....\$13,500.00

BE IT FURTHER RESOLVED that the like sum of \$13,500.00 and the same is hereby appropriated under the caption of:

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

Community Development Block Grant
Senior Bus Dispatcher & Driver Wages\$13,500.00

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

September 8, 2015

#15-339 Authorize a Payment to the Treasurer, County of Camden

WHEREAS, the Borough of River Edge hired Police Officer Patrick Diamond; and

WHEREAS, Officer Diamond was a former Camden County Police Officer; and

WHEREAS, N.J.S.A. 40A:14-178 states that "when any officer who resigns from one county or municipal law enforcement agency and is appointed by another county or municipal law enforcement agency that municipal law enforcement agency is responsible to the former agency for half of the certified costs incurred in the examination, hiring and training of that person"; and

WHEREAS, a letter of request for reimbursement has been submitted to the Borough of River Edge from the Office of County Counsel for Camden County; and

WHEREAS, the Mayor and Council has discussed this matter at their work session of September 8, 2015; and

WHEREAS, the Chief Financial Officer has certified that funds are available from Account #01-2010-20-1002-028 of the Current Fund in the amount not to exceed \$1,975.21.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer and Account Supervisor are hereby authorized to make payment to the Treasurer, County of Camden, Courthouse, 14th Floor, 520 Market Street, Camden, New Jersey 08102 in the amount of \$1,975.21 representing half of the total certified costs paid by the County of Camden.

September 8, 2015

Councilman Mignone read resolution #15-340 into the record.

Motion by Councilman Mignone, seconded by Councilwoman Murphy to approve resolution #15-340.

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

#15-340 Payment of Bills

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

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

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

CURRENT ACCOUNT	\$2,063,725.49
CAPITAL ACCOUNT	\$ 425,994.99
RECREATION ACCOUNT	\$ 6,116.67
ANIMAL WELFARE ACCOUNT	\$ 10.20
SELF INSURANCE ACCOUNT	\$ 0.0
TRUST OTHER ACCOUNT	\$ 10,140.53
OPEN SPACE ACCOUNT	\$ 3,811.38
TRUST OTHER DEVELOPER ACCOUNT	\$ 3,870.00

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 times claims would be paid.

September 8, 2015

OPEN HEARING OF THE PUBLIC -

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

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

Goran Bogut-675 Center Avenue-stated that he purchased his home in 2011 and last year he applied for building permits to raise and replace the roof. After construction started, he received a stop order sticker from Bob Byrnes advising him that he needed to submit a revised plan. After many attempts to contact Mr. Byrnes with a certified letter and stopping by the Building Department, he never received a phone call back. He wanted an explanation as to why he received this stop order when he had permits for the work. He said that Nicole was very helpful but he wanted to speak with Mr. Byrnes. He hired an architect who told him that he has some zoning issues. He also doesn't understand why his property card reflects a multiple dwelling. He wants to move forward with the construction before the winter comes.

Mayor Moscaritolo-asked if he spoke with Jim Anzevino, the Tax Assessor. Goran Bogut-said that because he has not been able to speak to anyone, he's not sure what direction to go.

Alan Negreann-suggested that he speak with the Tax Assessor.
Councilman Mignone-suggested that he also speak to the Zoning Officer who can research it as well.
Councilman Acquafredda-stated that the sticker is purely a construction issue and not zoning. He feels that there are two separate issues here and asked if he has tried to comply with each issue?
Goran Bogut-said that he doesn't know because he hasn't been able to speak with Bob Byrnes.
Councilman Acquafredda-asked if he submitted drawings?
Goran Bogut-replied yes, he submitted drawings at the beginning before obtaining the permits. His architect is now telling him that he can't get back to the construction part of the project because he has zoning issues.
Councilman Acquafredda-stated that when a homeowner provides plans, they take responsibility so now that he has an architect, they should prepare plans that address all of the issues.
Alan Negreann-said that he would reach out to Bob Byrnes and ask that he contact Mr. Bogut.
Lou Grasso- 172 Lozier Terrace-commented on Ordinance #1842. He thought originally it was designed to take care of the problem where people are parking on front lawns in residential areas. He feels that the way it reads in Section 1, C., many of the buildings on Kinderkamack and Main Street that have parking areas and not driveways would be prohibited. Any commercial property that has a parking area that's not technically a driveway, vehicles would not be allowed to park there. He feels that the word driveway should be replaced with "paved area" instead of driveway. He feels that it's very restrictive now with the word driveway. Mr. Grasso feels that it should encompass the words gravel and parking area or somewhere in the ordinance, it should state that this ordinance pertains to residential properties only. He feels that the way that it's written many people would be in violation of the ordinance.
Councilwoman Murphy-stated that we do have cars that park on the paved area or sidewalk on River Edge Road.
Mayor Moscaritolo-explained that there is already an existing section of Title 39 which prohibits parking on a sidewalk that the Police can enforce. The Mayor also said that the Police Depart had requested this type of ordinance because right now its only in our zoning laws and not enforceable as a traffic ordinance. We want to codify it under our traffic section so the Police can write a ticket. The Mayor told Mr. Grasso that he brings up a good point about paved areas and unpaved areas.
Lou Grasso-suggested that in the ordinance it should say it just pertains to residential or instead of the word driveway, it should say parking area or paved area or something in addition to the word driveway.
Councilwoman Murphy-asked Mr. Sarlo if we could make that change?
Tom Sarlo, Esq.-replied, yes, just let me know what changes you want me to make.
Councilman Mignone-suggested that they look at the way the zoning ordinance is written to make sure it's consistent.
Tom Sarlo, Esq.-agreed and explained that right now it's prohibited under the zoning regulations but the Police Department do not have the ability to write a ticket.
Mayor Moscaritolo-suggested that they change the word to residential because he feels that it will resolve 90% of the problem if not more.
Tom Sarlo, Esq.-stated that as long as everyone is in agreement with the minor changes, we can keep it on for second reading at the next meeting.
Dorothy Walker-318 Taft Road-asked for guidance on a possible addition to her home.
Councilman Acquafredda-suggested that she hire an architect.

CLOSE HEARING OF THE PUBLIC -

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

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

COUNCIL COMMENTS -

Councilwoman Murphy-invited everyone to the Korean Festival which will be held at the Library on Saturday September 19th.
Councilman Acquafredda-said that everyone received a draft of the Community Center design and he had verbally requested that all members

send their comments to him. He asked that they look at it again and give him their comments and if they don't have any comments to let him know that as well. He wants to make sure that everyone has at least read the documents and asked that they give him their feedback before the September 21st meeting. If he doesn't hear back, he will consider that a no comment. He continued to say that once he receives the comments, he, Ed and the Mayor will forward them to Canzani so they can incorporate them into the preliminary plan. Once that is done, we should be ready to out for an RFP.

ADJOURNMENT - 10:03 P.M.

Motion by Councilman Papaleo, seconded by Councilwoman Murphy to adjourn the meeting at 10:03 p.m.

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

Mayor Sandy Moscaritolo

Attest:

Stephanie Evans, Borough Clerk

Dated: