

M I N U T E S
Meeting of the Mayor and Council
Monday, November 7, 2011
7:00 P.M.

CALL THE MEETING TO ORDER -

Mayor Watkins called the meeting to order at 7:00 p.m. in the Council Chambers of the Borough Hall.

SILENT PRAYER - FLAG SALUTE

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

STATEMENT -

Mayor Watkins read the statement under the Sunshine Law and asked the Clerk to put it into the minutes. "Adequate Notice of this meeting has been made by sending notice on December 24, 2010 to THE RECORD and THE RIDGEWOOD NEWSPAPER, by positioning on the bulletin board in the lobby of the Borough Hall, and filing a Notice of the same with the Municipal Clerk".

ROLL CALL - Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon, Councilman Cordts and Mayor Watkins were present, Councilman Mignone was absent.

APPROVAL OF MINUTES - By Consent

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council work session and regular meeting of October 17, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the minutes of the Mayor and Council work session of October 24, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Moscaritolo voted no and Councilman Mignone was absent.

PROCLAMATION & AWARDS -

Mayor Watkins read the award that the Borough received from AAA of North Jersey - Outstanding Achievement in the Community Traffic Safety Program for 2011.

APPOINTMENTS & PERSONNEL CHANGES

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the hire of Edward Trinkleback, 484 Elm Avenue as a School Crossing Guard, at the rate of \$15.84 per hour, effective starting date contingent upon training and medical examination.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

Motion by Councilman Cordts, seconded by Councilman Bartelloni, to approve the salary change of Maureen Cronin, River Edge Public Library, from an annual salary of \$32,331.00 to \$32,811.00 due to an increase in longevity from \$960.00 to \$1,440.00, effective May 4, 2011.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

Mayor Watkins congratulated Andrew Pohl for doing an outstanding job on his Eagle Scout project which was a nature walk off of Eastbrook Drive which he dedicated to Barbara Christensen. The Mayor passed pictures around showing the project and encouraged everyone to go and walk the path.

Mayor Watkins also passed around a letter that she received from the superintendent of Van Buren Apartments thanking our OEM response team for a job well done in assisting him in getting heat and to help with several residents who did not want to leave.

CORRESPONDENCE -

Notice - River Edge Board of Education - 10/17/11
Re: Meeting on October 19, 2011
Letter - State of New Jersey - 10/21/11
Re: Cherry Blossom Park not Selected for
Funding through Recreational Trails Program
Letter - Cablevision - 10/24/11
Re: Launch of New Channel
Letter - Board of Chosen Freeholders - 10/25/11
Re: Resolution passed designating November
As Pancreatic Cancer Awareness Month
Letter - United Water - 10/26/11
Re: Rate Increases
Letter - State of N.J. - DEP - 10/27/11
Re: Underground Storage Tank-271 Midland Ave.
Letter - New Jersey Transit - 10/27/11
Re: Public Hearing Notice
Letter - Cablevision - 10/27/11
Re: Launch of International Channels
Notice - River Edge Board of Education - 10/31/11
Re: Meeting on November 2, 2011
Letter - Richard Rabstein - 11/1/11
Re: Note of Commendation to DPW
Certificate - Alan P. Negreann, CFO - 10/16/11

Determination and Award Certificate presented to the Governing Body on November 7, 2011.

DETERMINATION AND AWARD CERTIFICATE

(\$174,000 Special Emergency Note)

BOROUGH OF RIVER EDGE, COUNTY OF BERGEN, NEW JERSEY

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

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

TOTAL PRINCIPAL AMOUNT: \$174,000

DATED: November 4, 2011

MATURITY: February 16, 2012 (non-callable)

<u>NUMBER</u>	<u>DENOMINATION</u>
11-1SEN	\$174,000

INTEREST RATE PER ANNUM (payable at maturity): 2.65%

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

2. Pursuant to said authority, I have awarded and will sell the Note to PNC Bank, N.A., at the price of \$174,000 plus an amount equal to the interest on the Note accrued to the date of payment of the purchase price thereof.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of November, 2011.

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

Letter - State of New Jersey - DEP - 11/3/11
 Re: Hazardous Substance Discharge Notification

Letter - State of New Jersey - DEP - 11/3/11
 Re: Underground Storage Tank - 193 Woodland

Letter - Borough of Fair Lawn - 11/3/11
 Re: Central Bergen Pricing System

MONTHLY REPORTS -

Library Board - October 18, 2011
 Police Department - September 2011
 Shade Tree Commission - September 2011
 Beautification Committee - October 2011
 Tax Collector - September 2011

ORDINANCES - 1st Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1742 into the record.

Ordinance #1742 - AN ORDINANCE AMENDING CHAPTER 49, LAND USE PROCEDURES, ARTICLE IV APPEALS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve the first reading of Ordinance #1742 as follows:

BOROUGH OF RIVER EDGE
 ORDINANCE #1742

AN ORDINANCE AMENDING CHAPTER 49, LAND USE PROCEDURES, ARTICLE IV APPEALS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

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

Section I:

§ 49-38 is hereby amended as follows:

§ 49-38 Appeals from Zoning Board of Adjustment to the Governing Body.

An appeal pursuant to the provisions of N.J.S.A. 40:55D-17d from any decision of the Zoning Board of Adjustment granting a "d" variance in accordance with N.J.S.A. 40:55D-70.d may be taken to the governing body, provided that such appeal shall be made within 10 days of the date of publication of such final decision of the Zoning Board of Adjustment.

Section II:

§49-39 is hereby repealed.

Section III:

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

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

Margaret Falahee Watkins, Mayor

ATTEST:

Denise A. Dondiego, RMC
 Borough Clerk
 Dated:

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo,

Councilman Porco, Councilman Cannon and Councilman Cordts voted yes,
Councilman Mignone was absent.

Denise Dondiego, Borough Clerk read the title of Ordinance #1743 as follows:

Ordinance #1743 - AN ORDINANCE AMENDING CHAPTER 416, ZONING, ARTICLE XIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

Motion by Councilman Cordts, seconded by Councilman Cannon to approve the first reading of Ordinance #1743 as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1743

AN ORDINANCE AMENDING CHAPTER 416, ZONING, ARTICLE XIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

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

Section I:

§ 416-64D is hereby amended as follows:

D. Any existing single-family residential structure which violates any yard requirements may have vertical additions to the principal structure without an appeal for a variance, provided that the additions do not encroach beyond the existing setbacks of the existing principal structure, and maximum building height is not exceeded.

- (1) Subject to Section D, the required side yards for any existing single-family dwelling on a lot existing prior to the effective date of this chapter and having a nonconforming lot width shall be as follows: [Amended 7-7-2008 by Ord. No. 16241
 - (a) For lots with a width of 60 feet to but not including 75 feet, the combined side yards shall not be less than 15 feet and the smaller side yard shall not be less than six feet.
 - (b) For lots with a width of less than 60 feet, the combined side yards shall be not less than 12 feet and the smaller side yard shall not be less than five feet.
 - (c) In no case shall the open space between the building and a building on an adjoining property be less than 12 feet.
- (2) For such lots, the required lot depth at any point may be decreased by 25% if the average lot depth conforms with the minimum requirement.

Section II:

§ 416-64F is deleted in its entirety and is superseded and amended by Section D.

Section III:

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

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

Margaret Falahee Watkins, Mayor

ATTEST:
Denise A. Dondiego, RMC Borough Clerk
Dated:

ROLL CALL VOTE: Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Bartelloni abstained, Councilman Mignone was absent.

ORDINANCES - 2nd Reading

Denise Dondiego, Borough Clerk read the title of Ordinance #1741 as follows:

Ordinance #1741 - AN ORDINANCE AMENDING CHAPTER 400, VEHICLES AND TRAFFIC, ARTICLE IV, SCHEDULES, 400-31 "SCHEDULE V: BUS STOPS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

Ordinance #1741 was introduced by Councilman Bartelloni, seconded by Councilman Cordts at the October 17, 2011 meeting as follows:

BOROUGH OF RIVER EDGE
ORDINANCE #1741

AN ORDINANCE AMENDING CHAPTER 400, VEHICLES AND TRAFFIC, ARTICLE IV, SCHEDULES, 400-31 "SCHEDULE V: BUS STOPS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVER EDGE

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

Section I: Schedule V: Bus Stops is hereby amended as follows:

A. Kinderkamack Road. Along Kinderkamack Road, northbound on the easterly side thereof at:

Delete: Howland Avenue (near side), beginning at the southerly curb line of Howland Avenue and extending 105 feet southerly therefrom.

Add: Howland Avenue (far side), beginning at a point 90 feet north of the northerly curb line of Howland Avenue to a point 160 feet north therefrom.

B. Kinderkamack Road. Along Kinderkamack Road, southbound on the westerly side thereof at:

Delete: Howland Avenue (far side), beginning at the southerly curb line of Howland Avenue and extending 120 feet southerly therefrom.

Add: Howland Avenue (near side), beginning at the southerly curb line of Howland Avenue and extending 160 feet southerly therefrom.

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

Section III:

If any provision of this ordinance are found to be invalid, for any reason, by the final judgement 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.

Margaret Falahee Watkins, Mayor

ATTEST:

Denise A. Dondiego, RMC
Borough Clerk
Dated:

OPEN HEARING OF THE PUBLIC - Ordinance #1741

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

CLOSE HEARING OF THE PUBLIC - Ordinance #1741

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

ADOPTION - Ordinance #1741

Motion by Councilman Cannon, seconded by Councilman Cordts to adopt Ordinance #1741.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

RESOLUTIONS - By Consent

Motion by Councilman Cordts, seconded by Councilman Bartelloni to approve resolution #11-387 through #11-393 and #11-395 through #11-405.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

#11-387 Authorize Refund of Solicitors Permit

WHEREAS, an application for a solicitors license was received on September 23, 2011; and

WHEREAS, the Police Department denied this application; and

WHEREAS, a fee of \$20.00 was collected.

NOW, THEREFORE, BE IT RESOLVED that the Accounts Supervisor is hereby authorized to issue a refund in the amount of \$20.00 to:

<u>Name/Address</u>	<u>Amount</u>
Duran Kelly 30 Bush Avenue Staten Island, NY 10303	\$20.00

November 7, 2011

#11-388 Resolution to Refund Zoning Board Escrow Money to Walter & Stacey Ziegler, 228 Valley Road, Block 1104, Lot 37

WHEREAS, the following application has been made to the Zoning Board of Adjustment for Site Plan approval and has since received such approval; and

WHEREAS, all professionals have been paid.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to refund the following to:

<u>Block/Lot</u>	<u>Name/Address</u>	<u>Amount</u>
1104/37	Walter & Stacey Ziegler 228 Valley Road River Edge, NJ 07661	\$122.50

November 7, 2011

#11-389 Amend 2011 Budget

WHEREAS, N.J.S.A. 40:A4-87 provides that the Director of the Division of Local Government Services approved the insertion or increase of any special

item of revenue in the budget of any County or Municipality when such an item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

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

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for Bulletproof Vest Partnership Grant in the amount of \$2,700.00.

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

Bulletproof Vest Partnership Grant.....\$2,700.00

BE IT FURTHER RESOLVED that the like sum of \$2,700.00 and the same is hereby appropriated under the caption of:

General Appropriations

(A) Operations excluded from the "CAPS"

Public & Private Programs Offset by Revenues

Bulletproof Vest Partnership Grant.....\$2,700.00

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

November 7, 2011

#11-390 Change Order #1 Approval and Amendatory Contract for TSUJ Corp, P.O. Box 4621, Wayne, New Jersey, 07474 for the 2011 Wayne Avenue Generator Project

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

WHEREAS, the Borough of River Edge awarded a contract on August 22, 2011 via resolution #11-289 to TSUJ Corp., in the amount of \$65,900.00; and

WHEREAS, Change Order #1 reflects an enlargement of the project specified concrete form by making it higher for 1 foot which allows for 42 cubic feet and required 1.6 cubic yards more concrete in the amount not to exceed \$1,276.80; and

WHEREAS, the Mayor and Council have reviewed this matter at their work session of October 24, 2011; and

WHEREAS, the Borough Engineer has recommended the above change.

WHEREAS, The Chief Financial Office has certified that funds are available from Account #04-2150-55-1568-550 of the Capital Fund in the amount not to exceed \$1,276.80.

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with TSUJ Corp., P.O. Box 4621, Wayne, New Jersey 07474 for Change Order #1 in the amount not to exceed \$1,276.80.

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.

November 7, 2011

#11-391 Authorize Clerk to Advertise Request for Proposal for Mechanical Engineering Services to Design HVAC Upgrade to Borough Hall

WHEREAS, the Borough of River Edge desires to request proposals for Mechanical Engineering Services to Design HVAC Upgrade to Borough Hall; and

WHEREAS, the Request for Proposal will be placed on the Borough website.

NOW, THEREFORE, BE IT RESOLVED that the Clerk be authorized to advertise

in THE RECORD directing interested professionals to the River Edge website for the RFP.

November 7, 2011

#11-392 Amend 2011 Budget

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

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

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for Nursing Services for Nonpublic Schools Grant in the amount of \$12,470.00.

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

Unappropriated Reserve for Nursing Services
Public & Private Programs Offset by Revenues\$12,470.00

BE IT FURTHER RESOLVED that the like sum of \$12,470.00 and the same is hereby appropriated under the caption of:

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

Nursing Services for Nonpublic Schools Grant.....\$12,470.00

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

November 7, 2011

#11-393 Cancel Unexpended and Dedicated Balances

WHEREAS, certain General Capital Improvement Authorization balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Fund Balance and unused debt authorized may be canceled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of River Edge that the following unexpended and dedicated balance of General Authorization be canceled:

<u>ORDINANCE</u>	<u>UNFUNDED DEFERRED CHARGES</u>	<u>CAPITAL FUND BALANCE</u>	<u>CAPITAL IMPROVEMENT FUND</u>
1688		\$8,000.00	
1507	\$131,746.47		

November 7, 2011

Motion by Councilman Bartelloni, seconded by Councilman Cordts to approve resolution #11-394.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Porco and Councilman Cordts voted yes; Councilman Moscaritolo and Councilman Cannon voted no; Councilman Mignone was absent.

#11-394 Amend Certification of Chief Financial Officer with Regard to the Contract for Appraisal Systems, Inc. for Professional Services Related to the Reassessment of the Borough of River Edge

WHEREAS, on September 6, 2011 via resolution #11-303, the Borough of River Edge awarded a contract to Appraisal Systems, Inc. for the provision of services related to the reassessment of the Borough of River Edge; and

WHEREAS, the amount of the contract was for \$174,060.00; and

WHEREAS, the Chief Financial Officer had certified that funds were available from Account #01-2010-46-8763-100 of the Current Fund in a not to exceed amount of \$174,000.00; and

WHEREAS, an error was made in the certification of funds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge that it does hereby accept the revised certification of funds provided by the Chief Financial Officer which indicates that \$174,000.00 is available from Account #01-2743-55-6523-100 of the Current Fund and \$60.00 is available from Account #01-2010-20-1502-028 of the Current Fund.

BE IT FURTHER RESOLVED that the Chief Financial Officer and the Borough Clerk are hereby instructed to adjust their records accordingly.

November 7, 2011

#11-395 Change in Personnel Policy & Procedure Manual-Residency Requirements

WHEREAS, the Borough of River Edge adopted a Personnel Policy and Procedure Manual on March 7, 1983 via resolution #83-58; and

WHEREAS, the Mayor and Council of the Borough of River Edge desire to change Section I, Subject 4, with regard to Residency Requirements; and

WHEREAS, the Mayor and Council considered at their work session of August 1, 2011 making those changes to the Personnel Policy and Procedure Manual.

NOW, THEREFORE, BE IT RESOLVED that the Personnel Policy and Procedure Manual of the Borough of River Edge shall be changed in the following manner:

1. Add the following paragraph to Section I, General Information , Subject 4, Residency Requirements:

In accordance with the "New Jersey First Act" (P.L. 2011, c70), the Borough of River Edge does hereby adopt the following policy:

It is the policy of the Borough of River Edge that every person holding an office, employment or position in the Borough of River Edge shall have their principal residence in the State of New Jersey.

November 7, 2011

#11-396 Authorize 2011 Tax Refund due to 2011 County Board Judgments

WHEREAS, the Tax Office has received County Board Judgments for the following property owner on three of their properties, reducing the Assessed values for the Tax Year 2011; and

WHEREAS, Resolution #11-379 authorized the Tax Collector to apply these credits to the 4th quarter 2011 taxes; and

WHEREAS, the tax credits resulting from these judgments were higher than the billed amount for the 4th quarter 2011.

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

Block/Lot	Property Owner	Credit Amount	Applied to 4 th Quarter	Refund Amount
1418/2	Great Outdoor, Inc 278 Johnson Ave.	2,777.84	2,457.82	\$ 320.02
1418/3	Great Outdoor, Inc 11 Route 4 East	20,673.54	6,414.89	\$14,258.65

filed with the Director of Local Government Services.

November 7, 2011

#11-399 Acknowledge Receipt of Certification of Request for Emergency Purchases in the Department of Public Works, Police Department, Office of Emergency Management and Fire Department

WHEREAS, the Mayor has certified that an emergency condition exists in the Borough of River Edge; and

WHEREAS, Governor Christie declared a State of Emergency for a severe weather incident on October 29th - 30th in the State of New Jersey; and

WHEREAS, this condition constitutes an emergency affecting the public health, safety and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby confirm and acknowledge the receipt of Certification of Request for Emergency Purchases in the Department of Public Works, Police Department, Office of Emergency Management and Fire Department for this emergency.

November 7, 2011

#11-400 Report Investments Pursuant to the Cash Management Plan

BE IT RESOLVED that the following investments and deposits made pursuant to the Cash Management Plan of the Borough of River Edge are hereby confirmed and accepted by the Governing Body.

Months of September and October, 2011

<u>Name of Institution</u>	<u>Amount</u>	<u>Type</u>	<u>Book Value</u>	<u>Earned Income</u>	<u>Market Value</u>	<u>Int. Rate</u>
N.J. Cash Management Fund	\$1,000,000.00	CMF	\$1,000,000.00	\$671.19	\$1,000,671.19	.03

November 7, 2011

#11-401 Amend 2011 Budget

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

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

WHEREAS, the Borough has received a deposit in its Unappropriated Reserve for Body Armor Grand Fund in the amount of \$2,289.36.

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

Increase an item of revenue entitled:

3. Miscellaneous Revenue - Section F

Unappropriated Reserve for Body Armor Grant.....\$2,289.36

BE IT FURTHER RESOLVED that the like sum of \$2,289.36 and the same is hereby appropriated under the caption of:

General Appropriations

(C) Operations excluded from the "CAPS"

Public & Private Programs Offset by Revenues

Body Armor Grant Fund.....\$2,289.36

BE IT FURTHER RESOLVED that the Borough forward two (2) copies of this

resolution to the Director of Local Government Services.

November 7, 2011

#11-402 Ratification of a Declaration of an Emergency with Respect to a Severe Weather Incident

WHEREAS, pursuant to the powers vested by Chapter 251 of the laws of 1942, as amended and supplemented, N.J.S.A. App. A:9-30 et seq.; N.J.S.A. 40:48-1(6); N.J.S.A. 2C:33-1 et seq., whichever law or laws apply, a local disaster emergency is declared to exist within the boundaries of the Borough of River Edge; and

WHEREAS, the aforesaid laws authorize the promulgation of such orders, rules and regulations as are necessary to meet the various problems which have or may occur due to such emergency; and

WHEREAS, by reason of the conditions which did and currently exists in certain areas of the Borough of River Edge, which may affect the health, safety and welfare of the people of the Borough of River Edge; and

WHEREAS, on October 29th - 30th the Borough of River Edge was subject to a severe weather incident; and

WHEREAS, it was necessary to ratify and provide for emergency purchasing and emergency actions by the appointed officials, employees and professionals of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of River Edge, that the period of October 29th - 30th is hereby ratified as a State of Emergency for the Borough of River Edge.

BE IT FURTHER RESOLVED that the appointed officials, employees and professionals of the Borough are hereby granted ratification of their activities taken during the State of Emergency and purchases made during to and after the State of Emergency related thereto, are ratified as authorized subject to the Emergency Purchasing Procedures of the Borough.

BE IT FURTHER RESOLVED that the Mayor, the Borough Administrator, the Emergency Management Coordinator and Borough Clerk are authorized to supply information and file for insurance reimbursement, any and all Federal Emergency Management Agency assistance for the Borough, its public property and residents.

November 7, 2011

#11-403 Establish Procedure to Comply with N.J.S.A. 10:4-14 - Minutes of Meetings (Closed Sessions)

WHEREAS, the State of New Jersey mandates that each public body shall keep reasonably comprehensive minutes of its meetings; and

WHEREAS, the Borough Clerk, Borough Administrator and Borough Attorney have compiled and reviewed a procedure for the taking and review of closed session minutes of the Governing Body of the Borough of River Edge; and

WHEREAS, the Governing Body has reviewed this matter at their work session of October 17, 2011; and

WHEREAS, the Governing Body wishes to establish a procedure of operations for the taking of and review of closed session minutes.

NOW, THEREFORE, BE IT RESOLVED that the following procedure is hereby established and adopted by the Governing Body of the Borough of River Edge:

PROCEDURE - CLOSED EXECUTIVE SESSION MINUTES

1. The Borough Clerk will take notes at the Closed Session Meeting.
2. The Borough Clerk will compose draft minutes to meet the standard in N.J.S.A. 10:4-14 (time/place/members present/subject considered/actions taken/vote of each member/other information/facts/information to permit the public to understand the reasonableness of the determination).
3. The Borough Administrator will take supplementary notes and consult with the Borough Clerk to assist with information but the Borough Clerk has final authority over the draft minutes.
4. The Borough Clerk will type a brief summary of the closed session using a

standard format.

5. Once a month, the Borough Clerk will list the draft minutes on a closed session for review by the Mayor and Council. The minutes will be printed out on colored paper, numbered and distributed to the Mayor and Council during the closed session. The Borough Clerk may make changes to the draft minutes.

6. The Borough Clerk will list the closed session draft minutes for approval on the next open public meeting. The minutes shall not be subject to release by the Mayor and Council unless a resolution is adopted.

7. At least once per year, but more frequently if specific requests are made or if the Borough Clerk lists for consideration, the closed session minutes shall be reviewed by the Mayor and Council for disclosure to the public.

BE IT FURTHER RESOLVED the following procedure is hereby effective October 17, 2011.

November 7, 2011

#11-404 Change Order #4 Approval and Amendatory Contract for 2011 Howland Avenue & Kinderkamack Road Intersection Improvement Project to AJM Contractors, Inc.

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

WHEREAS, the Borough of River Edge awarded a contract on June 6, 2011 via resolution #11-207 to AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 in the amount of \$818,320.10, amended via resolution #11-263 in the amount of \$5,295.00 dated August 1, 2011, amended via resolution #11-311 dated September 6, 2011 in the amount of \$4,000.00 and amended via resolution #11-350 dated October 3, 2011 in the amount of \$4,014.00; and

WHEREAS Change Order #4 reflects a decrease in quantity for sawcutting, cement, concrete pipe, inlets, bicycle safe grates, concrete vertical curb in the decreased amount of (\$30,243.65), an increase in quantity for cement, PVC pipe, inlets, reset casting, concrete block wall, concrete driveway, topsoiling, detectable warning surface in the amount of \$18,681.84, deletions to the contract for traffic flaggers, porous fill, contaminated material removal, crushed stone, leveling base course, PVC pipe, reconstruct inlet Type B, cleanout or valve access casting, fuel price adjustment, asphalt price adjustment in the decreased amount of (\$21,910.00) and additions to the contract for inlets, Type A & B, DIP pipe, cleanout, removal of fill from jobsite, hurricane protection & clean-up, reinforcement to tie into retaining wall blocks in the amount of \$32,768.00 for a total decreased amount to the contract in the amount of (\$703.81); and

WHEREAS, the Borough Engineer has recommended the above change; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of River Edge shall enter into a written amendatory contract with AJM Contractors, Inc. for Change Order #4 which reflects a decrease of (\$703.81) in the original contract.

BE IT FURTHER RESOLVED that the exact form of this amendatory contract shall be at the discretion of the Borough Attorney and the Mayor and the Borough Clerk is hereby authorized to execute said contract and Change Order #4.

November 7, 2011

#11-405 Transfer of Funds

WHEREAS, N.J.S.A. 49:4-59 permits the transfer of appropriations during the last two months of the fiscal year from accounts showing unexpended balances to accounts in which commitments may exceed the original budgeted appropriations.

NOW, THEREFORE, BE IT RESOLVED that the following transfers be authorized:

FROM: Fire O/E	25-2552-184	\$20,935.79
TO: Vehicle Maintenance O/E	26-3152-186	\$20,935.79
FROM: Legal Services O/E	20-1552-168	\$10,000.00
FROM: Legal Services O/E	20-1552-178	\$15,000.00
FROM: Legal Services O/E	20-1552-180	\$ 5,000.00

TO: Police Department S/W

25-2401-014

\$30,000.00

November 7, 2011

Councilman Porco read resolution into the record.

Motion by Councilman Porco, seconded by Councilman Cordts to approve resolution #11-406.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

#11-406 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	\$4,183,453.97
CAPITAL ACCOUNT	\$ 279,620.38
RECREATION ACCOUNT	\$ 602.27
ANIMAL WELFARE	\$ 225.00
TRUST OTHER ACCOUNT	\$ 58,125.70
OPEN SPACE ACCOUNT	\$ 10,262.06
TRUST OTHER DEVELOPERS ACCOUNT	\$ 1,660.00

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

November 7, 2011

OPEN HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

Mary Donohue - 542 Fifth Avenue-thanked the Mayor and Council for re-appointing her to the New Bridge Landing Historic Park Commission and stated that she appreciates their vote of confidence as it is a topic that is very dear to her heart. Mrs. Donohue informed the Mayor and Council that the Chairman, Michael Trepicchio was unable to make the meeting but Kevin Wright, who is the historian and secretary and Deborah Powell who is the past president of the Bergen County Historical Society will speak on his behalf. Mrs. Donohue stated that they are here because of the letter that they received from the Mayor and Council with regard to the upkeep of the property at Hackensack Avenue and Main Street. Mrs. Donohue asked Kevin Wright to speak on their behalf.

Kevin Wright-69 Christie Avenue-stated that the property was acquired through a grant several years ago and was remediated last spring. The original intention was to hydroseed the area as a wild flower meadow but unfortunately drought conditions killed the original seeding and when they re-seeded, they hydroseeded with grass. He continued by saying that it is part wild flower meadow and part grass and it is their intention to mow it as needed.

Mayor Watkins-stated that the reason they had sent a letter was because a resident complained about the high grass and thanked them for their quick response and keeping on top of it. The Mayor thanked them for coming up and giving them first hand information.

Councilman Moscaritolo-asked Mr. Wright if he had attended the re-enactment over the weekend and asked him to tell the public a little bit about it. Kevin Wright-explained that traditionally they have an event during Veteran's Day weekend to honor our veterans. He continued by stating that they take great pride in the fact that the New Bridge Landing Historic Park is an American battle field and although the focus this year is the American Civil war, they've honored veterans from other wars over the years. He stated that the event was very well attended and informed everyone that they will be having another re-enactment the weekend of November 19th & 20th and invited everyone to come.

Cindy Bequeath-745 7th Avenue-spoke about a tree at the end of her driveway which is now dropping very large and dangerous branches. She brought this issue before the Mayor and Council last year and is asking that the Shade Tree Commission re-evaluate this tree. She did state that the DPW did come and pull down hanging and cracked limbs after the storm but still feels that it is a hazardous situation for her and her family and any pedestrians passing by. Councilman Porco-stated that he had branches fall from the tree by his home during the last storm and feels that the last few storms have changed his viewpoint on trees. He understands that trees are important to our town but also feels that when residents voice concerns it needs to be looked at on a case by case basis. He stated that because a tree is deemed healthy doesn't mean that it can't cause severe damage and would like Shade Tree to re-evaluate some of the trees and come up with a plan.

Councilman Moscaritolo-stated that he did stop by and look at the tree Mrs. Bequeath is concerned about and noted that the tree is asymmetrical and all of the branches project to one side. He sent an e-mail to Liz Stewart regarding the concern and received a response stating that this tree would be put back on the list of trees to be inspected.

Sam Cereste-asked Mrs. Bequeath if she had spare photographs that they could have.

Councilman Bartelloni-asked Sam Cereste what authority the Council has to over rule the Shade Tree Commissions determination.

Sam Cereste-replied that there is no ordinance in place right now but there will be something introduced in the near future.

Councilman Bartelloni-asked if they could ask Shade Tree or DPW to take it down?

Alan Negreann-explained that there is an ordinance that describes the powers and duties of the Shade Tree Commission.

Mayor Watkins-stated that when we are put on notice we are obligated to take care of it.

Councilman Bartelloni-stated that he remembers Mrs. Bequeath coming before the Council last year regarding this tree and he was surprised that the Shade Tree Commission hadn't taken care of this last year.

Sam Cereste-stated that instead of overruling the Shade Tree Commission he suggests that they work together and ask them to revisit it.

Telemahos Fitanidis-19 Tenney Avenue-explained some of his concerns regarding the Yeshiva School using the back gate on Center Avenue as a main thoroughfare and allowing construction work on a Sunday. He doesn't understand why they use this entrance constantly and thinks that it should only be opened for emergencies. His other concern is that motorists come down the hill at high speeds making it dangerous for the residents and children in the neighborhood. He is feeling frustrated because whenever he or his wife try to contact the Rabbi they never receive a response. He spoke to Officer Abate and understood that an officer would go and speak with someone regarding opening up the main entrance and the construction work being done on a Sunday. He continued to explain several other issues that they are having such as lights, drainage, trucks idling, etc.

Lisa Fitanidis-explained that another problem they're having is that large tree branches from the Yeshiva property have fallen onto their property and she doesn't feel that she should be responsible for the tree or the debris.

Mayor Watkins-stated that she had called the Rabbi on more than one occasion regarding the lights that are on at night. The Mayor suggested that she and the Borough Attorney may have to speak to the Rabbi face to face because it doesn't seem that they are being good neighbors and also feels that it is unacceptable.

Peggy White-741 Center Avenue-agreed with Mr. & Mrs. Fitanidis and added that it seems that more and more teachers are being allowed to use that back entrance as well as school buses. She also feels that this gate should not be open every day and should only be used for emergencies.

Terry Brielmeier-749 Center Avenue-explained that a few years ago a neighbors tree fell into her yard and her insurance company told her that wherever the tree lands, that's the person who is responsible.

Neal Carroll-321 Wales Avenue-asked if we've made any progress with the gentlemen that was hired to look at the generator for the Police Department and Borough Hall.

Alan Negreann-replied that there was a team that was here today surveying the electrical arrangement of Borough Hall.

Neal Carroll-understands that the Borough is looking to hire someone to look at the updated HVAC for the Borough Hall and since we don't already have those figures, are we going to include them with the estimate that's already been looked at. He's hoping that we don't end up with an undersized generator. Alan Negreann-stated that they will make the consultant aware of the HVAC upgrade to Borough Hall.

CLOSE HEARING OF THE PUBLIC -

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

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

COUNCIL COMMENTS -

Councilman Bartelloni-encouraged everyone to exercise their privilege and get out and vote tomorrow. He also informed everyone that he attended the Board of Education meeting and one of the topics of discussion was the cost of ballots and how they are required to be in three languages instead of two. He explained that this will cost thousands of dollars and impact the schools and the Borough. Councilman Bartelloni was told that there was a tri-district meeting held and Oradell is starting to talk again about regionalizing their schools with ours. There was some discussion on the different studies that have been done over the years. Councilman Bartelloni stated that he's not sure where this is going to go because of the current litigation. He stated that the Superintendent spoke about inviting people from the community to join the River Edge Education Foundation and also spoke about a symposium that will be held on January 7th to discuss the future of education and to try layout a multi-year plan.

Councilman Moscaritolo-thanked all of the municipal workers, Fire Department, DPW and Police Department for their work during and after the storm. He thanked the DPW for a tremendous effort in clearing the roads with all of the broken trees and branches. Councilman Moscaritolo stated that in addition to damaged trees on private property, many Borough trees have suffered irrefutable damage and have to be taken down and again commended the DPW. He informed everyone that he had attended the October 26th Historic Commission meeting and commented that Councilman Bartelloni's wife, Sara Theresa, is working hard and would like to see her become a Class B member of the Commission. Councilman Moscaritolo commented on the letter listed under correspondence from United Water requesting a rate increase. He would like to submit something on behalf of the Borough opposing this increase because he feels it's important to send a message to the utility companies. He recommends that a resolution be placed on the next agenda so that we can send something to the utility companies opposing rate increases. Councilman Moscaritolo also commented on another letter listed under correspondence from New Jersey Transit notifying everyone of a hearing on November 17th in Newark for the Senior Citizen Disabled Resident Transportation Assistance Program. This hearing involves grant money which will enable seniors and disabled residents to be transported to bus and train routes and feels that the Borough should explore whether or not to apply for grant money. Councilman Moscaritolo also encouraged everyone to get out and vote tomorrow.

Councilman Porco-also thanked the departments for doing a great job during the recent storm and felt that everyone did a better job of communicating and getting the word out to the residents. Councilman Porco wished the candidates good luck and encouraged everyone to get out and vote.

Councilman Cannon-thanked everyone for coming to the meeting this evening and for voicing their concerns. He also thanked all of the departments for an outstanding job during the storm and was pleased with the many messages he received on Nixle. He encourages all residents to sign up for it because he feels that its underutilized right now and feels that it's a great form of communication. Councilman Cannon wished the candidates good luck tomorrow.

Councilman Cordts-stated that during the storm he was in constant contact with John Lynch and commended he and his department for a fantastic job during and after the storm. He also thanked all of the other departments who worked very hard as well.

Mayor Watkins-thanked the Fire Department for their efforts because many times they had to wait long periods of time before PSE&G could get there to shut power off. The Mayor Watkins thanked OEM for great communications and for helping as many people as possible. Mayor Watkins stated that many residents did utilize the Rothman Center but there were quite a few senior citizens who did not want to leave their homes. The Mayor felt that PSE&G was much more forthcoming during this storm with information and she was in constant contact with our representative David Hollenbeck. Mayor Watkins stated that our Fire Department, Police Department and DPW worked endlessly and thanked them again for a tremendous effort. The Mayor also thanked the residents for stepping up and taking care of their neighbors during the storm. Mayor Watkins wished the candidates good luck tomorrow and also encouraged everyone to exercise their right to vote.

ADJOURNMENT - 8:05 P.M.

Motion by Councilman Cordts, seconded by Councilman Porco to adjourn the meeting at 8:05 p.m.

ROLL CALL VOTE: Councilman Bartelloni, Councilman Moscaritolo, Councilman Porco, Councilman Cannon and Councilman Cordts voted yes, Councilman Mignone was absent.

Mayor Margaret Falahee Watkins

Attest:

Denise A. Dondiego, Borough Clerk
Dated: